

Proposed Bylaw and Cemetery Rules and Regulations Changes January 2022

The first 6 ½ pages of the Constitution and Bylaws document consists of the 13 articles of our constitution. No changes were intended to occur within this section of the document. If any changes did occur, it was due to an error when editing the document.

Our 2003 bylaws as adopted by the congregation, consists of 7 parts:

- Part 1: Communion Participation
- Part 2: Conflicting Loyalties
- Part 3: Membership
- Part 4: The Pastor
- Part 5: Meetings of the Congregation
- Part 6: Officers and Boards
- Part 7: Parrish Records

The primary reason for making changes to our governing documents at this time is to incorporate a significant change to our cemetery rules and regulations. That change is the creation of a Cemetery Perpetual Care Fund. As such, the Council and Cemetery Committee is recommending that the congregation add an additional “Part 8: St. John Cemetery” to the bylaws. The section “b. Committee on Church Cemetery” that is currently in the 2003 version of our bylaws will be moved into the new Part 8. There are some additional minor changes to other bylaws. All changes are noted below.

Summary of Changes:

Page 12, Section 23.03:

Our current 2003 bylaws state a limit of \$2,500 for non-budgeted expenditures by the council. This was believed to have been changed at a previous annual meeting to \$5,000. This change updates the bylaws to reflect that action.

Page 13, Section 23.09, paragraph c. Cemetery Perpetual Care Fund and Reserve Fund Investment Advisory Committee:

As the future management of a Cemetery Perpetual Care Fund was considered, thought was given to how and who would manage those funds. As written, these bylaws will make management of that fund the responsibility of the Council. This section allows the Council to appoint a group of people to advise and make recommendations as to how to make investment changes within the Cemetery Perpetual Care Fund and/or the Reserve Fund.

Page 13, Section 23.09, paragraph d. Such Other Committees as the Church Council Deems Necessary.

This section exists within our current bylaws, but the recommended changes will require that the Council approves membership on these types of committees and that the committees are responsible to designate a chairperson. The purpose of this language is to make sure that the Council knows who is on any given committee and who the designated contact is. The Building and Grounds Committee and the 125th Anniversary Committee are two examples of this type of committee.

Page 15, Part 8 – St. John Lutheran Cemetery

This new part of the bylaws consists of language that was previously included in Part 6 of the bylaws and added new language to define how the Cemetery Perpetual Care Fund would be managed. The following is a summary:

26.01: Describes the location of the cemetery and states that it is the congregations responsibility to maintain.

26.02: Describes the Cemetery Committee role and the relationship between the Committee and the Council.

26.03: Describes duties of the Council and Committee.

26.04: Defines that only Lutherans should hold title to the lots or graves. This language is in our existing bylaws.

26.05: Defines the sources, uses, and management of the Cemetery Operating Account. This is the account currently being used for all cemetery funds. Also defines establishment of an annual budget for the cemetery.

26.06: Defines the sources, uses, and management of the new Cemetery Perpetual Care Fund. With a goal of hopefully having the fund principal balance increase along with inflation, certain restrictions on the withdrawal of earnings are listed in this section.

26.07: Requires that the pricing for lots be affirmed by the congregation each year at the annual meeting. Because the cemetery is a financial liability of the congregation, the congregation should routinely consider whether pricing is sufficient.

26.08, 26.09, and 26.10: This language is from our existing bylaws.

26.11: Because the cemetery is a long term liability of the congregation, the intention of this section is to require that this liability is fully funded in the event that any major assets are sold or otherwise disposed of. This section is intended to “encumber” the real estate assets of the congregation and to provide a mechanism for determining how large the Cemetery Perpetual Care Fund should be to consider the fund “Fully Funded”.

Cemetery Rules and Regulations Changes

The only change in the rules and regulations document is to correct language in section 3,b to reflect that graves are numbered from north to south. The current version states numbering is south to north.

**CONSTITUTION AND BY-LAWS OF
ST. JOHN LUTHERAN CHURCH
STERLING, NEBRASKA**

"In the name of the Father, and of the Son, and of the Holy Spirit. Amen"

PREAMBLE

Recognizing our unity in Christ and our common practice in the Christian faith, desiring to express our fellowship in worship and work; knowing our spiritual needs; mindful of our Christian privileges and duties; and wishing to observe orderly cooperation, we adopt the following constitution:

**ARTICLE 1
NAME AND INCORPORATION**

- 1.01** The name of the congregation shall be St. John Lutheran Church. The congregation shall be incorporated under the laws of the State of Nebraska.

**ARTICLE 2
CONFESSION OF FAITH**

- 2.01** The congregation accepts all the canonical books of the Old and New Testaments as a whole and in all their parts as the divinely inspired, revealed, and inerrant Word of God and submits to this as the only infallible authority in all matters of faith and life.
- 2.02** As brief and true statements of the doctrines of the Word of God, the congregation accepts and confesses the following Symbols, subscription to which shall be required of all its members: (1) the ancient ecumenical Creeds, the Apostolic, the Nicene, and the Athanasian; (2) the Unaltered Augsburg Confession and Luther's Small Catechism.
- 2.03** As further elaboration of and in accord with these Lutheran Symbols, the congregation also receives the other documents in the Book of Concord of 1580: the Apology, Luther's Large Catechism, the Smalcald Articles, and the Formula of Concord, and recognizes them as normative for its theology.
- 2.04** The congregation accepts without reservation the symbolical books of the Lutheran Congregations in Mission for Christ, 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 of the Lutheran Congregations in Mission for Christ.

