

# Constitution

CONSTITUTION  
OF  
LINCOLN HEIGHTS EVANGELICAL LUTHERAN CHURCH

PREAMBLE

Whereas, the Word of God exhorts that a Christian congregation not only conform to the Word of God in doctrine and practice (Ps. 119:105; Gal. 1:6-8; 2 Tim. 4:1-5) but also that all things be done decently and in order (1 Cor. 14:40), therefore, be it resolved that we, a congregation of Evangelical Lutherans in the City of Des Moines, Iowa, do herewith, in the name of the Triune God, Father, Son, and Holy Ghost, and by subscribing our names hereto, adopt the following Constitution and By-Laws.

ARTICLE 1 – NAME

The name of this congregation shall be Lincoln Heights Evangelical Lutheran Church of Des Moines, Iowa.

\*ARTICLE 2 – ARTICLES OF FAITH

Section 1.

This congregation accepts and confesses all the canonical books of the Old and the New Testaments as the inspired Word of God and submits to this Word as the only infallible authority in all matters of faith and life. (2 Tim. 3:15-17)

Section 2.

This congregation accepts and confesses all the symbolical books of the Evangelical Lutheran Church contained in the Book of Concord of 1580 as true statements of scriptural doctrine.

They are:

- A. The three Ecumenical Creeds:
  - 1. The Apostles Creed
  - 2. The Nicene Creed
  - 3. The Athanasian Creed
  
- B. The six Lutheran confessions:
  - 1. Dr. Martin Luther's Small Catechism

2. Dr. Martin Luther's Large Catechism
3. The Unaltered Augsburg Confession
4. The Apology of the Augsburg Confession
5. The Smalcald Articles
6. The Formula of Concord

### Section 3.

This congregation accepts and confesses these symbolical books without reservation, not insofar as, but because they are the presentation and explanation of the pure doctrine of the Word of God and a summary of the faith held by the Evangelical Lutheran Church, as printed in the Concordia Triglotta, Book of Concord.

### Section 4.

Hence, no doctrine shall be taught or tolerated in this congregation which is in any way at variance with the Holy Scriptures and these symbols.

### Section 5.

Likewise, all controversies which may arise in this congregation shall be decided and adjusted according to the Holy Scriptures and to this norm and practice.

### Section 6.

The purpose of the church shall be fulfilled in this congregation through the preaching of the Word of God, the administration of the sacraments, and through the conducting of Christian schools. (Heb. 10:24-25, Matt. 28:19-20, 1 Cor. 11:23-26; Acts 2:42)

## \*ARTICLE 3 – SYNODICAL AFFILIATION

### Section 1.

This congregation shall affiliate itself only with a synod that holds to all the truths of God's Work in doctrine and practice and is bound to the confession of faith as set forth in Article 2, if, and as long as such a synod exists.

### Section 2.

This congregation shall be a member of the Wisconsin Evangelical Lutheran Synod as long as it adheres faithfully to the truths of God's Word in doctrine and practice and is bound to the confessions as set forth in Article 2.

## \*ARTICLE 4 – CHURCH MEMBERSHIP

### Section 1. Classification

- A. Baptized members of the congregation are those who have been baptized in the name of the Triune God.
- B. Communicant members are those baptized souls who confess the chief parts of Christian doctrine as written in Dr. Luther's Small Catechism and who have declared their adherence to all the canonical books of the Old and the New Testaments, without qualification, as the only rule and norm of faith and life. All communicants must agree to the Constitution and By-Laws of the congregation.
- C. Voting members are those male communicant members (1 Cor. 14:34; 1 Tim. 2:12) who have declared their agreement with this Constitution, who have been accepted by the voter's assembly of the congregation, and who are of legal age.

