

# Constitution for Gethsemane Evangelical Lutheran Church of The Ohio District of the Lutheran Church-Missouri Synod, Inc.

## **Article I. Name**

1.1 The name of this congregation shall be Gethsemane Evangelical Lutheran Church of Marion, Marion County, Ohio.

## **Article II. Purpose**

2.1 The purpose of this congregation shall be to preach and teach the pure Word of God and to rightly administer the Sacraments. As such, this congregation shall be a religious organization established and maintained not for profit, but to promote the Christian religion and maintain the public ministry through the public and private administration of the means of grace in accordance with the confessional basis set forth in Article III below.

## **Article III. Confessional Basis**

This congregation accepts without reservation:

- 3.1 The Scriptures of the Old and New Testaments as the inerrant, and inspired Word of God and the norming norm of faith and practice.
- 3.2 The Symbolical Books of the Evangelical Lutheran Church as a true and accurate statement and exposition of the Word of God which books include:
  - 3.2.1. The three Ecumenical Creeds (the Apostle's Creed, the Nicene Creed, and the Athanasian Creed.)
  - 3.2.2. The unaltered Augsburg Confession;
  - 3.2.3. The Apology of the Augsburg Confession;
  - 3.2.4. The Smalcald Articles;
  - 3.2.5. Treatise on the Power and Primacy of the Pope;
  - 3.2.6. The Small Catechism of Dr. Martin Luther;
  - 3.2.7. The Large Catechism of Dr. Martin Luther; and
  - 3.2.8. The Formula of Concord.

## **Article IV. Membership**

4.1 The membership of this congregation shall include Baptized Members, Communicant Members, and Voting Members.

4.2 Baptized Members shall include all persons who have been baptized in the name of the Triune God and have been placed under the pastoral care of this congregation.

4.3 Communicant Members shall include those persons who are baptized and have met the requirements of the congregation in the matter of Confirmation. Communicant membership may also be acquired through reaffirmation, profession of faith, or transfer from another Lutheran Church- Missouri Synod congregation. It is expected that all Communicant Members shall faithfully use the Word of God, attend public worship, remember Holy Baptism, and frequently partake of Holy Communion. It is further expected that Communicant Members will give evidence of Christian faith through a Christian life and by the contributions of their time, talent, and treasure as God has prospered them for the maintenance and extension of His Church. All Communicant Members shall agree to faithfully abide by this Constitution.

4.4 Voting Members are Communicant Members that have attained the age of 18 years, have signed the Constitution (as and if amended), and have attended at least two meetings of the Voters' Assembly.

4.5 Membership shall be terminated by transfer to a sister congregation, by death, by joining a congregation outside the fellowship of this congregation, by excommunication, or by self-exclusion. In cases of excommunication or self-exclusion, each case shall be presented individually to the voters' assembly for a decision. Communicant members who conduct themselves in an un-Christian manner shall be admonished according to Matthew 18:15-20. If they remain impenitent after proper admonition, they shall be excommunicated. In all disciplinary cases, the congregation shall follow its stated and adopted guidelines.

## **Article V. Authority of the Congregation**

- 5.1 The authority of this congregation is vested in its Voting Members. Accordingly, no arrangement or decision, though proceeding from a member or a group of members in the congregation, shall be valid unless made in the name of the congregation and in accordance with the powers delegated by the Voting Members.
- 5.2 The Voting Members shall receive into their number Communicant Members who wish to become Voting Members and who qualify as Voting Members in accordance with Article IV above.
- 5.3 The Voting Members shall retain the authority to remove Communicant Members who fail to meet the standards for Communicant Membership as set forth in Article IV and, if appropriate and in accordance with Scripture, discipline and even excommunicate Communicant Members.

- 5.4 The Voting Members shall retain and not delegate the authority of the congregation to call pastors, teachers, or other personnel eligible to receive a call. 00003.....3603.2
- 5.5 The Voting Members shall also retain and not delegate the authority to elect officers of the congregation. Any action by the Voting Members to remove a called person from his or her office shall be in accordance with the applicable provisions of the Bylaws and shall be consistent with applicable Scriptural principles.

#### **Article VI. Affiliation**

- 6.1 This congregation shall be a member of the Lutheran Church-Missouri Synod and its Ohio District. Such affiliation shall continue as long as the Synod and District conform to the congregation's confessional basis set forth in Article III above.

