

**Constitution and Bylaws  
of  
Immanuel Evangelical Lutheran  
Congregation**

Gibbon, Sibley County, Minnesota

2014

# **Constitution**

**and**

# **Bylaws**

**of**

IMMANUEL EVANGELICAL LUTHERAN CONGREGATION  
GIBBON, SIBLEY COUNTY, MINNESOTA

## **PREAMBLE**

WHEREAS, the Word of God exhorts us that all things in a Christian congregation shall be done decently and in order (1 Corinthians 14:40; Colossians 2:5); and

WHEREAS, our forefathers in their day have drawn up constitutions for Christian congregations in obedience to these admonitions in Holy Scriptures; be it therefore hereby

RESOLVED that we, the members of the Evangelical Lutheran Church in this community, having duly organized a congregation, do herewith declare the following articles to be our Constitution, which we hereby acknowledge and to which we shall adhere.

## Constitution

### Article I

#### Name of the Congregation

The name of this congregation is Immanuel Evangelical Lutheran Congregation, Gibbon, Sibley County, MN.

### Article II

#### Articles of Faith

##### Section 1.

This congregation accepts and confesses all the canonical books of the Old and New Testaments as the verbally inspired Word of God and submits to this Word as the only infallible authority in all matters of faith and life (II Timothy 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
  - i. The Apostles'
  - ii. The Nicene
  - iii. The Athanasian
- B. The six Lutheran Confessions
  - i. Dr. Martin Luther's Small Catechism
  - ii. Dr. Martin Luther's Large Catechism
  - iii. The Unaltered Augsburg Confession
  - iv. The Apology of the Augsburg Confession
  - v. The Smalcald Articles
  - vi. The Formula of Concord

##### Section 3

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

##### Section 4.

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

##### Section 5.

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

### Article III Purpose and Objectives

#### Section 1.

The continuing purpose of this congregation, as a gathering of Christians, is to serve all people in God's world with the Gospel of Jesus Christ on the basis of the Holy Scriptures.

#### Section 2.

The primary objective of this congregation shall be:

To proclaim the Law and the Gospel, to lead sinners to repentance and faith in Jesus Christ for life and salvation.

To strengthen believers in faith and sanctification through the means of grace.

To equip believers as disciples, stewards, and witnesses for sharing the Gospel of Jesus.

### Article IV Synodical Affiliation

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

### Article V Church Membership

#### Section 1. Classification

- A. Baptized members of the congregation are those who have been baptized into the Christian faith in the name of the Triune God.
- B. Communicant members are those baptized souls who, after proper instruction, confess the chief parts of Christian doctrine as written in Dr. Martin Luther's Small Catechism and who have declared their adherence to all the canonical books of the Old and New Testaments, without qualification, as the only rule and norm of faith and life.
- C. Voting members are those male communicant members who have reached the age of 18 (1 Corinthians 14:34, 1 Timothy 2:12).

#### 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 physical and spiritual gifts (1 John 3:1, James 1:17). In return for all these undeserved blessings, we love Him (1 John 4:19) and show that love with the works that we do. The exercise of such love 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 Timothy 3:15-17). Consequently a member of His Church will consider it a distinct privilege and responsibility
  - i. To hear and receive the Word of God diligently.
  - ii. To provide and promote opportunities for Christian education.
  - iii. To bring up his children in the training and instruction of the Lord (Eph. 6:4).
  - iv. To share the gospel with all people (Acts 1:8).
  
- 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, members of His Church will
  - i. Have their children baptized early in life “for Baptism doth also now save us” (1 Peter 3:2).
  - ii. Frequently partake of Holy Communion (1 Corinthians 11:23-26), if they are recognized as one who can properly examine themselves (1 Cor. 11:28). Only those in confessional fellowship of faith are permitted to commune at our altar. (Close Communion – 2 Cor. 6:14-15; Romans 16:17).
  
- 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 (Matthew 25:14-30). Consequently, members of His Church will
  - i. Continually remember that all their property, time, and talents really belong to God.
  - ii. Conscientiously determine which part of their time, money and talents shall be devoted to that which the congregation has made its concern, not omitting the work of the synod (Mark 16:15; 1 Cor. 9:14; 16:2; 1 Peter 4:10).
  - iii. If eligible, become voting members and regularly attend the voters’ meetings and lend the congregation their counsel and aid.
  