## Section 2. Privileges and Responsibilities

God is love (1 John 4:8) and His love ever moves Him to bless the members of His church with innumerable physical and spiritual gifts. (1 John 3:1; James 1:17) In return for all of these undeserved blessings, we ought do nothing less than to love Him with all our hearts (1 John 4:19) and to show that love with the works we do. The giving of such expressions we acknowledge as both a privilege and a responsibility. Some of the privileges and responsibilities to be noted are the following:

- A. Our God has given us His Word, the one thing needful (Luke 10:42) which alone can save our souls and tell us how to live a God-pleasing life. (2 Tim. 3:15-17) Consequently, a member of His church will consider it a distinct privilege and a responsibility to –
  1. Diligently hear and receive the Word of God;
  2. Provide and promote opportunities for Christian education;
  3. Bring up his children in the nurture and admonition of the Lord; (Eph. 6:4)
  4. Spread the Gospel to others. (Matt. 28:19)

- B. Our God has given us two sacraments, Holy Baptism and Holy Communion, which are means that our Lord uses to bring His grace to us. Consequently, a member of his church will –
1. Have his children baptized early in life for “baptism doth also now save us.” (1 Peter 3:21)
  2. Frequently partake of Holy Communion (1 Cor. 11:25) if recognized as one who can properly examine himself. (2 Cor. 11:28)
- C. Our God has given us the privilege of being stewards over a certain portion of His estate and of receiving the steward’s rich reward of grace. (Matt. 25:14-30) Consequently, a member of His church will –
1. Continually remember that all his property, time, and talents really belong to God;
  2. Conscientiously determine which part of his money, time, and talents shall be devoted to that which the congregation has made its concern, not omitting the work of the church at large. (Mark 16:15; 1 Cor. 9:14, 16:2; 1 Peter 4:10)
  3. If he is a voting member, regularly attend the voters’ meeting and lend the congregation his counsel and aid. (Reference – Article 1, Section 10 of the By-Laws.)
- D. Our God has implanted within us who are Christians the New Man, who desires to live righteously. (2 Cor. 5:17; Eph. 4:24) Consequently, a member of His church will –
1. Not live in manifest works of the flesh (Gal. 5:19-21) but lead a Christian life. (Gal. 5:22-24)
  2. When he has erred, permit himself to be fraternally admonished and corrected in the spirit of Matthew 18:15.
  3. Refuse to hold membership in any organization whose teachings and practices conflict with the Word of God (lodges, etc.). (John 5:23; John 8:31-32; II Cor. 6:14-18)

### Section 3. Church Discipline and Excommunication

Christian discipline shall be exercised in this congregation in the spirit of Matthew 18:15-20 toward those who err from the faith or who in other ways have given offense. At all times this shall be done in the spirit of the Gospel, namely, to regain the erring as brethren. Those members who finally must be excommunicated, and those who have excluded themselves from the congregation by evading Matthew 18:15-20, relinquish all their rights in the congregation and in its property.

## ARTICLE 5 – POWERS AND RIGHTS OF THE CONGREGATION

### Section 1.

In all matters of Christian faith and life, the Word of God is supreme. (Deut. 12:32; John 8:47)

### Section 2.

In all matters not decided by the Word of God, the congregation alone shall have the right of decision. (Romans 12:10, 14:19; Eph. 5:21)

### Section 3.

The church council, any other elected committee or organization within the congregation, and any of its elected or appointed officer shall have no power or authority beyond that conferred upon them by the congregation (voters' assembly). However, in rare occasions of emergency, the church council may act in the name and for the welfare of the congregation. Such action must be fully explained at the next voters' meeting and receive approval.

### Section 4.

No group or society may be organized within the congregation without the approval of the congregation (voters' assembly). The congregation shall be assured that the aims of such a group are and will remain in complete harmony with the congregation's aims before it grants its approval. (2 Cor. 6:14-15; Romans 16:17)

## ARTICLE 6 – THE MINISTRY

### \*Section 1.

The congregation has the exclusive right to call pastors and teachers and to elect other officers. The pastorate of this congregation shall be conferred only upon such ministers or ministerial candidates as unqualifiedly or publicly profess their acceptance of and adherence to Article 2 of this Constitution and such acceptance and adherence shall be required of them in the call or vocation extended by the congregation.