**ARTICLE 3
PURPOSE**

- 3.01** Lutheran Congregations in Mission for Christ is an association of congregations and individuals who are: free in Christ; accountable to one another; rooted in the Scriptures and the Lutheran Confessions-working together to fulfill Christ's great commission to go and make disciples of all nations.

**ARTICLE 4
POWERS**

- 4.01** All power in the congregation has its source in the Word of God, which is the norm for its faith and life. All individuals and groups within the congregation shall submit to the authority of the Word, and the life and activity of the congregation and its organizations shall conform to it.
- 4.02** The powers of the congregation shall be those necessary to fulfill its purposes, as set forth in this constitution.
- 4.03** The powers of the congregation shall be vested in the congregational meeting, called and conducted in such manner as is provided in this constitution and, to the extent conveyed by this constitution or as assigned from time to time by the congregational meeting, in the boards elected by the congregation.
- 4.04** In the fulfillment of its purpose, the congregation is empowered to:
- a. acquire real and personal property by gift, devise, bequest, purchase, or other lawful means,
 - b. hold title to and use its property for any and all activities consistent with its purpose, sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means,
 - d. enter into contract,
 - e. sue and be sued,
 - f. elect officers and boards for the exercise of their powers and authority and require them to conduct their affairs in accordance with this constitution and its bylaws, and the resolutions of the congregation.
- 4.05** Real property shall not be purchased, disposed of, or encumbered in any manner except by resolution adopted by not less than two-thirds majority ballot vote of the members present and voting at a legally called meeting of the congregation.
- 4.06** Should the congregation cease to do business and be dissolved, all property and funds remaining after the payment of the debts of the congregation shall be distributed to Lutheran Congregations in Mission for Christ (or its successor) or a corporation, trust, foundation, or other organization organized and existing for religious and/or charitable purposes which would then qualify under the provisions of section 501 (c) (3) of the Internal Revenue Code, as now enacted or as may hereafter be amended.

ARTICLE 5
RELATIONSHIP TO
THE LUTHERAN CONGREGATIONS IN MISSION FOR CHRIST

- 5.01** For the better attainment of its purpose, the congregation shall be a member of Lutheran Congregations in Mission for Christ (LCMC) or its successor and shall be on the list of the Heartland District or its successor. It shall be subject to the polity and discipline of Lutheran Congregations in Mission for Christ.
- 5.02** The congregation claims for itself all rights and privileges and accepts all the duties and obligations connected with such membership.
- 5.03** The congregation covenants to support with prayer, personal service, and offerings, the common work of the Church.
- 5.04** Severance of membership in Lutheran Congregations in Mission for Christ shall require a two-thirds majority ballot vote of all voting members present and voting at a legally called and conducted meeting. Such a decision shall not be effective until at least ninety days after the LCMC Board of Trustees has been notified and until the initial action has been ratified by a two-thirds majority ballot vote at a subsequently legally called and conducted meeting.

ARTICLE 6
MEMBERSHIP IN THE CONGREGATION

- 6.01** Members of the congregation shall be those who are designated as such at the time that this constitution is adopted, and those who are admitted thereafter, and who maintain their membership in accordance with the provisions of this constitution and its bylaws. There shall be no membership restrictions with respect to race, color, national origin, or sex.
- 6.02** Members shall be classified as (a) baptized, (b) confirmed, (c) voting.
- 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 Father, Son, and Holy Spirit. Members may be received by proper transfer from other Lutheran congregations. Non-Lutheran persons may be received with instruction and 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 Lutheran congregations.
 - c. Voting members shall be those who are members in good standing, as provided in the Bylaws and who have attained the age of 18 years.
- 6.03** It shall be the privilege and duty of members of the congregation to:
- a. make diligent 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,
 - c. support the work of the congregation and of Lutheran Congregations in Mission for Christ.

ARTICLE 7 DISCIPLINE

- 7.01** A member who advocates doctrines which are contrary to Holy Scripture and the Confessions of the Church, or who is guilty of conduct that is grossly unbecoming a member of the Body of Christ, shall be subject to discipline.
- 7.02** Discipline shall be administered by the Church Council in behalf of the congregation, with the right of appeal to the congregation.
- 7.03** Discipline in the congregation shall be exercised in accordance with Matthew 18:15-18.
- 7.04** Procedures for the exercise of discipline shall be those provided in the bylaws.

ARTICLE 8 WORSHIP

- 8.01** As an expression of the unity of the church in Christ the congregation recognizes the desirability of conforming to the practices of LCMC congregations in using such forms of worship, including liturgies and hymn books, as may be recommended by Lutheran Congregations in Mission for Christ (LCMC). Only such variations as are authorized by the Church Council shall be permitted.