- D. Our God has implanted within us Christians the New Man, who desires to live righteously (2 Cor. 5:17; Eph. 4:24). Consequently a member of His Church will
  - i. Not live in obvious acts of the sinful nature (Gal. 5:19-21), but lead a Christian life (Gal. 5:22-25).
  - ii. When they have erred, permit themselves to be admonished and corrected by their fellow Christians in the spirit of Matthew 18:15-18.
  - iii. Refuse to hold membership in any organization whose teachings and practice conflict with the Word of God (lodges, etc.) (John 5:23; 8:31-32; 2 Cor. 6:14-18).

### Section 3. Church Discipline and Excommunication

Christian discipline shall be exercised in this congregation according to Matthew 18:15-18 toward those who err from the faith or who in other ways have given offense. Those members who become evident as impenitent sinners must be excommunicated. At all times this shall be done in the spirit of the Gospel, namely, to regain the erring. In

order that the congregation may be “perfectly united in mind and thought” (1 Corinthians 1:10), a unanimous vote of the voters’ assembly is necessary for excommunication.

#### Section 4. Termination of Fellowship

Members who persist in an error that in itself does not make the presence of saving faith impossible and who otherwise are not under church discipline (cf. Article V, Section 2, D, and Section 3) may be excluded from the fellowship of this congregation

- A. after they have been evangelically admonished by their fellow Christians in the spirit of Matthew 18:15-16; and
- B. when their adherence to error becomes public and a matter of divisiveness (Titus 3:10) and thus an offense and obstacle to the truth of God’s Word (Romans 16:17).

This action shall not be used for removing inactive members or as a substitute for the loving act of excommunication when impenitence is clearly evident.

#### Section 5. Loss of Rights and Privileges

Those who have been excommunicated or excluded from the fellowship of this congregation lose all rights and privileges in the congregation and its property.

#### Section 6. Reinstatement

When, by the grace of God, a person who has been excommunicated or whose fellowship has been terminated repents of his sin, he is to be reinstated with all former rights and privileges of this congregation (2 Cor. 2:6-8).

### Article VI

#### Powers and Rights of the Congregation

##### Section 1.

In all matters of Christian faith and life, the Word of God is supreme (Psalm 119:105).

##### Section 2.

In all matters not decided by the Word of God, the congregation as represented by the voters shall have the right of decision (Rom. 12:10; 14:19; Eph. 3:21).

##### Section 3.

The church council, any other elected committee or organization within the congregation, and any of its elected or appointed officers shall have no power or authority beyond that conferred upon them by the congregation. 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 submitted for approval.

Section 4.

No group or society may be organized within the congregation without the approval of the voters' assembly. The congregation shall be assured that the aims of such a group are in complete harmony with the congregation's aims before it grants its approval (2 Cor. 6:14-15; Rom. 16:17; 1 Cor. 1:10, 12, 25).

Article VII  
The Ministry

Section 1.

The congregation has the exclusive right to call pastors and to elect other officers.

Section 2.

The office of pastor of this congregation shall be conferred only upon such men who are qualified for this ministry and publicly profess their acceptance of and adherence to Article II of this constitution, and such acceptance and adherence shall be required of them in the call extended by the congregation (1 Tim. 3:1-7; Titus 1:6-9; Col. 4:5-6).

Section 3.

The teachers called by the Prairie Lutheran School Association and that are members of this congregation shall be qualified for these ministries and publicly profess their acceptance of and adherence to Article II of this constitution (Eph. 4:11-16; Rom. 12:6-9; 1 Cor. 14:4).

Section 4.

In case of a vacancy in the position of pastor, 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.

Article VIII  
Officers of the Congregation

Section 1.

The first New Testament congregation at Jerusalem chose men "full of the Spirit and wisdom" (Acts 6:1-6) to aid the Apostles in the administration of its affairs. This congregation shall choose officers and committee members with like qualifications (1 Tim. 3:8-13).

Section 2.

The listing of the officers and their duties is given in the bylaws.

Section 3. These officers shall be given the respect and esteem 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).

Article IX  
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 causes for removing a pastor are persistent adherence to false doctrine, scandalous life, willful neglect of duty, or established inability to perform the duties of his office (1 Tim. 3:1-7; Titus 1:6-9). In such a case the advice and good counsel of the appropriate district officer shall be sought.