### \*Section 2.

The teachers called for the Christian training of our youth shall be such as are in accord with the confessional standard of the congregation (Article 2) and are scripturally qualified for this field of work (Eph. 4:11-16; Romans 12:6-8; 1 Cor. 14:40; Eph. 6:4)

### Section 3.

In case of a vacancy in the position of the pastor or teacher, the congregation shall notify the president of the local district of the synod that he may assist in temporarily filling the vacancy and in giving his good counsel in regard to the calling of a new pastor or teacher.

## ARTICLE 7 – OFFICERS OF THE CONGREGATION

### Section 1.

The first New Testament congregation at Jerusalem chose men of “honest report, full of the Holy Ghost and wisdom” (Acts 6:1-6) to aid the Apostles in the administration of its temporal and spiritual affairs. Likewise shall this congregation choose officers and committee members with like qualifications to aid the pastor in administering its affairs. (1 Tim. 3:8-13)

### Section 2.

The listing of the officers and their duties is given in the By-Laws.

### Section 3.

These officers shall be given the respect and cooperation of the congregation in the performance of their duties, and they shall conduct themselves in a manner befitting their responsible office. (1 Tim. 3:8-13)

### Section 4.

All elected officers must be voting members.

## \*ARTICLE 8 – REMOVAL FROM OFFICE

### Section 1.

If anyone who holds an office in the congregation willfully neglects his duty and upon due admonition does not amend, the congregation has the right and eventually the duty to remove him from office and to elect another in his place. (1 Tim. 3:8-13)

### Section 2.

Sufficient and urgent cause for removing a pastor or a teacher are persistent adherence to false doctrine, scandalous life, willful neglect of duty, or established inability to perform the duties of his office. (1 Tim. 3:1-17; Titus 1:6-9)

## ARTICLE 9 – MEETINGS OF THE CONGREGATION

Meetings of this congregation shall be held at such times and in such manner as stated in the By-Laws. The meetings shall give the voters of this congregation the opportunity to hear, discuss, and take necessary action in matters pertaining to the welfare of this congregation and of the church at large.

## ARTICLE 10 - SEPARATION

If at any time a separation should occur in this congregation, may God graciously prevent it, the property and all equipment of this congregation shall remain with that portion of the membership which adheres to this Constitution, regardless of the number.

## ARTICLE 11 – REPEALS AND ALTERATIONS

### \*Section 1.

Article 2; Article 4; Article 6, Section 1 and 2; Article 8; and Article 11, Section 1 of this Constitution shall be and remain unalterable and irrevocable to the degree that they express clear scriptural teachings. (Irrevocable Articles or Sections are marked with an asterisk (\*)).

### Section 2.

Proposal to alter or repeal any alterable or repealable article of this Constitution or to add an article shall be submitted in writing to the Church Council and shall be publicly announced on two Sundays immediately preceding the regular business meeting of the congregation and posted in the church during that period. In addition, such proposal(s) shall be mailed to each voter of the congregation at least two weeks prior to the meeting at which they shall be considered.

### Section 3.

Such proposal shall be discussed in the meeting in which it is presented and voted on in the next regular meeting of the congregation (voters' assembly).

### Section 4.

A majority vote, consisting of not less than two-thirds of the voting members present at such a regular meeting, shall be required to alter or repeal any alterable or repealable article of this Constitution or to add an article thereto.

Document History:

Constitution last modified 4/5/1987

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# By-Laws

## BY-LAWS

### OF

## LINCOLN HEIGHTS EVANGELICAL LUTHERAN CHURCH

### ARTICLE 1: VOTERS' ASSEMBLY MEETINGS

#### **SECTION 1: FREQUENCY**

A regularly scheduled meeting of the Voters' Assembly shall be held once each calendar year in January.

#### **SECTION 2: ANNOUNCEMENT**

The President shall set the exact date, time, and place of the meetings, unless otherwise specified by the Voters' Assembly. Announcement of the meeting shall be given in print and/or orally on at least two different Sundays prior to the time of the meeting.

#### **SECTION 3: SPECIAL MEETINGS**

Special meetings may be called by the Church Council, the President, the Pastor, or upon written request of three voting members. Such meetings must be announced according to the general rule set forth in Section 2 with the purpose clearly stated. All special meetings must be confined to the matter(s) for which the special meeting has been called.

