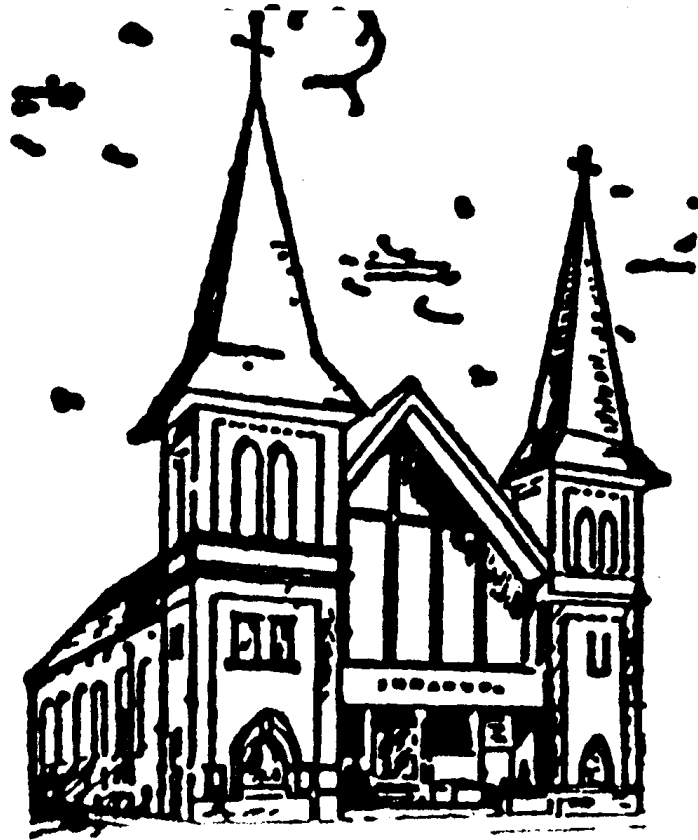


# Constitution and Bylaws of Immanuel Evangelical Lutheran Church



Updat-  
2021

ed: Jan.



## ARTICLES OF INCORPORATION

State of Minnesota )  
County of Blue Earth ) ss

Be it known that on this 15<sup>th</sup> day of September A.D. 1866 Henry Himmelman, F.H. Sterernagel, Jacob Traub and John Dreher and Simon Blume of Mankato, Blue Earth County and state of Minnesota have associated together to form a church association or corporation according to the statutes of Minnesota and do make and enact the following article to-wit.

### 1<sup>st</sup> Article

Names of the persons associated are Henry Himmelman, F.H. Sterernagel, Jacob Traub, John Dreher, and Simon Blume.

### 2<sup>nd</sup> Article

This church corporation shall be known and designated by the name of "Immanuel Evangelical Lutheran Church of Mankato, Minnesota" and its place of location shall be Mankato, Blue Earth County and State of Minnesota.

### 3<sup>rd</sup> Article

The officers of this church shall be eighteen trustees and for the first year commencing at this date John Dreher, Jacob Traub and Henry Himmelman are hereby designated and elected to act as such trustees and these trustees and their successors shall conduct the business of the church. There shall be elected on the 15<sup>th</sup> day of September A.D. 1866 three trustees by the members of the church, one to serve for three years; one to serve for two years and one to serve for one year and on the Monday after the second Sunday in October in each succeeding year there shall be elected six trustees, the said trustees to be elected by the members of the church at a meeting on said day. The newly elected trustees shall take office at the January organizational meeting of the Church Council.

Henry Himmelman  
F.H. Sterernagel  
Jacob Traub  
John Dreher

## CONSTITUTION AND BYLAWS OF IMMANUEL EVANGELICAL LUTHERAN CHURCH, MANKATO, MINNESOTA

WHEREAS, the history of the Christian Church of all times proves that certain rules and regulations are necessary properly to attain the purposes and fulfill the obligations of congregations; and

WHEREAS, the Apostle Paul sets forth, 1 Corinthians 14:40, that all things in the Church should be done “decently and in order;” therefore,

RESOLVED, that we, a congregation of Lutherans of the City of Mankato do herewith, in the Name of the Triune God, Father, Son and Holy Ghost, adopt the following:

#### ARTICLE I

##### Name

The name of this congregation shall be Immanuel Evangelical Lutheran Church of Mankato, Minnesota.