Article X  
Meetings of the Congregation

Meetings of this congregation shall be held at such times and in such manner as stated in the bylaws. The meetings shall give the voters of the 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 XI  
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 number.

Article XII  
Repeals and Alterations

Section 1.

Articles II, III, IV, V, VI, VII, Sections 1, 2, and 3, IX, XI, and XII, Section 1, of this constitution shall be and remain unalterable and irrevocable, inasmuch as they express clear, Scriptural teachings.

Section 2.

Proposals 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 business meeting of the congregation and posted in the church during that period.

Section 3.

Such a proposal shall be discussed in the meeting in which it is presented and voted on in the next regular meeting of the congregation.

Section 4.

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

# Bylaws

## Article I Meetings of the Congregation

### Section 1.

At, or shortly following, the beginning of each quarter of the calendar year, a regular meeting of the congregation's voters shall be held.

### Section 2.

The church council shall set the exact date, time, and place of the meetings, unless otherwise specified by the congregation. Announcement of the meetings shall be given in print and/or orally on at least two different dates prior to the time of the meeting.

### Section 3.

Special meetings of the congregation may be called if the pastor and a majority of the church council deem it necessary, or upon written request of three voting members. Such meetings must be announced according to the general rules set down in Section 2 of this Article, with the purpose clearly stated.

### Section 4.

The January meeting shall be designated as the annual meeting. It shall be held on the first Monday after the tenth of January.

### Section 5.

The order of business for the regular meetings shall be as follows:

- A. Opening with devotion
- B. Reading and approval of minutes of previous regular and special meetings
- C. Reception of new members; transfer, release, or removal from membership
- D. Unfinished business
- E. Reports of officers and committees
- F. Elections
- G. Recommendations of the church council and new business
- H. Adjournment with prayer

### Section 6.

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

### Section 7.

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

## Section 8.

Only voting members present at the meeting shall have the right to vote.

## Article II

### Quorum

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

## Article III

### The Church Council

#### Section 1. Board of Trustees

In accordance with the laws of the State of Minnesota the congregation shall elect by ballot at its annual meeting, specified in the Bylaws, Article I, a board of trustees consisting of three or more members, which board of trustees shall control the corporate property according to the directions given by the congregation and the church council. The term of one third of the members expires at the end of each year, with such expired terms to be filled by election at the annual congregational meeting.

#### Section 2. Board of Elders

The board of elders shall consist of three or more members. These elders shall assist the pastor in the spiritual affairs of the congregation, especially with the admonition of delinquent members. They shall be observant of the needs of the widows, the helpless, and the poor. They shall also represent them in the voters' assembly. They shall be responsible for good order in the service. To that end they may appoint a head usher as their aid. The term of one third of the members expires at the end of each year, with such expired terms to be filled by election at the annual congregational meeting.

#### Section 3. Board of Education

The congregation shall elect a board of education of two or more members. The board of education shall supervise all Christian education and instruction. It shall assist the pastor and instructors in all things pertaining to the maintenance and improvement of the congregation's educational system. It shall be concerned that all children of proper age be promptly and regularly brought to religious instruction, and shall see that good order and sound training is observed in them, and help overcome difficulties that may arise. To this end it may visit the instruction classes. It shall formulate all policies to be followed in the educational phases of the congregation's work, such as Sunday school, Christian day school, vacation Bible school, instruction classes, and the like, and present them, by way of the church council, to the congregation. It shall oversee the preparation of budgets, if needed, for its department, appointments, courses of study, and such other things as it may deem necessary for the successful operation of this function of church work. When the term of office of one of the board of education members expires, such expired term will be filled by election at the annual congregational meeting.

#### Section 4. Chairman

The congregation shall elect a chairman who shall preside at all business meetings of the congregation and the church council, and shall perform such other duties as may be assigned to him. He shall have general supervision of the affairs of the corporation subject to the regulations of the board of trustees, sign all deeds, mortgages, notes, leases and/or all legal documents directed to be executed by the corporation, and conduct all its business affairs according to established good order. In the absence of the chairman, the council shall elect a temporary chairman. The chairman is an ex officio member of all boards and committees.