#### **SECTION 4: ANNUAL BUDGET MEETING**

The annual budget meeting shall be included in the regularly scheduled Voters' Assembly meeting in January.

#### **SECTION 5: ANNUAL ELECTION MEETING**

The annual election meeting shall be included in the regularly scheduled Voters' Assembly meeting in January.

#### **SECTION 6: ORDER OF BUSINESS**

The order of business for the regularly scheduled meeting shall be as follows:

- A. Opening with a devotion;
- B. Roll call;
- C. Reading and approval of minutes of previous regular and special meetings;
- D. Reception of new members, transfer, release, or removal from membership;
- E. Unfinished business;
- F. Reports of Pastor, Officers and Boards;
- G. Recommendations from the Church Council and new business;

- H. Elections;
- I. Adjournment with prayer.

#### **SECTION 7: MEETING PROCEDURE**

Meetings shall be conducted according to good Christian order. Robert's Rules of Order may be followed for parliamentary procedure.

#### **SECTION 8: COMPLAINTS AGAINST MEMBERS**

No one shall bring to any meeting a charge or complaint against any member unless he has first admonished him in a Christian manner according to Matthew 18:15-20.

#### **SECTION 9: RIGHT TO VOTE**

Only voting members present at the meeting shall have the right to vote. The Pastor or chairman shall have the right to vote if they so desire.

#### **SECTION 10: VOTING MEMBERSHIP**

Voting membership shall be restricted to male communicant members of legal age (18) or older. Any male communicant member of legal age desiring to become a voting member shall make his desire known to the Pastor or the President of the congregation.

### **ARTICLE 2: QUORUM**

The voting members present at a properly announced Voters' Assembly meeting of the congregation shall constitute a quorum.

### **ARTICLE 3: THE CHURCH COUNCIL**

#### **SECTION 1: AUTHORITY**

The Church Council has no authority other than that which is conferred upon it by a properly held Voters' Assembly of the congregation and by the constitution and by-laws of Lincoln Heights Evangelical Lutheran Church.

#### **SECTION 2: RESPONSIBILITY**

**2.1** The Church Council shall control the corporate property of the congregation according to the direction given to it by the Voters' Assembly. The Church Council is hereby empowered to borrow money, pledge the assets of the congregation, sell, lease or otherwise dispose of the real and personal property of the congregation, all at the direction of the Voters' Assembly. It shall also have the right to acquire property by any legal means as directed by the Voters' Assembly. The President and the Secretary (or the Treasurer, in the Secretary's absence) are hereby designated as the persons who shall sign all contracts and other legal documents of the congregation.

**2.2** The Church Council shall implement resolutions of the Voters' Assembly and carries out such assignments as are directed to it by the Voters' Assembly. It shall hear and receive reports from the Executive Committee and from each of the areas of ministry under it that make up the Church Council. It shall receive and act upon

recommendations made from the Executive Committee and the areas of ministry under it. It shall plan and coordinate all actions intended to extend the building of the Kingdom of God. It shall be responsible for presenting to the Voters' Assembly both a record of actions taken, and an outline of proposed actions for discussion and approval by the Voters' Assembly.

### **SECTION 3: STRUCTURE**

- 3.1** The Church Council shall be comprised of no less than three members, which shall consist of the President, the Secretary, and the Treasurer. The President, the Secretary, and the Treasurer, shall comprise the Executive Committee with the President acting as chairman. Only the elected members of the Church Council shall have the authority to vote on matters being considered by the Church Council.
- 3.2** The Pastor shall be an ex-officio member of the council. Any called workers may be advisory members of the Church Council. The Pastor and any advisory members of the Church Council shall not vote on matters presented by the Church Council during council meetings.
- 3.3** Any adult member of the congregation is welcome to attend Church Council meetings. However, any business they may wish to introduce for discussion must be brought to the attention of the President before the meeting so that the matter to be discussed can be presented in an appropriate and timely manner.

