

**Constitution
of the
Emmanuel
Lutheran Church**

Fontanelle, Adair County, Iowa

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Preamble

We, baptized members of the church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father, and of the Son, and of the Holy Spirit.

Chapter 1. Name and Incorporation

- C1.01.** The name of this congregation shall be Emmanuel Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the Emmanuel Lutheran congregation is hereinafter designated as "this congregation."
- C1.03.** This congregation shall be incorporated under the laws of the State of Iowa.

Chapter 2. Confession of Faith

- C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word of creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired word of God and the authoritative source and norm of its proclamation, faith, and life.
- C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.

- C2.06.** This congregation accepts other confessional writings in the Book of Concord, namely the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further interpretations of the faith of the Church.
- C2.07.** This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.
- C2.08.** This congregation believes that marriage is only between a man and a woman.

**Chapter 3.
Nature of the Church**

- C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under His rule and authority.
- C3.02.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- C3.03.** The Church is composed of a priesthood of all believers. Every Christian has gifts for ministry. Every Christian shares responsibility for interpreting the Word of God and assisting one another in interpreting the Word of God.

**Chapter 4.
Statement of Purpose**

- C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
 - a. worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. serve in response to God's love to meet human needs, caring for the sick

and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.

- e. nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

C4.03

To fulfill these purposes, this congregation shall:

- a. provide services of worship at which the Word of God is preached and the sacraments are administered.
- b. provide pastoral care and assist all members to participate in this ministry.
- c. challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation
- d. teach the Word of God.
- e. witness to the reconciling Word of God in Christ, reaching out to all people.
- f. respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. motivate its members to provide financial support for the congregation's ministry.
- h. foster and participate in interdependent relationships with other congregations of the Lutheran Congregations in Mission for Christ.
- i. foster and participate in ecumenical relationships consistent with churchwide policy of the Lutheran Congregations in Mission for Christ.

C4.04

This congregation shall develop an organizational structure to be described in the bylaws. The Church Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational groups and shall review their actions. Such descriptions shall be contained in continuing resolutions of the Church Council.

C4.05

This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

Chapter 5

Powers of the Congregation

C5.01

The powers of this congregation are those necessary to fulfill its purpose.

C5.02

The powers of this congregation are vested in the Congregation Meeting called and conducted in this constitution and bylaws.

C5.03

Only such authority as is delegated to the Church Council or other organizational units in the 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;

- c. appoint or terminate the appointment of associates in ministry in conformity with the applicable policy of the Lutheran Congregations in Mission for Christ;
- d. approve the annual budget;
- e. acquire real and personal property by gift, devise, purchase, or other lawful means;
- f. hold title to and use its property for any and all activities consistent with its purpose;
- g. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- h. elect its Church Council, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- i. terminate its relationship with the Lutheran Congregations in Mission for Christ as provided in Chapter 6.

Chapter 6

Church Affiliation

- C6.01** This congregation recognizes that the local congregation (believers gathered around Word and Sacrament) is the primary form of the church and reserves the right to practice all congregational autonomy which does not conflict with the Word of God. This congregation also recognizes that local congregations are individual members of the larger body, the one, holy, catholic, (universal) and apostolic church, and therefore has responsibility in working with other congregations as partners in the gospel.
- C6.02** This congregation has the authority to enter into full partnership and membership in ministries, denominations, and associations of congregations that are consistent with its statement of faith (see Chapters 2 & 3) and helpful in carrying out its purpose (see Chapter 4). All such affiliations are voluntary, and this congregation reserves the right to dissolve such affiliations, as well. Entrance into, as well as dissolution of, any such affiliations, shall require a two-thirds majority vote of the total ballots cast of all voting members present at a legal meeting of the congregation called for this purpose, and reported to the Lutheran Congregations in Mission for Christ.
- C6.03** This congregation is a member of Lutheran Congregations in Mission for Christ, an association of Lutheran congregations who are free in Christ, accountable to one another, and rooted in the Scriptures, working together to fulfill Christ's Great Commission to go and make disciples of all nations, and will henceforth be referred to as the Association.

Chapter 7

Property Ownership

- C7.01** Title to this property shall continue to reside with this congregation regardless of the church affiliation.
- C7.02** If this congregation ceases to exist, property shall be disposed of as determined by a final congregational meeting.

C7.03 Should this congregation, by a legal majority vote (50% plus 1), choose to become an organization which is not specifically and exclusively Christian in nature or join an organization which requires the congregation to abandon its evangelical faith as described in Chapters 2 & 3 of this constitution, then title to all land and other assets, both real and personal, shall automatically remain with the largest minority faction wishing to remain an explicitly Christian organization.

Chapter 8 Membership

C8.01 Members of this congregation shall be those baptized persons on the roll of the congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

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 congregations or by affirmation of faith.
- 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 congregations, or baptized persons received by affirmation of faith.
- c. **Voting members** are confirmed members. Such confirmed members shall have communed and/or made a contribution of record during the current or preceding year.
- 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. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Church Council of this congregation.