#### Section 5. Secretary

The congregation shall elect a secretary who shall record accurately the proceedings of all meetings of the congregations and the church council. He shall be responsible for the legal records of the congregation. He shall have the authority to countersign all deeds, mortgages, notes, leases and/or legal documents executed by the corporation and assist in the orderly conduct of its business affairs according to established good order. He shall also perform such other duties as may be assigned to him by the congregation.

#### Section 6. Treasurer

The congregation shall elect a treasurer, who shall receive from the financial secretary a report of all monies and credit the same to the proper accounts. He shall make disbursements according to instructions from the church council. He shall make a monthly report to the church council and at least an annual report at the close of the business year to the congregation. He shall submit his records to the congregation annually for audit, or at any other time the congregation so desires. In the absence of the secretary, he shall have the authority to countersign legal documents. In the event the treasurer is unable to carry out his duties, the chairman or secretary shall have the authority to carry out the same.

#### Section 7. Personnel of Council

The board of trustees, the board of elders, and the board of education, together with the chairman, the secretary and the treasurer shall constitute the church council. The pastor and male called workers shall be ex officio members of the church council.

#### Section 8. Term of Office

The term of office of each council member shall be three years. It shall be the policy of the congregation that a council member serves no more than two consecutive terms and that he again is eligible for election to the council one year after the expiration of his term of office. The term of office shall be held to expire when its successor is elected and installed.

#### Section 9. Vacancies

Vacancies occurring in the council shall be filled by election at the voter's meeting next following the announcement of the vacancy.

#### Section 10. Number of Members

The number of members on the church council and the respective boards may be increased by resolution of the congregation. Temporary or permanent offices and committees, in addition to those mentioned in these bylaws, may be established or dismissed by the congregation as existing needs may warrant.

#### Section 11. Responsibilities

The members of the church council shall adorn their high office with an honest way of life and be good examples to the congregation (1 Timothy 3: 8-12). They shall aid the pastor in the spiritual affairs of the church. They shall be accountable for good order in the services. They shall care in love particularly for the poor, the sick, the widows, and the orphans (Galatians 6: 9-10). The members of the church council shall consult together concerning the total spiritual and physical well-being of the congregation, giving due attention also to the work of the Lord in the church at large. They shall implement resolutions of the congregation and carry out such assignments as are directed to them by the congregation. The church council shall also be empowered to borrow money, pledge the assets of the congregation, and sell, lease or otherwise dispose of the real and personal property of the congregation, all at the discretion of the voters' assembly.

#### Section 12. Installation

As soon as possible after the election of new members, the church council shall be installed into office in a regular church service and shall thus be presented to the congregation.

#### Section 13. Dismissal

If any member of the church council 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 elect another to take his place.

#### Section 14. Meetings

The church council shall meet regularly, normally once each month. Special meetings may be called by the pastor or the chairman. The church council shall never convene to transact business without the knowledge of the pastor.

#### Section 15. Right to Hold Office

Only such voting members who have attained their twenty-fifth year and have been voting members of the congregation for at least one year shall have the right to hold office.

Article IV  
Finance Board

Section 1. Financial Secretary – Election

The congregation shall elect a financial secretary who shall serve for a term of three years. He may serve no more than two consecutive terms and shall be eligible for re-election to this office one year after the expiration of his term of office. The financial secretary shall not be a member of the church council during his term of office.

Section 2. Duties of the Financial Secretary

The financial secretary shall receive and deposit all contributions for the congregation, shall keep an accurate account of the same and deliver a report of them to the treasurer, indicating the proper account to be credited. He shall make a report to the regular meetings of the congregation and submit his books annually for audit or at any time the congregation so desires. He shall also prepare reports of contributions for the membership of the congregation as directed by the congregation.

Section 3. The Finance Board

The financial secretary shall perform the duties of his office through a finance board. The finance board shall consist of all members of the church council and twelve responsible men from the congregation. The twelve non-council members of the finance board must be of voting age. They shall be appointed by the church council to serve a term of three calendar years.

Article V  
Cemetery Board

Section 1.

The official management of the Immanuel Lutheran Cemetery shall be vested in a cemetery board composed of five members. The election of this board shall be carried out by the congregation in accordance with the bylaws of the Immanuel Lutheran Church Cemetery.

Section 2.

The cemetery board shall carry out the regulations governing the cemetery as hereafter set forth in the bylaws.

Article VI  
Election of Members to the Church Council

Section 1.