### **SECTION 4: QUORUM**

A quorum of at least three council members must be present at any of the Church Council meetings for the transaction of council business.

### **SECTION 5: MEETINGS**

- 5.1** The President shall determine the exact time and place of the council meeting. The President shall be responsible for making sure that the Pastor and all voting members of the Church Council are aware of meeting times and that the meeting is announced in print in the church bulletin at least one Sunday prior to the regularly scheduled meeting. The President shall be responsible for setting the agenda for the upcoming council meeting.
- 5.2** The Pastor or the President may call special meetings of the Church Council.
- 5.3** No meeting of the Church Council shall be scheduled without the Pastor having been properly informed.

### **SECTION 6: ELECTIONS**

- 6.1** Beginning no less than one month prior to the Voters' annual election meeting, the nominating committee shall initiate the preparation of a list of candidates drawn from the voting membership of the congregation. All candidates shall be informed of the responsibilities of the position for which they have been nominated. Candidates' names shall not be placed on the list unless they have given their consent to the nomination.
- 6.2** The nominating committee shall place the list of candidates in the bulletin or newsletter a minimum of two Sundays prior to the Voters' annual election meeting.

Any adult communicant member may submit the name(s) of additional voting members for consideration by the nominating committee.

- 6.3 At least two Sundays before the date of the annual election meeting, the nominating committee shall post in the church narthex the list of candidates for the positions voted upon.
- 6.4 The voting members shall, at its annual election meeting, elect by simple majority, from the list of candidates for each vacant elective position submitted, the positions voted upon.
- 6.5 Nominees not elected for the position named may have their names, with their consent, nominated by the Voters for any position not yet filled.
- 6.6 The Pastor and the President shall have the right to vote at election meetings if they so desire.

#### **SECTION 7: INSTALLATION**

After any properly held election, the newly elected Church Council member(s) shall be installed into their new position as soon as possible in a regular service, and shall thus be presented to the congregation.

#### **SECTION 8: DISMISSAL**

If any elected Church Council member willfully neglects his duty, and does not respond upon due admonition, the congregation has the right and the duty to remove him from his position and to elect another to fill the subsequent vacancy.

#### **SECTION 9: TERMS OF OFFICE**

- 9.1 Terms of office shall commence on February 1st and shall continue through January 31<sup>st</sup> of the final year of the respective term.
- 9.2 The President term of office shall be two consecutive years. The President shall not serve more than three terms of office (six consecutive years). He shall be eligible for election to one of the two-year term council positions.
- 9.3 The length of term for any elected council member not specifically stated in By-laws, Article 3, Section 9.2, shall be two years. He shall not serve more than three consecutive terms in a council position.
- 9.4 An elected member of the Church Council shall hold no more than one Church Council position at the same time.
- 9.5 In the event that no successor has been elected when the respective term expires, such elected council member shall, with the consent of the Voters' assembly, either succeed himself by election, or continue until a successor is elected.

#### **SECTION 10: VACANCIES**

In the event of a vacancy on the Church Council, the vacancy shall be filled at the next regularly scheduled meeting of the Voters' Assembly by ballot from a list of candidates proposed by the nominating committee. Such newly elected council positions shall be installed as soon as possible in a regular service following their election. The Church Council may appoint a person to fill the vacancy until the election occurs.

## **ARTICLE 4: THE NOMINATING COMMITTEE**

### **SECTION 1: STRUCTURE**

The Pastor, the President, and at least 1 Church Council approved voting member shall comprise the nominating committee with the President acting as chairman.

### **SECTION 2: RESPONSIBILITY**

**2.1** Under the sole authority of the Voters' Assembly, the nominating committee shall annually prepare and present to the Voters' Assembly a list of candidates to be elected to Church Council positions according to By-laws Article 3, Section 6.

**2.2** In the event of a vacancy on the Church Council, the nominating committee shall, in accordance with By-laws Article 3, Section 10, and under the sole authority of the Voters' Assembly, select and submit to the Voters' Assembly a list of candidates from the voting membership to complete the current term of the position that has become vacant.