ARTICLE 9 THE PASTOR

- 9.01** A pastor of the congregation shall be a person whose soundness in the faith, aptness to teach, and educational qualifications have been examined and approved by the Church, and who has been properly ordained, who accepts and adheres to the Confession of Faith of Lutheran Congregations in Mission for Christ and of the congregation, and who strives in life and conduct to be above reproach.
- 9.02** Authority to call a pastor shall rest in the congregation. Such authority to call shall be exercised by not less than a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee authorized by the congregation, shall seek advice from LCMC.
- 9.03** Only a member of the Clergy List of Lutheran Congregations in Mission for Christ in good standing or one who is recommended for call by the Board of Trustees of Lutheran Congregations in Mission for Christ may be called as a pastor of the Congregation.
- 9.04** In the event of a vacancy in the pastoral office, the Church Council shall provide for interim pastoral service.

- 9.05** If in the judgment of the congregation the pastor is no longer able to serve it satisfactorily, the pastor may be requested to resign. Before the resignation is requested, all parties, including the pastor shall have the opportunity of being heard at a specially called meeting of the Church Council. After the hearing before the Church Council, a special meeting of the congregation may be called to consider a request for the pastor's resignation. A resolution requesting a pastor's resignation must be adopted by a two-thirds majority ballot vote of those present and voting. Not less than ten days notice of such meeting of the congregation must be given. If the pastor's resignation has been requested in the manner here provided, the pastor shall vacate the office at the time the congregation specifies. Should the pastor fail to do so, the Church Council shall declare the pastoral office vacant.
- 9.06** In the event of alleged defection in doctrine or alleged conduct unbecoming a pastor, the matter shall be referred by the Church Council for disciplinary action as provided in the Constitution and Bylaws of Lutheran Congregations in Mission for Christ.

ARTICLE 10 MEETINGS OF THE CONGREGATION

- 10.01** The power and authority of the congregation shall be exercised through the congregational meeting, which shall be called and conducted in conformity with civil laws and the provisions of the constitution and bylaws of the congregation.
- 10.02** The annual meeting of the congregation shall be held in January. Notice of the meeting shall be given as provided in the bylaws.
- 10.03** A quorum for any regular or special meeting of the congregation shall be 25 of the voting members.
- 10.04** A special meeting of the congregation may be called by action of the congregation, by petition of at least 10% of the voting members, or by any one of the following: the Church Council, the president of the congregation, or the pastor. Official notice of a special meeting of the congregation shall be in writing and shall be posted conspicuously in the place where the congregation customarily worships. Such notice shall state the time, the place, and the purpose of the meeting. It shall be signed by the president and secretary of the congregation, or by the person or persons who have called the meeting, as authorized by this paragraph. The notice of a special meeting shall also be read at all public services of the congregation held during the ten days preceding the date of the meeting. If no services are held during the stipulated time, not less than five days written notice of such meeting shall be given, provided, however, that no less than ten days written notice of a meeting called to consider a resolution requesting the pastor to resign shall be given, and provided further that a meeting called to consider the disposition or encumbrance of real property must be called and held in conformity with such provisions of civil law as may be applicable.

- 10.05** The pastor shall be notified of the time and place at which a special meeting of the congregation is to be held.
- 10.06** Only the business for which a special meeting has been called shall be transacted at the meeting.
- 10.07** A meeting of the congregation may by majority vote recess to reconvene at a specified time and place. A meeting may also recess to reconvene upon call, provided, however, that the time and place of such a reconvened meeting must be announced at a public service of the congregation, and not less than three days written notice be given of the reconvened meeting.

ARTICLE 11 OFFICERS AND BOARDS

- 11.01** At its annual meeting the congregation shall elect a Church Council of nine members for terms of three years each, with approximately one-third of the terms expiring annually. No member shall be eligible to succeed himself. The pastor shall be an advisory member of the Church Council by virtue of office, but without vote. At its first meeting following the annual meeting of the congregation, the Church Council shall:
- a. Elect from its own membership a president, a vice-president, and a secretary who shall be president, vice-president, and secretary of the congregation; and elect a treasurer and a financial secretary of the congregation, who need not be members of the Church Council. The duties of the officers of the congregation shall be those provided in the bylaws.
 - b. Elect such committees as are provided in the bylaws and supervise their work. The pastor shall be an advisory member of all committees.
 - c. Determine rosters of the baptized, the confirmed, and the voting members of the congregation.
 - d. Exercise such authority as is delegated to it by this constitution, the bylaws, and the resolutions of the congregation.

ARTICLE 12 BYLAWS

- 12.01** The congregation shall adopt such bylaws as may from time to time be necessary. No bylaws may conflict with this constitution.
- 12.02** Bylaws may be adopted or amended at any legally called and conducted meeting of the congregation by a two-thirds majority vote of those present and voting.

ARTICLE 13 AMENDMENTS

- 13.01** The doctrinal basis and the confessional subscription contained in Article 2, and this paragraph of Article 8, shall be unalterable; and no amendment to this constitution or the constitution of Lutheran Congregations in Mission for Christ shall conflict therewith.
- 13.02** A proposed amendment to this constitution shall be:
- a. submitted in writing at a public service of the congregation or mailed to the voting members, not less than thirty days before the legally called meeting at which it is to be considered,
 - b. approved without change at the legally called meeting following its announcement, by a majority vote of those present and voting,
 - c. ratified without further change at the next annual meeting, by a two-thirds vote of those present and voting.
- 13.03** If a proposed amendment fails adoption, it may be amended by majority vote of those present and voting; and adopted without change by a two-thirds majority of those present and voting at the next annual meeting.