#### ARTICLE II

##### Articles of Faith

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

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

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

#### ARTICLE III

##### Authority and Power

The Congregation as a whole has the supreme authority in the external and internal control of all church and congregational matters. No regulation or decision has any validity for the congregation or for an individual member, whether issued by an individual or by a group in the congregation, if it is not issued by authority of the congregation or according to a general or special authority given by the congregation, and whatever is done by authority of the congregation, or whatever is ordered or decided by individuals or a group according to authority given by the congregation, may at all times be appealed to the congregation for final decision. However, the congregation does not have the authority to regulate or decide anything contrary to the Word of God and the Symbols of the true doctrine of the Evangelical Lutheran Church. (If the congregation should do so, all regulations and decisions are null and void.)

#### ARTICLE IV Membership

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

- (1) are baptized;
- (2) declare their adherence to all the canonical books of Old and New Testaments, without qualifications, as the only rule and norm of faith and life;
- (3) are familiar at least with Luther's Small Catechism, declare their acceptance of the same;
- (4) do not live in manifest works of the flesh (Galatians 5:15-21), but lead Christian lives;
- (5) together with the congregation partake of the Lord's Supper frequently, after they have been thoroughly instructed in the Word of God;
- (6) permit themselves to be fraternally admonished and corrected when they have erred, and
- (7) are free from all unchristian associations, and lodges. Compare Ephesians 5:11-12; 2 Corinthians 6:14-18; Matthew 5:34-37.

#### ARTICLE V Contributions

It shall be the duty of every communicant member to contribute according to ability toward all the congregation has made its concern. 1 Corinthians 16:2; Mark 16:15; 1 Corinthians 9:14.

#### ARTICLE VI Christian Education

It shall be the duty of all members to bring up their children in the nurture

and admonition of the Lord, Ephesians 6:4. To this end they are to teach them God's Word at home, send them to our Lutheran Schools, and if this is not possible, then to our Sunday School, and to the Pastor's confirmation class.

ARTICLE VII  
Excommunication, Removal and Dismissal

Members excommunicated according to Matthew 18:15-20 and such as excommunicate themselves by evading Matthew 18:15-20, and such whose membership has been terminated by the congregation, or who otherwise sever their connection with the congregation, give up all their rights in the congregation and its property. Such members, who for reasons that are justified by the Word of God ask for their dismissal, shall be peaceably dismissed by the congregation. Such dismissed members relinquish all their rights in the congregation and its property.

ARTICLE VIII  
Separation

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

ARTICLE IX  
Calling Ministers of the Word

The congregation as a whole has the exclusive right to call pastors and teachers. The election of pastors and teachers shall be done by ballot and such election should be unanimous. The pastorate of this congregation shall be conferred only upon such ministers or ministerial candidates as publicly profess without qualification their acceptance of and adherence to Article II of this Constitution; and such acceptance and adherence shall be required of them in the call or vocation extended by the congregation.

The right to issue calls to teachers, which are not regular full time calls but are for one year only, may be delegated to the Board of Education by the congregation.

Note: In case of vacancy in the pastorate or in the teaching staff the congregation notifies the president of the Synod so that he may assist in temporarily filling the vacancy and give his advice in regard to calling a new pastor or teacher.

ARTICLE X  
Duties of the Pastor(s)

The pastor(s) is obligated

- (1) To preach the Word of God in its truth and purity,
- (2) To administer the Holy Sacraments according to Christ's institution and according to the usage of the Evangelical Lutheran Church,
- (3) To help administer the Church discipline instituted by Christ (Matthew 18:15-18) as far as it pertains to his office,
- (4) Faithfully to look after the pastoral care of the individual,
- (5) To instruct the confirmation class according to Luther's Small Catechism,
- (6) To supervise the school in conjunction with the school board members,
- (7) To guard doctrine in the congregational meetings; in carrying out this duty the pastor(s) is not to be bound by parliamentary law; and to be an advisory member of the Church Council and all other committees of the congregation and its affiliated organizations.
- (8) To be an example to the congregation in leading a godly life.