#### **Article VII. Division**

- 7.1 It is an unhappy fact of life that disagreements do occur even in Christian congregations, and that at times the result is not reconciliation but parting of the ways. It is best to set down the principles far in advance which shall govern such a situation if it should arise.
- 7.2 If at any time division should take place for any reason, 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 the confessional standards set forth in this constitution, as determined by the dispute resolution process described in the by-laws of the Synod.
- 7.3 In the event that the congregation should dissolve, the property and all rights connected therewith shall be transferred to that District of the Synod in which the congregation held membership at the time of dissolution.

#### **Article VIII. Office of Pastor**

- 8.1 There shall exist within this congregation the office of pastor also known as the office of public ministry. Said office shall be conferred only on such pastor or candidate who professes and adheres to the confessional basis of this congregation as set forth in Article III above, who is qualified for his work, who has been endorsed by the Lutheran Church- Missouri Synod, who is a heterosexual male, and who is or will become a member of said Synod.

- 8.2 Any ordained or commissioned minister 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: homosexuality, persistent adherence to false doctrine, scandalous life, willful neglect of duty, or inability to perform the duties of the office.
- 8.3 In case of a vacancy in the office of ordained or commissioned minister, the congregation shall notify the president of the District so that he may assist in temporarily filling the vacancy and also give assistance in regard to the calling of a new pastor or teacher.

#### **Article IX. Amendments to the constitution**

Amendments to provisions of this constitution except Article III may be adopted at a regular voters' meeting, as hereinafter provided:

- 9.1 That the proposed amendment has been submitted in writing at a previous meeting of the voters' assembly and published by posting in a conspicuous place in the church or by mail to all communicant members of the congregation prior to the meeting at which the proposed amendment will be acted upon.
- 9.2 That an affirmative vote of two-thirds of the majority of the voters present is secured.

Approved by members and church council---

\_\_\_\_\_, President

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## BY-LAWS

### Article I. Voters' Meeting

#### A. Regular Voters' Meeting

Regular meetings of the Voter's Assembly shall be held the fourth Sundays of January, April, July, and October of each year. Any deviation from this ruling shall be by resolution of the Voter's Assembly.

#### B. Special Voters' Meeting

Special meetings of the Voters' Assembly may be called by the Pastor or Minister, President, or by five members of the Voters' Assembly.

#### C. Notice of Meetings

Every regular Voters' Assembly meeting shall be announced at a public service prior to its date, and/ or by bulletin.

Every special Voters' Assembly meeting shall be announced at a public service prior to its date.

#### D. Voting Requirements

Whenever notice of a meeting has been properly given and at least half of the eligible voters are present, which number shall constitute a quorum; it shall be considered a properly convened and legal meeting capable of transacting congregational business. At such meeting all matters shall be decided by a simple majority vote. For amending the constitution or by-laws, for the erection of buildings, the purchase or sale of real estate, or the removal of a pastor or other officer from office a two-thirds majority is necessary.

#### E. Quorum

An assembly of half the Voting Members shall constitute a quorum.

### Article II. Election and Terms of Congregational Officers

The elected officers of this congregation shall serve as the church council.

A nominating committee, appointed by the president, shall present a slate of candidates at the April meeting of the Voters' Assembly each year. The slate proposed by the Nominating Committee shall consist of a least one name for each office. Additional nominations can be made from the floor. The officers shall assume their respective duties the

first Sunday in June. In the event of a vacancy of office the Voters' Assembly shall elect a successor to serve until the next election. The term of office for all elected officers, board chairman, and board members shall be two years, ending the first Sunday in June at the completion of the second year. Officers may succeed themselves only once consecutively. Partial terms are not counted.

### Article III. Officers

The elected officers of this congregation shall be President, Treasurer, Secretary, Senior Elder (who shall also serve as Vice President,) Elder, and two Trustees. These seven officers shall serve as the Church Council. The following officers are appointed by the president; Sunday School director, Vacation Bible School Director, and the Stewardship and Outreach Director. The directors of the non- elected offices will draft volunteers to serve on their respective boards. The Church Council will from time to time form new committees to insure good order and conduct the mission of the congregation.

### Article IV. Terms and Duties of Officers.

#### A. The President

The President shall preside at all meetings of the Voters' Assembly, shall appoint special committee chairmen, and make other appointments delegated to him by the Voters' Assembly, shall be an ex-officio member of all boards and committees, and shall preside over the Church Council. In his absence, the Senior Elder will perform the duties of the office. In the event of a vacancy in the office of the President, the Senior Elder shall succeed to the office of the President for the remainder of the term and shall be placed first in nomination for the presidency for the succeeding term. The President of the congregation must be a male.