BYLAWS

Part 1 - Communion Participation

- 14.01** This congregation invites all of its members who have been prepared to receive the Sacrament to participate regularly in Holy Communion.
- 14.02** Preparation and participation in Holy Communion will be provided during senior catechetical training and/or in fifth grade first communion class.
- 14.03** Participation in Holy Communion shall be open to members of other Christian congregations who acknowledge the Lutheran teaching in regard to this Sacrament.
- 14.04** It shall be made known to prospective participants that the belief of this congregation is:

Participation in the Lord's Supper is the reception of the body and blood of our Lord Jesus Christ given with bread and wine, instituted by Christ himself for us to eat and drink. And;

We hold that a "person is well prepared and worthy who believes these words, 'given and shed for you for the remission of sins.' But anyone who does not believe these words, or doubts them, is neither prepared nor worthy, for the words 'for you' require simply a believing heart."

- 14.05** Record of participation in Holy Communion shall be maintained. If a member of another congregation communes, notice shall be sent to the pastor of that congregation.

PART 2 - Conflicting Loyalties

- 15.01** While the buildings of the congregation shall be open to all people to share in its worship, instruction, pastoral care, and fellowship, the congregation rejects all fellowship with organizations, secret or open, which are avowedly religious or which practice forms of religion without confessing faith in the Triune God and in Jesus Christ as the eternal Son of God incarnate to be our only Saviour from sin, and which thus teach salvation by works.
- 15.02** Ceremonies of lodges or other such organizations shall not be permitted in the buildings or premises of the congregation, nor shall its pastor(s) or lay assistant(s) take part in any such ceremonies wherever they are conducted.
- 15.03** Persons holding such conflicting loyalties shall not hold office, including teachers and leaders, in this congregation.

PART 3 - Membership

Baptized Members

- 16.01** A child, one or both of whose parents or guardians are members of the congregation, shall, upon receiving Baptism, become a baptized member.
- 16.02** A child, neither of whose parents or guardians is a member of the congregation, shall, upon receiving baptism, become a baptized member of the congregation, unless for good reason the child is to be a baptized member of another congregation, in which case membership shall be transferred to that congregation.
- 16.03** A child baptized in another congregation shall be received as a baptized member in the congregation when a transfer has been received.
- 16.04** An unbaptized adult who has received instruction and has given evidence of an adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran Church, shall, upon confession of faith and Baptism, become a baptized member of the congregation.
- 16.05** When one or both parents of baptized children are received into the membership of the congregation, such children should be received as baptized members with the consent of the member parent or parents.
- 16.06** Where a baptized child is an orphan or a ward of someone and these people move into the area served by this congregation, the child may be received as a baptized member when it is commended to the care of this congregation by the congregation which baptized the child.
- 16.07** When the parents of a baptized child are not themselves members of the Lutheran Church but move into the area served by this congregation and desire to have their child put within the pastoral care of this congregation, the child may be received as a baptized member.

Confirmed Members

- 17.01** A baptized adult, not previously a confirmed member of a Lutheran congregation, shall become a confirmed member of this congregation after having received instruction, having given evidence of adequate understanding of the teachings of the Word of God as confessed by the Lutheran Church, and having publicly affirmed his faith.
- 17.02** A baptized member of the congregation shall become a confirmed member through the rite of confirmation, except that an adult who has become a baptized member in accordance with the provisions of section 16.04 of this part of the bylaws shall be considered a confirmed member without participation in the rite of confirmation.
- 17.03** An applicant for membership who presents a Letter of Transfer which certifies that the applicant is a confirmed member in good standing of a Lutheran congregation shall become a confirmed member of the congregation upon approval by the Church Council. The acceptance of the applicant shall be reported to the congregation.
- 17.04** An applicant for membership who presents evidence of confirmation in a Lutheran congregation but does not have a Letter of Transfer shall be admitted to confirmed membership when the Church Council has determined that the applicant meets the standards of Christian faith and life indicated in the constitution and bylaws and has reaffirmed that faith before the congregation.

Voting Members

- 18.01** The Church Council shall determine the roster of voting members of the congregation in accordance with the provisions of the constitution and bylaws. The roster of voting members shall be available at all regularly called meetings of the congregation. The term "in good standing" shall be defined to include:
- a. those who partake of Holy Communion once a year
 - b. those who support the church with their offerings once a year
 - c. those who participate in the life and worship of the congregation and have one these in the past two years.
- 18.02** The congregation shall, in the event of the removal of a member from the community it serves, encourage the member to request a transfer to a Lutheran congregation which can serve him effectively. Should the member fail to request a transfer, a Lutheran congregation in the community of his residence shall be notified.
- 18.03** A confirmed member in good standing desiring to change his membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.
- 18.04** A confirmed member, locally, who does not, for a period of one year, partake of Holy Communion, support the church with his offerings, and does not appear to desire to participate in the life and worship of the congregation shall be visited by the pastor and the congregation's officers and encouraged by them to active membership. If, during the second year, the confirmed member does not actively participate, that member's name shall be removed from the active membership roster of the congregation but be retained on the inactive list of members as one who is in special need of the congregation's prayer and concern.