The church council shall present to the October meeting of the congregation for ratification a committee of three voting members to serve as a nominating committee.

Section 2.

The nominating committee shall select from the voting membership a slate of candidates for each vacant office and shall publish the same prior to the annual meeting.

Section 3.

The congregation at its annual meeting, shall hear the recommendations of the nominating committee, add to the list, if it so desires, and proceed to election by ballot. A majority of votes cast shall be necessary for election.

Article VII  
Reception into Membership

Section 1.

Persons who wish to be received into membership in this congregation other than through the Sacrament of Holy Baptism or the Rite of Confirmation, shall bring their request to the attention of the pastor. The council shall honor the request when accompanied by a letter of transfer, a recommendation from a sister congregation, or a profession of faith, provided that qualifications for membership, as specified in Article V of this constitution, have been met. Notice of such reception shall be reported to the congregation.

Section 2.

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

Article VIII  
Transfer or Release from Membership

Section 1.

Those desiring a transfer or release from membership shall bring their request to the attention of the pastor or the church council for action to be ratified at the next meeting of the voter's assembly.

Section 2.

Transfer of membership shall apply only to those who desire membership in a congregation which is in confessional fellowship with this one. Release from membership shall be granted when affiliation is sought with those denominations not in confessional fellowship with this congregation.

Section 3.

Members with whom the congregation has been unable to communicate, despite diligent efforts to do so, may be removed from the membership list.

Section 4.

Members released or transferred relinquish all rights in this congregation.

Article IX  
Repeals and Amendments of the Bylaws

Any and all bylaws may be repealed or amended by a majority of the voting members present at any quarterly or annual 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.

# Cemetery Rules and Regulations

## Chapter 1

### Official Management and Use of Funds

#### Section 1.

The official management of the Immanuel Lutheran Church Cemetery shall be vested in a Cemetery Board composed of five members, said members to be elected by the Immanuel Evangelical Lutheran Church, Gibbon, Sibley County, Minnesota, from its membership, at the annual voter's meeting. At the annual meeting of said Immanuel Evangelical Lutheran Church held on January 12, 1976, one member of said Cemetery Board shall be elected for a one year term, two members shall be elected for a term of two years, and two members shall be elected for a term of three years. At the expiration of such terms, Cemetery Board members shall be elected for three year terms. In case of a vacancy in the membership of the board during the year, the remaining board members shall appoint a new member to fill such vacancy until the next annual meeting of said Immanuel Evangelical Lutheran Church. No member of the Board of Directors shall serve as a member of this board for more than two (2) consecutive terms. After the expiration of at least one year, he shall again be eligible for election.

#### Section 2.

After the election of the first board and after each succeeding election, the members of the cemetery board shall meet within thirty (30) days to organize and elect a chairman, a secretary, and a treasurer from its own membership, and such committees as the board may deem necessary from time to time.

#### Section 3.

Meetings of the board may be called either by the chairman or the secretary and any three members of the board shall constitute a quorum. This board shall meet quarterly or as needed.

#### Section 4.

The cemetery board shall have the power, by and with the consent of the trustees of said Immanuel Evangelical Lutheran Church, to employ a sexton. Other necessary assistants may be employed without the consent of the trustees. The cemetery board shall also have the authority to lay out burial plots when necessary, to make cemetery improvements, to purchase supplies, and to carry on the general maintenance of the cemetery. With the approval of the congregation the cemetery board shall set or change the price of burial privilege for former member Lutherans, their spouse, or children. The board shall have the right to waive this privilege if the decedent was no longer of the Lutheran faith.

#### Section 5.

The chairman shall be the presiding official and shall perform such duties as are incumbent on his office.

Section 6.

The secretary shall provide suitable books and blanks and shall keep therein accurate records of all meetings of the board, and keep a correct record of all interments made in the Immanuel Lutheran Cemetery.

Section 7.

The treasurer shall receive money for burial privilege, costs, income from the trust officer of the Cemetery Endowment Fund, charges made for digging graves, repair of monument foundations, bequests or memorials, and receipts from all other sources. Such funds shall be for the sole use of the cemetery for its care and improvement. He shall on the first day of April, July and October, and on the last of day of December pay to the trust officer all funds collected from payments or for gifts for the benefit of the Cemetery Endowment Fund. (For duties of the trust officer, see Chapter IV). The treasurer shall also pay all authorized bills. At the end of the year he shall render a complete report of receipts and disbursements to the annual meeting of the Immanuel Evangelical Lutheran Church. Such report shall have been duly audited by the cemetery board before submission to said annual meeting.