ARTICLE XI  
Removal from Office

The congregation can, according to Christian form and order, remove from office its pastor(s) and/or teacher(s) only when he (they) has become guilty of adherence to false doctrine, a scandalous life, or willful neglect of duty, and in that case must do so.

ARTICLE XII  
Repeal of Previous Regulations

All regulations contradictory to these are hereby annulled and repealed and these new regulations shall be effective from the date of adoption of this Constitution.

ARTICLE XIII  
Repeals and Amendments

All articles of the Constitution which are based upon the Word of God shall be and remain unalterable and irrevocable. These Articles are II, III, IV.

Proposals to amend or repeal any alterable or repealable article of this Constitution shall be offered in writing and announced in regular services on at least two Sundays immediately preceding any action thereon. Two-thirds

majority of all the members present and voting shall be necessary to repeal or amend this Constitution and such vote shall be by ballot.

## **BYLAWS**

### Article 1 Reception of Communicant Members

Persons presenting a transfer from a sister congregation may be received at the next meeting of the congregation. Others shall give evidence of their qualifications for membership to the Pastor and the Board of Deacons, and upon their recommendation the Pastor shall then announce their candidacy for communicant membership on the Sunday before the next meeting when they may be formally received.

### Article 2 Suffrage

1. Only male members of the congregation shall have the right to vote,
2. Who have completed their eighteenth year and have been communicant members in good standing of the congregation for at least six months. (Minnesota State Law 315:07),
3. Who have been accepted into voting membership by the congregation at a meeting in which they are present,
4. And who have affixed their signature to the Constitution at the time they were accepted into voting membership. (Minnesota State Law 315:07)

### Suspension and Reinstatement of Voter Membership

A majority vote of the voters present at a regular congregation meeting may:

1. Suspend the voting privileges of a voter who has not attended at least one congregational meeting during the preceding calendar year. Suspension of voting privileges may be brought to the congregation by the Deacons after contacting the voter.
2. Reinstatement the voting privileges of a suspended voter who presents himself and requests reinstatement at a regular meeting.

### Termination of Voting Membership



Voting membership may be terminated by a majority vote at any regular meeting of the congregation when:

1. A member requests a release from voting membership.
2. The communicant membership of a member is terminated.

### Article 3 Meetings of the Congregation

Four regular quarterly meetings of the congregation shall be held on the Monday after the third Sunday in January, April, July, and October. The meetings shall begin at 7:00 p.m. The January quarterly meeting shall be the Annual Meeting. Meetings may be held from time to time as the congregation may determine. If necessary the Church Council may change the date and time of an April, July or October congregational meeting. All such meetings must be announced two Sundays preceding the meeting. Special meetings may be held upon the request of the Church Council.

If members of the congregation desire a special congregational meeting, a petition signed by at least fifteen voting members must be presented to the Church Council. Such a petition must be placed into the hands of the chairman of the Church Council. Such special congregational meetings must be announced two Sundays preceding the meeting.

The members present at any meeting properly announced constitute a quorum. In all matters not already decided by the Word of God the majority rules.

No one shall bring before the congregation a complaint against any member nor against the pastor(s) unless he has admonished him in a Christian manner according to Matthew 18:15-20.