- 18.05** A child, neither of whose parents or guardians is a member of the congregation, may be removed from the roster of baptized members if that child fails to participate in the life and the worship of the congregation.
- 18.06** In addition to the above named forms of membership (baptized, confirmed and voting), associate membership shall be any person who holds membership in another Lutheran congregation and wishes to retain such membership but desires to participate in the life and mission of St. John Lutheran Church. They have all the privileges and duties of membership except voting rights and eligibility for elected offices, including the Church Council.
- 18.07** Inactive members are those persons who do not commune, share offerings, or participate in the life of the congregation for a period of two years. At the end of one year, the pastor or Church Council shall visit with the member regarding their participation. The member may return to active status at any time by taking communion, sharing an offering, and participating in the life of the congregation.

Discipline

In exercising discipline as provided in the constitution, the following shall be the procedure:

- 19.01** A person who is requested to appear before the Church Council for possible discipline shall be advised in writing no less than ten days prior to the hearing. The written notice shall include the time and place of the hearing and shall specify the exact reason for the possible discipline. If that person fails to appear at the time and place without valid excuse, the Church Council may proceed with the hearing and may reach its conclusion in the absence of that person.
- 19.02** Should the person be found guilty by a two-thirds vote of the members of the Church Council, the Council shall impose one of the following:
 - 1. censure before the Church Council or the congregation;
 - 2. suspension from membership until proof is given of sufficient repentance and amendment;
 - 3. exclusion from membership and denial of the Sacraments.
 In the event of the imposition of #2 or #3 above, the action of the Church Council shall be in writing.

Part 4 - The Pastor

- 20.01** When the congregation has voted to call a pastor, it shall issue a Letter of Call to the pastor-elect in a form approved by Congregations in Mission for Christ. It shall be signed by the chairman and the secretary of the meeting at which the Call was voted. A Call to a member of the clergy to be an assistant pastor shall be issued only with the concurrence of the pastor of the congregation and in accordance with the provisions of this paragraph.
- 20.02** The Call shall normally be for an indefinite time. A Call issued to an assistant pastor may be for a definite time.
- 20.03** If a pastor receives a Call to another ministry, the pastor shall consult the Church Council or, if desired, the congregation, before reaching a decision. The pastor shall announce a decision as quickly as possible, normally within three weeks. The pastor shall notify the

board of trustees of LCMC. When a Call has been accepted, the pastor's ministry in this congregation shall be terminated as soon as feasible, normally within a month.

Part 5 - Meetings of the Congregation

- 21.01** Announcement of the time and place of the annual meeting of the congregation shall be made at two public services immediately preceding the meeting, said services to be at least a week apart; and in such publications as the congregation or the pastor may periodically issue, or by written notice to the voting members mailed not less than ten days in advance of the meeting.
- 21.02** The current rosters of voting confirmed and baptized members shall be available at each meeting of the congregation.
- 21.03** The annual meeting shall receive reports from all the organizations of the congregation. Such reports, including a financial statement, shall be submitted in writing to the pastor not less than ten days before such meeting.
- 21.04** The annual meeting of the congregation shall elect a nominating committee of five members. The pastor shall serve as convener and as an advisory member. The term of office of the members of the nominating committee shall be one year.
 - a. The nominating committee shall nominate one or more candidates for each office to be filled and shall secure the consent of each candidate.
 - b. The list of nominees shall be announced to the congregation in conjunction with the announcements of the meeting of the congregation at which the elections are to take place.
 - c. In addition to the candidates submitted by the nominating committee, additional nominations may be made from the floor.
 - d. The Church Council shall fill vacancies on the nominating committee.
- 21.05** The congregation shall choose delegates to any group or meeting in which the congregation is entitled representation.
- 21.06** Unless otherwise ordered, parliamentary procedures shall be in accordance with Robert's Rules of Order.

Part 6 - Officers and Boards

Membership and Meetings of the Church Council

In addition to the provisions of the constitution, the following shall govern membership on the Church Council and the conduct of its meetings.

- 22.01** Only a voting member of the congregation, 18 years or over and not holding conflicting loyalties shall be eligible for membership on the Church Council.
- 22.02** If a vacancy occurs on the Church Council, the Council shall fill the vacancy until the next annual meeting of the congregation. Should the unexpired term be one year or less, it shall not be considered in determining eligibility for succession.

- 22.03** A member of the Church Council who is absent from two consecutive regular meetings shall be consulted by the president of the congregation. If a member is absent from three consecutive regular meetings without valid excuse, the Council may declare the office vacant.
- 22.04** A quorum for any regular or special meeting of the Church Council shall be one-half of its membership.
- 22.05** A special meeting may be called by the pastor, the president, or any three members of the Church Council. All church council members shall be notified of such meeting, if possible.
- 22.06** At its annual meeting, the congregation shall elect members to fill expired terms and vacancies as may exist, to provide a Church Council of nine (9) members.