Section 8.

The cemetery board is authorized to fix the necessary salaries and wages of the sexton and other employees of this board.

## Chapter II Burial Rights

Section 1.

Members and spouses of members of Immanuel Evangelical Lutheran Church shall have the privilege of burial in this cemetery. Members are encouraged to remember the Cemetery Endowment Fund in their wills, in making memorials and gifts.

Section 2.

Former member Lutherans who desire to be buried in this cemetery shall be granted the privilege of burial for a fee of \$800.00 for a single grave site and \$1600 for a double grave site. This fee shall be waived for former members for whom half of a double grave site has been reserved.

Section 3.

Next of kin of those who have been buried on this cemetery may make memorials or gifts to the Cemetery Endowment Fund.

Section 4.

Refunds of former member payments can be made when circumstances warrant it. Expenses, such as moving monuments and other costs, may be deducted from the refunds. Only the principal can be refunded.

Section 5.

No burial or interment of a deceased person shall be made until there shall have been delivered to a cemetery board member a proper burial permit, to be filed with the secretary.

Section 6.

Only Lutheran ministers in doctrinal fellowship with this congregation shall be allowed to officiate on this cemetery for members of this congregation. No society or organization conflicting with the Word of God shall be permitted to practice any of its ceremonies on this cemetery. The spouse or immediate family of a member of Immanuel Lutheran Evangelical Church Gibbon, MN may have his or her minister conduct the burial ceremony in this cemetery. The pastor and/or the church council have the final right of refusal in such matters.

Section 7.

Upon issuance of any burial permit the treasurer shall ascertain the name, sex, time and place of birth, age, date of death, date of burial, cause of death, number and location of the burial place for the grave to be opened, and shall transmit such information to the secretary, who shall record the name in a special burial register provided for that purpose.

### Chapter III General Care of the Cemetery

To assure a general good effect in the cemetery, it is essential that every grave shall be well cared for, as a single neglected grave mars the beauty of the whole section. It is the duty of every individual to preserve from neglect the resting place of his or her deceased.

Section 1.

The general care of the entire grounds is assumed by the cemetery board, which includes the laying out and maintenance of all roads and alleys, grading of burial plots, sowing and seeding of lawns, planting of trees, shrubbery, and flower pots. No one shall be allowed to plant shrubbery or perennial flowers without permit from the cemetery board.

Section 2.

No shrubs, trees, fences, curbs, or structures (except monuments and markers) shall be allowed on graves, and should any be found to exist, the cemetery board shall have the right to remove them at the expense of the next of kin.

Section 3.

The cemetery board has the right to remove temporary decorations such as flags, withered cut flowers, and similar objects which have been placed on graves ten days thereafter in order to preserve the neat and attractive appearance of the cemetery as a unit.

Section 4.

No burials shall be made unless the coffin is placed in a suitable vault of concrete or of some other durable material and construction approved by the cemetery board. The above requirements are made to keep the graves from settling.

Section 5.

Monument foundations shall be no less than the size of the base stone plus a wash of five to six inches all around it. Monument foundations shall be no less than two feet deep. Markers may be set on a base ten inches deep with the same margin of wash as for a monument foundation. The top of the cement work shall be boxed with a strip and edges molded. The work must be flush with the ground at all points.

Section 6.

No monument, marker, nor any part thereof, shall be constructed from limestone, sandstone, marble, or any artificial material.

Section 7.

Each grave is to be marked with a suitable monument or marker.

Section 8.

Only one monument shall be allowed upon a grave. Monuments may be placed in the space reserved for the monument by the cemetery board. A marker may be placed at the head of each grave. The cemetery board retains the right to limit the size of monuments and markers on all graves (48 inches or less for double graves, 24 inches or less for single graves, and not to exceed 45 inches from the ground to the top of the monument or marker) so they do not become an obstacle to maintenance of the cemetery. The cemetery board retains the right to repair, rebuild, or lay flat the monument or marker. Holders for flags, vases, and flower pots shall be incorporated into the wash around the monument or marker. No monument work of any kind may be erected on any grave until written permission has been granted by an authorized member of the cemetery board.