### Article 4 Officers and Church Council

At the October meeting, the congregation shall elect a Board of Trustees consisting of twenty-one (21) members [i.e., six (6) Board of Deacons, six (6) Board of Education, six (6) Property Board and three (3) Finance Board] who shall take office at the organizational meeting of the Church Council in January. This Board of Trustees shall be known as the Church Council. The term of one third of the members of each board expires at the end of each year. The con-

gregation shall elect two (2) members to the Board of Deacons, two (2) members to the Board of Education, two (2) members to the Property Board, and one (1) member to the Finance Board. A vacancy shall be filled by the Church Council for an unexpired term. *The outgoing council members' terms of office expire at the time of the Church Council reorganization meeting.* (rev. Feb. 3, 2014)

The members of the Church Council shall be wise, devout, and faithful men who have held voting membership in the congregation for at least one year.

*The Church Council reorganization meeting shall take place no later than ten calendar days after the convening of the Annual Meeting.* (rev. Feb. 3, 2014)

The various committees, such as Board of Deacons, Board of Education, Property Board, and Finance Board shall meet to elect the officers of their committees.

The duties of the Church Council are the following:

- (1) They shall adorn their high office with an honest conversation and be good examples to the congregation.
- (2) They shall aid the Pastor(s) in the spiritual affairs of the church.
- (3) They shall pay regard to good order in services.
- (4) They shall particularly care in love for the poor, the sick, the widows and the orphans.

#### Article 5 Re-election of Officers

When a member has served on the Church Council for more than one year, he can only be re-elected to the Church Council after a lapse of one year.

#### Article 6 Removal from Office

If any member of the Church Council willfully neglects his duty, adheres to false doctrine, or becomes guilty of a scandalous life, the congregation in such case has the right, and eventually the duty, to remove him from office.

#### Article 7 Duties of the Annual Officers

- (1) The president shall be elected for a term of one year at the Annual Meeting by the voting members of the congregation. He must be a member of the Church Council. He shall preside at all sessions of the congregation. In case of absence of the president, the chairman of the Church Council shall be president pro tem. If necessary, a member of the Church Council may be elected president pro tem.
- (2) The secretary shall be elected for a term of one year at the Annual Meeting by the voting members of the congregation. He must be a voting member, but need not be a member of the Church Council. He shall keep a correct report of the proceedings at all meetings of the congregation.
- (3) The treasurer is to be elected by the Church Council for a term of one year. He must be a voting member, but need not be a member of the Church Council. He is to pay all approved bills. He is to carry an exact account of these and is to report quarterly. He is to submit his books to an auditing committee and his annual report to the congregation, or he shall make such report at any time the congregation demands it. He shall be an advisory member of the Church Council and the Finance Committee.
- (4) The financial secretary is to be elected by the Church Council for a term of one year. He must be a voting member but need not be a member of the Church Council. He is to receive all monies designated to Immanuel Lutheran Church and see that they are deposited in the proper accounts. He is to provide the treasurer with a report of all monies received with the amount designated for special accounts. He is to provide a monthly report of receipts to the Church Council and a quarterly report at the Voters' Quarterly Meeting. He is to work with the secretary to the financial secretary to keep records of individual members and to provide them with such records as they may require—especially an annual report of giving. He is to serve as an ad hoc member of the Council's Finance Committee and give advice as needed.

#### Article 8 Meetings of the Church Council

The new members of the Church Council present themselves for installation the first Sunday after the annual meeting, if possible.

The Church Council shall meet each month on the day designated by it, and especially before the regular congregational meetings in

order to prepare and expedite matters by making recommendations.

Special meeting of the Church Council may be called by the Pastor(s) or chairman of Council or president of congregation.

Except on regular meeting dates, the Church Council shall never convene to conduct business without the knowledge of the Pastor(s) and only after notice has been given to all members.

#### Article 9 Order of Business

The sessions of the congregation shall be conducted according to Robert's Rules of Order, and by the following order:

1. Opening with a short service.
2. Reading and approval of minutes of previous session.
3. Reception of new members.
4. Releases.
5. Elections.
6. Reports of officers and standing committees and action thereon.
7. Unfinished business.
8. Recommendations of the Church Council and new business.
9. Adjournment with prayer.