Duties and Responsibilities of the Church Council

In addition to the duties and responsibilities provided in the constitution, the Church Council shall:

- 23.01** Secure necessary staff other than the pastor(s), such as administrative assistant, Christian day school teacher, business administrator, church musician, parish education director, parish secretary, parish worker or youth worker, intern, custodian, etc., and fix and review annually their salaries.
- 23.02** Review annually the salary of the pastor(s) and make adjustments from time to time within the limits of the budget approved by the congregation.
- 23.03** Receive reports regularly from the treasurer to ascertain that the expenditures are within the budget approved by the congregation. Non-budgeted expenditures in excess of \$5,000 must be approved by the congregation.
- 23.04** Prepare budget to submit to annual congregational meeting. Such prepared budget shall be presented to the congregation fourteen (14) days prior to the annual meeting.
- 23.05** Assure itself that the treasurer and others who have access to the funds of the congregation are adequately bonded.
- 23.06** Appoint annually an auditing committee which shall audit the fiscal records of the congregation and report its findings to the annual meeting.
- 23.07** Be responsible for the buildings and premises of the congregation so that their use is normally limited to the functions of the congregation. Should groups or individuals not associated with the congregation desire to use such property, application shall be made to the Church Council for its approval.
- 23.08** Elect the superintendent of the Sunday church school, upon nomination by the Committee on Education.

23.09 Elect the following committees and supervise their activities:

a. Committee on Education

There shall be a committee on education approved by the Church Council. This committee shall consist of the current Sunday School teachers. This committee shall:

1. Conduct regular meetings, not less than once a month, at such time and place as the committee may determine.
2. Develop an effective teaching ministry which includes the training of teachers and leaders, and provide opportunity for study by every member of the congregation through its teaching agencies.
3. Nominate candidates for Sunday church school superintendent to the Church Council.
4. Report monthly to the Church Council on its activities.

b. Worship and Music Committee

The Worship and Music Committee shall be appointed by the Church Council. Their duties shall include:

1. select hymns and liturgies for worship on a monthly basis in consultation with the pastor,
2. recommend additional or new liturgies to teach to the congregation,
3. assist in supporting meaningful patterns of worship for St. John.

c. Cemetery Perpetual Care Fund and Reserve Fund Investment Advisory Committee

1. The Church Council at their discretion may appoint a Cemetery Perpetual Care Fund and Reserve Fund Investment Advisory Committee. This committee shall be responsible for recommending to the Church Council the types of investments that the Reserve Funds and Cemetery Perpetual Care Funds may be invested into. A minimum of two individuals will be appointed to this committee. Members may include individuals with prior investment experience and may also include individuals who are not members of the congregation. This committee's authority is limited to an advisory capacity only and members do not have the authority to directly transfer any funds.
2. This committee shall make investment recommendations based on the following:
 - A. Up to 100% of the Fund in guaranteed income investments where the principal is not at risk;
 - B. Up to 50% of the Fund in a portfolio of individual investments where the principal is at risk;

- C. Up to 10% of the Fund in any one investment within a portfolio where the principal is at risk.

d. Such Other Committees as the Church Council Deems Necessary.

- 1. For any other committee that is formed by the council, the Church Council will approve the membership of the committee and the committee shall designate a chairperson to act as the primary contact for the Church Council.
- 23.10** Exercise discipline in accordance with the provisions of this constitution and its bylaws.
- 23.11** Convene at least once each year a meeting of all committees to meet jointly with the Church Council to review the life, work, and program of the congregation.
- 23.12** Have authority between meetings of the congregation to choose delegates to any group or meeting in which the congregation is entitled to representation.
- 23.14** Have responsibility of **Ministerial Student Fund** duties which are:
- a. Education assistance shall be limited to such who plan to enter Lutheran Congregations in Mission for Christ ministry or mission field from our congregation.
 - b. To accomplish the purpose of the Fund, the educational assistance shall apply towards tuition and books per academic year.
 - c. The amount of the assistance shall be determined by the Church Council as the balance in the fund permits. This amount shall be issued as an annual promissory note which is co-signed by an adult.
 - d. If the student who receives aid from this Fund enters the ministry or mission field for at least five years or if his education or service in the ministry or mission field is terminated by sickness or death, all educational assistance received shall become an outright gift.
 - e. If, however, the term of full time service is less than that indicated in Rule d, or if at any time before graduation the students changes his courses to prepare for an occupation other than the ministry or mission field, or terminates his studies altogether, all receipts from this Fund immediately become a loan. Such loan plus interest at the current rate as decided by the Church Council compounded annually then becomes payable on demand by the Church Council or congregation.
 - f. The Fund shall be governed by the Church Council who elect their own treasurer for this Fund. The Church Council shall receive all applications in writing, make all grants, and if repayments are to be made, arrangements should be made with the Church Council as to repayments.
 - g. There shall be two offerings per year for this fund with the Church Council deciding how and when these offerings shall be received, provided one or more students are making use of the Fund at that time.

Duties of Officers

- 24.01** The president shall preside at meetings of the Church Council and of the congregation.
- 24.02** The vice-president shall preside at the meetings of the Church Council and of the congregation in the absence of the president.

- 24.03** The secretary shall keep the minutes of the Church Council and of the congregation and shall have custody of the archives of the congregation.
- 24.04** The treasurer shall have custody of all funds of the congregation and shall receive and disburse such funds in accordance with the decisions of the congregation or the Church Council.
- 24.05** The financial secretary shall maintain records of all contributions and make regular reports to the Church Council and to the members as required by the Council.