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

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 through contributions of their time, abilities, and financial support as biblical stewards.

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 Church Council; or
- e. Removal from the roll due to inactivity as defined by 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

C9.01 Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting regularly called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the Association to which it belongs.

C9.02 Every ordained minister shall:

1. preach the Word properly, distinguishing between law and gospel;
2. administer the sacraments;
3. conduct public worship;
4. provide pastoral care;
5. offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
6. supervise all schools and organizations within the congregation;
7. install regularly elected members of the Church Council and Ministry Leaders and
8. with the Council, together, administer discipline.
9. seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, in the nation, and abroad;
10. impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
11. endeavor to increase the congregation's sense of partnership in the broader work of the Kingdom of God; and
12. equip the saints for ministry, helping each to identify gifts for ministry both within and beyond the congregation, training and supporting every member in their ministries, and encouraging gifted and trained members to use their gifts in ministry, including each of the areas mentioned above.
13. hold their Masters of Divinity Degree.
14. Subscribe to the confession of faith and otherwise comply with the ministry standards as established by this association and shall be subject to discipline as set forth in the rules and regulations adopted by this association.

C9.03 The specific duties of a pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call.

- a. The letter of call shall be signed by the president and the secretary of the Church Council.

- C9.04** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated for the following reasons:
1. Mutual agreement to terminate the call or the completion of a call for a specific term;
 2. Resignation of the pastor;
 3. Inability to conduct the pastoral office effectively in the congregation in view of local condition, without reflection on the competence or the moral and spiritual character of the pastor;
 4. The physical or mental incapacity or incompetence of the pastor;
 5. Disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty; or
 6. The dissolution of the congregation.
- Consultation with the Association is optional.
- b. All licensed or ordained staff in full pastoral ministry shall have the right to have up to a total of three advocates drawn from pastoral colleagues from any local congregation present as full, non-voting, members in the dismissal process prior to a final decision. No final decision to terminate shall be made sooner than 90 days from the inception of the dismissal process as recorded in the Church Council minutes unless agreed upon by all parties. A two thirds majority vote of the total ballots cast of all voting members present at a legal meeting of the congregation called for this purpose shall be required to terminate the call of a pastor.
- c. Following acceptance of a letter of call to another ministry, resignation, or termination, the pastor's ministry in the congregation shall usually terminate within 45 days.
- C9.05** At a time of pastoral vacancy, an interim pastor may be sought by the Church Council with the consent of the Congregation.
- C9.06** During the period of service, an interim pastor shall have the rights and duties in the Congregation of a regularly called pastor. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor unless by prior mutual agreement between the pastor and the congregation.
- C9.07** This congregation shall make a satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation.
- C9.08** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastor and the Church Council. As occasion requires, the documents may be revised through a similar consultation. The congregation shall give the final approval to the letter of call.
- C9.09** When the call of a member of the pastoral staff is terminated, for whatever reason, the congregation shall have the authority, but not the obligation, to ask for the resignation of additional member(s) of the pastoral staff. The Church Council shall make recommendation to the congregation, which shall have final authority.

- C9.10** The congregation may depart from C9.04.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the congregation shall review the call. Such call may also be terminated before its expiration in accordance with the provisions of C9.04.a and C9.04.b.
- C9.11** The pastor(s) shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, members received, members dismissed, or members excluded from the congregation, Quinceneras, and First Holy Communions, and shall submit a summary of such statistics annually to the congregation and this congregation's Association, as requested.
- C9.12** The records of the congregation shall be the property of the congregation and shall not be removed or used for commercial purposes. The records are:
1. the roster of baptized, confirmed, associate, and voting members;
 2. the ministerial acts performed by the pastor;
 3. the minutes of the meeting of the congregation and the Church Council;
 4. the financial records of the congregation; all official and legal documents , including this constitution and bylaws, deeds, mortgages, contracts, etc.
- a. In the event of a dissolution or cessation of ministry, the official records of the congregation shall be deposited in the archives of the Association to which the congregation belongs.
- C9.13** The pastor(s) shall be a member of this congregation while under call.

Chapter 10

Congregation Meetings

- C10.01** The annual and semiannual meetings of this congregation shall be held at times specified in the bylaws.
- C10.02** A special congregational meeting may be called by the pastor, the Church Council, or the president of this congregation, and shall be called at the written request of 25 voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- C10.03** Notice of all meetings of this congregation shall be given at services of worship on preceding two consecutive weekends and by mail to all members at least ten days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.
- C10.04** Thirty (30) voting members shall constitute a quorum.
- C10.05** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06** All action by the congregation shall be by majority vote (50% plus 1) except as otherwise provided in this constitution.