#### Article 10 The Schools

1. The schools conducted by the congregation are to be schools in which the instruction in the salutary doctrines of the Word of God according to Luther's Small Catechism and the Christian training of the children shall be paramount. Furthermore instruction shall be given in all the subjects necessary for an acceptable elementary or secondary education.
2. The Board of Education shall consist of six (6) members elected to the board by the congregation. The Pastor(s), Principal of the School, School Administrator, and Superintendent of the Sunday School shall be advisory members of this board. The Board of Education shall exercise supervision over the curriculum and policy of the elementary and secondary school, and shall have

the duty of visiting the various educational agencies frequently and of assisting, helping, and giving their advice when it is needed.

#### Article 11 Duties of the Teachers

The teachers are to discharge the duties of their office faithfully and conscientiously according to their call and be guided by the direction of the congregation. They are to instruct the children according to the adopted course of study and schedule, and are to be an example to their children as well as to the entire congregation in leading a blameless life.

#### Article 12 General Duties of the Church Council

The members of the Church Council and the pastor(s) are to conduct the business affairs of the congregation in an orderly manner. They are to offer necessary assistance at public services, baptism and the Lord's Supper. In the absence of the pastor(s) they are to see that public services are conducted, and provide that a sermon designated by the Pastor(s) be read. They are to carry out the resolutions of the congregational meetings and execute or cause to be executed such documents as may result from such meetings. All property of the congregation is entrusted to the Church Council with the provision that they administer it in the name of the congregation as property entrusted to their care. They are to enter upon contracts pertaining to this property, raise monies and disburse them, execute or cause to be executed all documents, represent the congregation before Court and do all such acts as the congregation as owner would or should do. They have no right, however, to carry out or perform any act that is not prescribed or authorized by the Constitution, Bylaws or by a special resolution of a congregational meeting.

#### Article 13 Method of Voting

The vote on any motion or resolution shall, upon demand of any voting member, be taken by ballot. In the absence of such a demand the vote shall be taken in such manner as the presiding officer may determine. The vote on all elections shall be by ballot. The vote on all motions that authorize the spending of more than \$1,000 shall be

by ballot.

#### Article 14 Memorials

The custom of expressing respect for those who have died with memorial gifts for the work of the Church is good and proper. So that this may be done in the congregation in good order, it is agreed

1. that all such monies should be received by the financial secretary and deposited in the Memorial Fund
2. that the family or donor be granted the right to designate a portion or all of the gift for Immanuel Lutheran Grade School, Immanuel Lutheran High School, an established fund or project of the congregation, or the mission or educational program of the synod. The financial secretary shall transfer such designated gifts from the Memorial Fund at the close of the month in which they are received.
3. that the family or donor shall not ask that a specific purchase be made by the Congregation unless the Memorial gift covers the entire cost and only after the choice and purchase of such an item has been approved by the Congregation.

#### Article 15 Cemetery

Pilgrims Rest Cemetery is located west of the old St. Peter Road and about 2 miles north of Mankato, parcels of land in the NW  $\frac{1}{4}$  Sec. 31 and SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Sec. 30 Lime Township. It is owned and controlled by the congregation and under the direct supervision of the Church Board of Trustees who shall annually elect a Secretary-Treasurer to supervise the affairs of the Cemetery as recorded in the booklet "Rules and Regulations" adopted October 13, 1952. He shall present a monthly report to the Board of Trustees and a quarterly report to the congregation. The Cemetery Advisory Board shall be 5 voting members of the congregation elected by the trustees at the January organizational meeting. Each member shall serve a term of three years and may be reelected. The secretary-treasurer is an advisory member of this Board.

#### Article 16 Repeal of Previous Regulations

All regulations of the old constitution contradictory to these are hereby annulled, and the new regulations go into effect from the date of adoption by the congregation.

Article 17  
Repeals, Alterations, and Amendments

Proposals to alter, repeal or amend any portions of these bylaws shall be submitted in writing and announced at regular services on at least two Sundays immediately preceding any action thereon. Two-thirds of all the members present and voting shall be necessary to pass any alteration, repeal or amendment. Such vote shall be taken by ballot.