Part 7 - Parish Records

- 25.01** The records of the congregation shall be and remain the property of the congregation. The pastor shall be responsible for the maintenance of the records, except as otherwise provided herein. Upon the termination of a pastor's service to the congregation, the records shall have been brought up to date prior to departure. The records shall consist of:
 - a. the roster of baptized, confirmed, voting, and inactive members.
 - b. the ministerial acts performed by the pastor,
 - c. the minutes and reports of the district and the Handbook of Lutheran Congregations in Mission for Christ,
 - d. the minutes of the meetings of the congregation and the Church Council, for which the secretary of the congregation shall be responsible,
 - e. The financial records of the congregation, for which the treasurer of the congregation shall be responsible.
- 25.02** The pastor shall report to the Board of Trustees of Lutheran Congregations in Mission for Christ such statistics as may be requested and shall annually report to the congregation a summary of ministerial acts.
- 25.03** Should the congregation be dissolved, the official records of the congregation shall be deposited in the archives of Lutheran Congregations in Mission for Christ or its successor.

Part 8 – St. John Lutheran Cemetery

- 26.01** The congregation is the owner of the cemetery located in the SW ¼ of Section 23 Township six (6), North, Range nine (9), East of the 6th P.M. in Johnson County, Nebraska. The congregation shall be responsible for all maintenance.
- 26.02** There shall be a Cemetery Committee approved by the Church Council. This committee shall designate a spokesperson to act as the primary contact for the Church Council. The management of the Cemetery shall be under the direction of the Church Council through the Cemetery Committee and shall be according to the Cemetery Rules and Regulations set up by the congregation and appended to this constitution. Changes to these Cemetery Rules and Regulations may be made at any regular meeting of the congregation by a two-

thirds vote, provided that notice of such proposed change has been given in writing in two previous services.

- 26.03** The Cemetery Committee and the Church Council shall be authorized to sell lots in the name of the congregation, see that the cemetery is kept in good condition at all times and keep an account of all receipts and disbursements.
- 26.04** Lots or single graves are to be sold only to evangelical Lutheran Christians. They may in turn be sold again only to Lutherans.
- 26.05** For maintenance and repair of the cemetery, the Church Council shall maintain a Cemetery Operating Account. The Church Council shall designate a treasurer for this account. Revenues for this account may consist of authorized transfers from the congregations general fund, Perpetual Care Fund, sales of lots, or donations. Expenditures from the fund shall be approved by the Church Council. The Church Council in conjunction with the Cemetery Committee shall meet prior to the annual meeting of the congregation to create an annual budget for the cemetery operating account.
- 26.06** For future funding of cemetery repair and maintenance the Church Council shall maintain a Cemetery Perpetual Care Fund. The principal of this fund shall be used for investment purposes and shall be considered a trust fund. In the event that St. John Lutheran ceases to exist as an independent operating entity, a suitable trustee shall be selected or formed to receive the principal balance of this fund along with the assumption of all future obligations for maintenance of the cemetery. The Church Council shall designate a treasurer for this fund. Transfers from this fund shall be limited to actual earnings in excess of 2% of the fund balance as of January 1st of the transfer year unless the fund is considered fully funded as described in section 26.11. This 2% retention of earnings is intended to allow the fund principal to grow with inflation. If the fund is considered fully funded, transfers up to 3% of the balance as of January 1st of the transfer year may be made regardless of the annual earnings level of the fund. Deposits into this fund shall consist of Congregational transfers of funds, donations, and proceeds from the sale of cemetery lots.
- 26.07** Prices for the sale of lots shall be approved by the congregation each year at the church annual meeting. The Church Council and Cemetery Committee shall review prices for the sale of lots each year prior to the annual meeting and any changes of lot pricing shall immediately be incorporated into the Cemetery Rules and Regulations. The proceeds from the sale of lots shall be placed into the Perpetual Care Fund. Lots No. 92, 93, 118, and 119 are to be reserved for single graves.
- 26.08** Religious ceremonies of any sort other than those of the church with the exception of the American Legion and Veterans of Foreign Wars shall not be permitted in connection with any burial on the cemetery.

- 26.09** The Cemetery Committee shall be responsible for the care of the grave or graves as to mowing, filling in the graves after settling, and is not responsible for damage to tombstones due to malicious destruction, settling, or other causes.
- 26.10** The Cemetery Committee and the Church Council shall be responsible for maintaining accurate records of all sales and transfers of cemetery lots. Care will be exercised to maintain off site and/or duplicate copies of such records.
- 26.11** Per Article 4, Section 4.04c of the Constitution, the congregation is empowered to sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means. The proceeds from any of the above listed transactions involving real estate may not be used for any purpose unless the Cemetery Perpetual Care Fund is fully funded for basic long term care of the cemetery. The Cemetery Perpetual Care Fund shall be considered fully funded when the amount of 2% times the Perpetual Care Fund Principal equals an amount that meets or exceeds the annual amount necessary for basic care of the cemetery.