#### B. Secretary

The Secretary shall keep accurate minutes of the Voters' Assembly for the permanent records of the congregation and shall perform other duties in keeping with his/ or her office. The Secretary will also serve as Secretary and member of the Church Council.

#### C. Treasurer

The Treasurer shall pay all bills authorized by the congregation. He/ She shall keep accurate records of the receipts and disbursements of the congregation in books which shall be and remain the property of the congregation. All these books shall be audited each December and a report of that audit shall be submitted to the congregation at the January meeting. He/ She shall submit a report at each Voters'

Assembly meeting. Such report shall show actual receipts and disbursements compared with the budgeted amounts. The Treasurer shall receive, record in books kept for that purpose, and deposit in the congregation's designate depository, all congregational money, including offerings, contributions, special collections, etc. All offerings shall be counted in the presence of at least two members of the Church Council or designates of the Council specifically designated for that purpose. The Treasurer will be a member of the Church Council.

#### **D. Elders**

Two Elders will be elected to assist the minister in the spiritual affairs of the congregation. The Elders must be male.

They shall:

1. Consider complaints and grievances of members of the congregation if Matthew 18: 15-16 has been fully observed, and they shall report to the congregation those which cannot be otherwise adjusted, in accordance with Matthew 18: 17-18.
2. Make every effort to induce members who have been negligent in their attendance of services, in the use of the Sacraments, and the financial support of the church, to mend their sinful ways and fully enjoy the privileges and responsibilities of membership.
3. See to it that all services are conducted in such a manner as to avoid needless disturbance and to foster an attitude conducive to worship among those in attendance.
4. Assist with service in collection of the offering, ushering for communion, distributing the elements for communion, making announcements, assisting with the reading, setting up the meeting place, and quieting disturbances. The Elders may also appoint men to assist with these services in their place.
5. Assist the minister in arranging for pulpit assistance, special services, and guest pastors.
6. Prepare a list of candidates when the congregation is ready to call a pastor.
7. Encourage, guide, and promote congregational organizations and activities.
8. The Elders will sit on the Church Council.

#### **E. Trustees**

Two Trustees will transact the business of the congregation. It will be the duty of the trustees to administer all property belonging to the congregation; to make contracts; accept and receive grants and bequests; prepare the submission of grants; sign documents; appear in

court; in short to transact all the business of the congregation assigned to them by the Voters' Assembly. The Trustees will serve on the Church Council.

#### **F. Board of Outreach and Stewardship**

This board shall consist of at least 4 persons including a chairperson appointed by the president. The objectives of the board are, with guidance from the minister, to:

1. Initiate and plan outreach and evangelism activities.
2. Encourage and promote evangelism training for the people of Gethsemane.
3. Plan advertising and publicity campaigns to promote the Church.
4. Work to enlist every member for evangelism activities.
5. Promote good stewardship of the membership in serving, outreach, and giving to promote the goal of the Great Commission.

#### **G. Sunday School Coordinator**

It shall be the duty of the Sunday School Coordinator to oversee the welfare of the Sunday school and to hold regular meetings with the Sunday school staff to transact the business of the Sunday school. He/She shall provide for the regular preparation of the Sunday school under the guidance of the minister.

#### **H. Vacation Bible School Director**

The Vacation Bible School Director shall plan the curriculum for the Bible School with advice from the minister, determine time and circumstances of the VBS, draft volunteers to staff the VBS, and perform whatever duties that may be necessary for the carrying out of the VBS program.

## AMENDMENTS

### **Amendment 1 - Adjustment of Voters' Meeting**

*May 4<sup>th</sup>, 2004*

The church council may, by majority vote, postpone the regular voters' meeting.

### **Amendment 2 - Addition of third Elder**

*July 25<sup>th</sup>, 2004*

The board of trustees will now consist of three elders.

### **Amendment 3 – Definition of Quorum**

*January 2<sup>nd</sup>, 2005*

A quorum is hereafter defined as 25% of the total voter membership of the congregation.

### **Amendment 4 – Addition of third Trustee**

*April 24<sup>th</sup>, 2005*

The board of trustees will now consist of three trustees.