## **ARTICLE 5: OFFICERS OF THE CONGREGATION**

### **SECTION 1: PRESIDENT**

The duties of the President shall be those generally required of such an executive officer. He shall preside at all Voters' Assembly and Church Council meetings and conduct those meetings according to good Christian order. He shall, to the best of his ability, enforce the constitution and by-laws of the congregation and carry out the expressed will of the congregation as embodied in the resolutions of the voting members. He shall see that the responsibilities of all committees are implemented as directed by the congregation. As the chief corporate officer, he shall sign all contracts and other legal documents as directed to be executed by the congregation. The President is an ex-officio member of all committees.

### **SECTION 2: SECRETARY**

The Secretary shall keep accurate minutes for all Voters' Assembly and Church Council meetings. He shall maintain the minutes in a permanent file and post the same for congregational review. He shall be responsible for all legal records of the congregation. He shall carry on any correspondence as directed by the Church Council and the Voters' Assembly. He shall provide a register at the beginning of each Voters' Assembly meeting for the signature of all the voting members present. He shall ask that every voting member in attendance sign his name to the register, thereby constituting a written roll call for that meeting. For each Church Council meeting he will record the names of the members present as part of the minutes of that meeting. He shall have the authority to countersign all contracts and other legal documents as directed to be executed by the congregation.

### **SECTION 3: TREASURER**

The Treasurer shall be responsible for the accounting of all the congregational moneys. He shall receive from the Financial Secretary a report of all moneys received. He shall

pay such bills and obligations that have been allowed by the congregation. He shall present a written financial report monthly. At any time the congregation so desires, he shall submit his records to be audited before the Voters' Assembly meeting. In the absence of the Secretary, he shall have the authority to countersign contracts and other legal documents. In the event that the Treasurer is unable to carry out his duties, the President shall have the authority to carry out the obligations of the Treasurer.

## **ARTICLE 6: RECEPTION INTO MEMBERSHIP**

### **SECTION 1: PROCEDURE**

Anyone who wishes to be received into membership in this congregation by other means than the Sacrament of Holy Baptism or the Rite of Confirmation shall bring their request to the attention of the Pastor. The Church Council shall honor the request when accompanied by a letter of transfer or other recommendation from a sister congregation or when qualifications for membership, as specified in Article 4 of this Constitution, have been met. Such action of the Church Council shall be ratified at a regularly scheduled Voters' Assembly meeting and notice of such receptions shall be reported to the congregation.

### **SECTION 2: ACCEPTANCE OF CONSTITUTION AND BY-LAWS**

Since reception into membership signifies acceptance of and submission to this Constitution and By-Laws, each family shall be offered a copy of the same prior to their reception so that they may become familiar with its provisions.

### **SECTION 3: SIGNING OF CONSTITUTION**

It shall be the responsibility of the Secretary to see that all voting members sign the Constitution.

## **ARTICLE 7: TRANSFER OR RELEASE FROM MEMBERSHIP**

### **SECTION 1: PROCEDURE**

Those desiring a transfer or release from membership shall bring their request to the attention of the Pastor for action to be ratified at a regularly scheduled Voters' Assembly meeting of the congregation.

### **SECTION 2: TRANSFER, RELEASE**

Transfer of membership shall apply only to those who desire membership in a congregation that is in doctrinal agreement and practice with this congregation. Release from membership shall apply only to those who desire membership in a denomination not in agreement with our congregation in doctrine and practice. Removal from membership shall apply only to those who no longer desire to be affiliated with this congregation and are not eligible for a transfer of or a release from membership.

### **SECTION 3: LOSS OF RIGHTS**

Members transferred, released, or removed relinquish all rights in this congregation.

### **ARTICLE 8: REPEALS AND AMENDMENTS OF THE BY-LAWS**

Any and all By-Laws may be repealed or amended by a two-thirds majority vote of the voting members present at any regularly scheduled Voters' Assembly meeting, provided that public notice of this proposed action shall have been given to the congregation on at least two Sundays prior to the time of the meeting, and provided that the proposed amendment has been submitted in writing to the Church Council for its study and recommendation.

Document History:

By-Laws Last Modified 9/13/2008