Example:

Annual amount necessary for basic care = \$2,500

Fully funded principal = \$125,000 ($\$125,000 \times 0.02 = \$2,500$)

CONTINUING RESOLUTIONS

- 2002-1** The nominations committee shall consist of the three outgoing council members from the previous year and two members from the congregation at large.

St. Johns Lutheran Church LCMC
Cemetery Rules and Regulations

1) OWNERSHIP OF CEMETERY LOTS

- a) Every grantee in such deeds shall have full legal ownership of his or her interment under and in conformity with the rules and regulations heretofore made or hereafter to be made by the church.
- b) Lots cannot be conveyed or transferred except with the consent and approval of the church council and no use, division, improvement or abandonment can be made which the council by regulations prohibits or deems improper or unsuitable.
- c) The owner of any lot may dispose of it or the use thereby by will, and if the owner dies, intestate, the lot and all the rights therein shall descend to his or her heirs in common in equal undivided shares. The heirs of such decedent shall furnish and file with council full proof of ownership of, and right shall accrue or be enforceable, and the right to use any such lots, however acquired shall be subject to the foregoing regulations and conditions.
- d) All the following criteria must be met to purchase or be buried in the St. John Lutheran Cemetery.
 - 1. Current or past member of St. John Lutheran Church or currently have a family member buried in the Cemetery. Family members will be defined as spouse, sibling, parent or grandparent.
 - 2. Baptized and confirmed in the Christian faith.
 - 3. In the event of extraordinary circumstances requests for exceptions must be approved by the St. John Church Council.
 - 4. All purchases shall be subject to approval of church council.

2) MANNER OF INTERMENT

- a) All dead human bodies interned in the earth in the cemetery shall have a cover of not less than 2 ½ feet of earth over the receptacle, in which the body is placed, the top of said thickness of earth shall not be measured to a point above the level of the surrounding level of the ground and shall be in addition to any cement covering structure. The rule shall not apply to lots in which there are now one or more so-called surface vaults.
- b) The person applying must state the following particular—name of deceased in full, name of parents, occupation, cause of death, last residence, date of interment, name of undertaker, and physician. This is a requirement of the State of Nebraska. Also, a permit must be obtained from the Secretary and State Board of Control when a body is removed.
- c) Ashes from cremation shall be placed in a suitable receptacle and buried a minimum of 2 feet below the surface of the ground and only 2 cremations per grave are allowed.
- d) No more than one deceased person per grave except in case of cremation as specified in 2 c.
- e) Any person digging or excavating within the cemetery must have prior approval from the church council.
- f) “Green” burials will be allowed if they are buried with a depth of 4 feet. They will be allowed in any purchased lot in the cemetery. Definition of green burial, = no embalming allowing the

body to be buried without a casket or box of any type. It is usually wrapped in cloth of some type. Nebraska Law stipulates that a funeral home must be involved in any type of burial since they are the only entity that can issue a death certificate.

3) Sale of Lots

- a) The lots that are available to sell will be shown by a board member and when selection is made. When the lot is selected a record of the purchase shall be recorded by the church and written transaction of the sale shall be given to the buyer that includes which lot and portion thereof. When only a portion of a lot is purchased, both the church and the buyer shall have the portion and the placement of the purchase recorded.
- b) Lots consist of 6 graves. For the purpose of recording sales of single graves. Each grave will be numbered 1-6. Grave 1 being the farthest north grave and 6 being the farthest south grave.
Examples;
Middle, North or South 2/6 of lot 136,
Full lot of 136
Grave 2 of lot 136

- c) The following is the price of lot, or portions thereof:
 - Full lot 6 grave spaces \$1,200
 - 4/6 lot 4 grave spaces \$800
 - 3/6 lot 3 grave spaces \$600
 - 2/6 lot 2 grave spaces \$400
 - 1/6 lot 1 grave space \$250
 - No lots will be sold at 5/6
- d) Only lots 92, 93, 118 & 119 shall be sold for single lots

4) Monuments and Gravestones

- a) Monuments and gravestones must be erected subject to the rules of the cemetery. Only a professional monument company is permitted to erect and install monuments and headstones. Only granite is permitted for headstones and monuments.
- b) All monuments must rest upon an appropriate foundation, such as poured concrete or precast concrete.
- c) Monuments will be in line at the head of the grave.
- d) The width of a monument shall not exceed the width of the grave site, 4 ft. for single grave, or 8 ft. for a single monument covering 2 graves.
- e) The height of the headstone shall not exceed 42 inches from the ground level.
- f) No more than one monument per grave site. Any additional names could be added to original stone or plaque could be placed on back or front of stone in the event of a later interment or cremation in the same grave space.
- g) A signed application may be required of someone requesting burial or memorial space or monument placement. This would apply particularly when the original owner or owners is deceased and no immediate relatives are available to consult. This application states why

they are entitled to this space and any special requests. The church shall keep any such document as permanent records.

- h) An information application may be required on all memorial spaces (when headstone is placed but no interment of casket of urn).
- i) The person laying out graves for interment or placement of monuments shall not be responsible for vague instructions over the telephone. If necessary written instructions can be requested.
- j) Scattering of ashes on a grave site is prohibited. Ashes must be, as minimum requirement, in a container.
- k) Surface vaults will no longer be permitted.