Section 9.

No person shall be allowed to either dig a grave or make a disinterment except an employee of the cemetery board. The price charged for the digging of a grave, removal, or disinterment may be secured from the secretary. Remuneration for all such services must be paid for in advance, or arrangements made in advance for payment.

Section 10.

The cemetery board shall have authority to prescribe the dimensions of all graves. All graves shall be dug to a depth to all 18 inches of ground over the vault.

Section 11.

It shall be the duty of the cemetery board to see that all rules and regulations are complied with, and to protect and promote the best interests of the cemetery. To that end the cemetery board is authorized to make such additional rules and regulations as may arise to meet emergencies which are not covered by these bylaws.

#### Chapter IV The Cemetery Endowment Fund

At a meeting of the Immanuel Evangelical Lutheran Church, (a religious corporation), held January 12, 1976, the following resolution was offered and was upon motion duly made and carried, adopted:

- (a) “Resolved that an Endowment Fund be established for the cemetery, and that the income from the investment of such fund be used for the care of the cemetery owned by this church.”
- (b) “Resolved that the objective of these investments shall also be to further the work of the church by investing in Wisconsin Evangelical Lutheran Synod funds or debentures as far as practicable.”
- (c) “Resolved that the administration of said Endowment Fund be vested in an officer to be known as the Trust Officer of the Cemetery Endowment Fund of the Immanuel Evangelical Lutheran Church of Gibbon, Minnesota, 55335, such Trust Officer to be governed by and to comply with such bylaws, rules, and regulations as may be determined by the congregation.”

##### Section 1.

The purpose of the Cemetery Endowment Fund shall be to provide, as far as possible, income for the care of the cemetery owned by the Immanuel Evangelical Lutheran Church of Gibbon, Minnesota. Only the income from said Endowment Fund shall be available for such use, and the principal amount of said Endowment Fund shall always remain intact. The income from said Endowment Fund shall be used first to pay the administrative expense of the fund, and the remainder of the income shall be paid to the cemetery treasurer for the sole use of the cemetery. This Section One (1) of Chapter Four (IV) shall forever remain inviolate and is not subject to amendment or repeal.

##### Section 2.

A trust officer of the Cemetery Endowment Fund shall be appointed by the cemetery board and ratified by the voting members of the congregation at the annual meeting of the Immanuel Evangelical Lutheran Church on January 12, 1976, for a term of three years, and each succeeding trust officer shall be chosen for a like term. Such trust officer shall be charged with the proper administration and care of the Cemetery Endowment Fund. He shall hold office until his successor is chosen and qualified.

##### Section 3.

The trust officer shall give due account of the Endowment Fund at each annual meeting of the Immanuel Evangelical Lutheran Church, or oftener if required. He shall receive and account for all payments into the Endowment Fund and shall give proper

receipts for all payments so made. His annual statements shall be audited by the cemetery board.

#### Section 4.

The trust officer shall keep the assets of the Endowment Fund, as far as practicable, invested in the following securities:

- (a) The Church Extension Fund of the Wisconsin Evangelical Lutheran Synod
- (b) Certificates of deposit and savings accounts in local banks
- (c) Bonds and securities of the United States government

Before any funds shall be so invested or reinvested, the trust officer shall submit a proposal of such contemplated investment to the Board of Trustees of the Immanuel Evangelical Lutheran Church of Gibbon, Minnesota, and said board must first approve such bond or security before such investment is made.

#### Section 5.

Bonds and securities of the Cemetery Endowment Fund shall be registered in the name of: "Immanuel Lutheran Church of Gibbon, Minnesota, Cemetery Endowment Fund." Purchase of such securities shall be executed by the chairman and the secretary of the Board of Trustees of the Immanuel Evangelical Lutheran Church, Gibbon, Minnesota, upon such authority given by the board of trustees.

#### Section 6.

These bylaws repeal all bylaws, rules, and regulations heretofore made and affecting the cemetery of Immanuel Evangelical Lutheran Church of Gibbon, Minnesota.

#### Section 7.

These bylaws may be amended at any regular or special meeting of the Immanuel Evangelical Lutheran Church of Gibbon, Minnesota, with the exception of Section One (1) of Chapter Four (IV) hereof, which section shall forever remain inviolate and is not subject to amendment or repeal.