



JEFF FARMER
PRESIDENT

April 2008

Dear Open Bible Pastor and Church Leader,

In June 2007 ministers and church delegates revised and updated the Association bylaws. As a result all affiliated Open Bible Churches must revise their church bylaws, or adopt new ones, creating conformity with the Association. A deadline was set for churches to complete the process by December 31, 2010, although, to avoid a last minute log jam, regions have agreed to earlier alternating dates.

A set of bylaws is like insurance: You hate to spend time and money getting it because you rarely use it. But when you need it, you thank God you have it! Updated local church bylaws are critically important in this litigious society. And in addition, church health is in part a reflection of its purpose and mission – something required in Article One of the bylaws document.

I earnestly entreat you to use this bylaw revision process as a spiritual journey for your church and leadership team ... as an opportunity to revisit your mission. Determine under God how you will govern, lead, resolve conflict, change, and carry out the ministries and activities of your church. Crystallize your mission; measure results; embrace accountability.

To ease your time commitment and accommodate different philosophies of church governance, the national board has created five separate bylaw models for your consideration. You may adopt one as is, or adapt the best parts of two or more. You may write your own, or revise your current bylaws. But in all cases, your new bylaws must be pre-approved by the Secretary of the Association, or her delegate, prior to you submitting them to the governing body of your church. (It would not be prudent to create ownership at the local church level first, only to find later that revisions are necessary.)

I know you will have a host of questions, as have all of us. The most frequently asked questions and their answers are available in this packet.

I want you to know I am praying for you and for your church during this time of change. Engage the process in an open, transparent climate of trust and mutual respect. God is with you. He will turn fear into faith, and release you into a new day of unity and fruitfulness.

Your Servant,

Jeff Farmer, President

Ministers and Church Directories are coming by mid-year 2008. Current info available at www.openbible.org. Your minister's ID number is your password.

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Recommendations from a Pastor

How to Lead Your Church to Adopt New Bylaws

Bruce Pfadenhauer

- ◆ Keep a positive attitude. A pastor's attitude influences the leadership and congregation served.
- ◆ Communicate clearly to church leaders and the congregation regarding the bylaws project and process so they have advanced notice of what is coming.
- ◆ Pastor and board review and research contents in this packet for better understanding and action.
- ◆ Pastor and board either select from bylaw models A-E, adopt as is, adapt it, or write your own proposed bylaws, heeding the minimum requirements for church bylaws.
- ◆ Pastor and board submit proposed bylaws to the regional executive director who will review it and send it to the secretary of the Association.
- ◆ The secretary will review and respond to the church with any necessary changes.
- ◆ Pastor and board make the necessary changes and provide for the adoption of the bylaws, complying with the amendment requirements of the church's current bylaws.
- ◆ Sign the adopted bylaws and send them to the regional and national offices for official filing.

This is an exciting opportunity for our churches to achieve excellence in governance. Our Open Bible leadership team has provided the resources and servants to help our pastors and churches reach the goal. Together we can do it!

Special notes: There is a deadline for bylaws to be approved. Since 300 churches are involved, please begin this process early in accordance with the timetable. If special concerns arise, you are encouraged to consult with your regional executive director or representative.

Respectfully submitted,

Bruce

Bruce is pastor of Journey Church, in Loves Park, Illinois, a member of the national board of directors, and served on Open Bible's strategic planning task force.



Part 1

**BYLAWS
PREPARATION**

A Biblical Principle of Balance in Governance

Spirit-Empowered Partnership

Open Bible is an international family of Spirit-empowered churches. Its purpose, to glorify God and bring people to Jesus Christ, is achieved through local, regional, national, ethnic/language groups, and international ministries, using all methods and means to carry out its mission to make and release disciples, plant churches, and send missionaries. Open Bible exists to serve churches and pastors and to equip and empower them to fulfill their calling and purpose in the communities in which God has placed them. Relationships are a unique part of the character of Open Bible as affirmed by the distinctive, “A balance of affiliation and freedom, offering accountability without undue control.” Open Bible is committed to partnering with the contemporary work of the Holy Spirit. This partnership includes assisting pastors and churches to maintain their identity and integrity in pastoral leadership while providing balance in authority that guards the future ministry of the church.