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

Chapter 11 Officers

- C11.01** The officers of this congregation shall be a president, vice-president, secretary, and treasurer.
- 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 on the Church Council and shall be voting members of the Church Council.
- C11.02** The Church Council shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by voice vote and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the council meeting following their election.
- 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 Church Council

- C12.01** The voting membership of the Church Council shall consist of not more than nine (9) 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 Church Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four meetings of the Church Council without cause in a year or (c) submits letter of resignation.
- C12.02** The members of the Church Council shall be elected by written ballot to serve for three (3) years or until their successors are elected. Such members shall not be eligible to serve consecutive full terms. Their terms shall commence at the beginning of the first council meeting following their election.
- C12.03** Should a member's place on the Church Council be declared vacant, the Church Council shall elect, by majority vote (50% plus 1), a successor until the next annual meeting.
- C12.04** The Church Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God. The duties of the Church Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with other Christian congregations both Lutheran and non-Lutheran, subject to established policies.
- i. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.05 The Church Council shall be responsible for the financial and property matters of this congregation.

- a. The Church Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Iowa, except as otherwise provided herein.
- b. The Church Council shall not have authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.
- c. The Church Council may enter into contracts of up to \$3,500 for items not included in the budget.
- d. The Church Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations no more than \$10,000 in excess of the anticipated receipts without approval by a congregation meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the churchwide organization.
- e. The Church Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations.
- f. The Church Council shall be responsible for this congregation's investments and its total insurance program.

C12.06 The Church Council shall see that the provisions of this constitution and its bylaws and the continuing resolutions are carried out.

C12.07 The Church Council shall provide for an annual review of the membership roster.

C12.08 The Church Council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation.

- C12.09** The Church Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.10** The Church Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called at the request of at least one-half of its members. Notice of each meeting shall be given to all who are entitled to be present.
- C12.11** The quorum for the transaction of business shall consist of a majority of the members of the Church Council, except when such person requests or consents to be absent and has given prior approval to an agenda of routine matters which shall be the only business of the meeting.

Chapter 13. Congregation Committees

- C13.01** The officers of this congregation and the pastor shall constitute the **Executive Committee**.
- C13.02** A **Nominating Committee** of five voting members of this congregation, three of whom shall be outgoing members of the Church Council from the previous year, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.
- C13.03** An **Audit Committee** of three voting members shall be elected by the Church Council. Audit Committee members shall not be members of the Church Council. Term of office will be three years, with one member elected each year. Members shall be eligible for reelection.
- C13.05** When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be elected by this congregation. Term of office will terminate at installation of the newly-called pastor.
- C13.06** Other congregation committees may be formed as the need arises, by decision of the Church Council.
- C13.07** Duties of congregational committees shall be specified in the bylaws continuing resolutions.

Chapter 14 Organizations Within the Congregation

- C14.01** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the

Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

- C14.02** Special interest groups, other than those of the official organizations of the Lutheran Congregations in Mission for Christ, may be organized only after authorization has been given by the Church Council.

Chapter 15

Discipline of Members

- C15.01** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in the congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Church Council.
- C15.02** A member charged with an offense shall appear before the Church Council having received a written notice, specifying the exact charges that have been made against the member, at least 10 days prior to the meeting.
- C15.03** Should the allegations be sustained by a two-thirds majority vote of the members of the Church Council and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the council or congregation;
 - b. suspension from membership for a definite period of time; or
 - c. exclusion from membership in this congregation. Disciplinary actions b. and c. shall be delivered to the member in writing.
- C15.04** The member against whom disciplinary action has been taken by the Church Council shall have the right to appeal the decision to the congregation. Such right may not be abridged and the decision of the congregation shall be final.
- C15.05** Disciplinary actions may be reconsidered and revoked by the Church Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.

Chapter 16 Bylaws

- C16.01** This congregation may adopt bylaws. No bylaws 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 (50% plus 1) of those voting members present and voting.
- C16.03** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Church Council at least 60 days before a regular or special Congregation meeting called for that purpose and that the Church Council notify the members of the proposal with its recommendations at least 30 days in advance of the Congregation meeting.

Chapter 17 Amendments

- C17.01** Amendments to this constitution may be proposed by at least five (5) voting members or by the Church Council. Proposals must be filed in writing with the Church Council 60 days before formal consideration by this congregation at its regular or special meeting called for that purpose. The Church Council shall notify the members of the proposal with their recommendations at least 30 days in advance of the meeting.
- C17.02** A proposed amendment to this constitution shall:
- a. be approved at a properly called meeting according to this constitution by a majority vote (50% plus 1) of those present and voting
 - b. be ratified without change at the next annual or semiannual meeting by a two-thirds majority vote of the total ballots cast of all voting members present at a legal meeting of the congregation called for this purpose, and
 - c. have the effective date included in the resolution and noted in the constitution.

Chapter 18 Continuing Resolutions

- C18.01** The Church Council may enact continuing resolutions which describe the function of the various committees or organizations of this congregation.
- C18.02** Continuing resolutions shall be enacted or amended by a two-thirds vote of all voting members of the Church Council.