Biblical Church Government

Church history records many different forms of government from the Bishop of Rome to independent, snake handling groups and everything in between. However, Isaiah 33:22 (NIV) offers a scriptural pattern for the functions of government:

For the LORD is our judge [*judicial*],
 the LORD is our lawgiver [*legislative*],
 the LORD is our king [*executive*];
 it is he who will save us.

Only the Lord can be judge, lawgiver, and king. When those powers reside in one person or a small number of people an unhealthy imbalance of authority occurs. If a church is under the undue control of the congregation, leadership cannot lead. A congregation’s role is not to lead, but to respond to leadership. Undue control by a congregation leads to dysfunction. If a church is under the undue control of a board, it is an oligarchy, where a few people control the pastor and all church decisions. Undue control by a board stifles the pastor’s ability to lead. If a church is under the undue control of a pastor, the pastor lacks accountability, which history demonstrates can lead to abuse of power. Undue control by a pastor can subtly dissolve the pastor’s call to serve; the church then serves the pastor. As Lord Acton stated, “Power tends to corrupt; absolute power corrupts absolutely.”

Only God is infallible. We, His servants, are vessels with feet of clay who need accountability to each other. In church governments with a balanced separation of powers modeled after Isaiah 33:22 where leaders are empowered to lead with accountability, the biblical functions or branches of leadership are often distributed as follows:

<i>Jesus Christ is King, Lawgiver, and Judge¹</i> <small>Isaiah 33:22</small>		
<u>His Executive Branch</u> PASTOR	<u>His Legislative Branch</u> GOVERNING BOARD	<u>His Judicial Branch</u> CONGREGATIONAL MEMBERS
Initiating leadership	Advice and consent	Final call
Weekly management	Monthly oversight	Meetings as necessary
Daily decisions	Parameters and policies	Major moves

The judicial function of church government is not to legislatively develop direction or carry out the executive leadership functions. Leadership must lead! The judicial branch upholds direction and makes the final call about major or difficult decisions or appeals of decisions.

It is not healthy, however, for the judicial function to be assumed by the executive (pastor) and legislative (governing board) leaders, because that eliminates a level of protective oversight and perspective. When churches vest primary authority in the pastor and governing board without a voting, congregational membership, what body fulfills a judicial function? Open Bible will serve to enable churches desiring other than traditional, congregational-membership-elected forms of governance by providing judicial balance. The model bylaws are constructed so the less independent, judicial oversight provided by a congregation, the more Open Bible will provide that service of protective covering for church leaders.

The Searching Eyes of the IRS

The IRS is focusing intensified attention on the governance of nonprofits. With all the infamous cases of leadership abuse in some well-known, national ministries, it is no wonder the IRS is turning its eye to nonprofits, *which includes churches*. Do you remember the primary reason the PTL empire legally collapsed? Although the media focused on personal issues, PTL crumbled because a court found PTL's governance was a sham, with a governing board that was but a hand-picked group of "Yes" people with no real authority to question, challenge, or actually make decisions. This violated legal requirements for governance of nonprofit organizations. The court meted out imprisonment because of excessive compensation drawn from the nonprofit, PTL organization, compensation paid because nobody exercised authority to control or stop it. This lack of credible oversight caused a ministry built from millions in contributions from people over the years, to be forced into receivership and scavenged by court-approved, lowest bidders. Sadly no board with authority existed to protect PTL from itself. What was built over the years in Charlotte, North Carolina died and provided evidence for groups and individuals that rail against Christianity, ministries, and churches as money-grubbing profiteers.

The PTL saga offers a powerful lesson for churches that we dare not ignore. *The principle of balance in governing authority required of but ignored by PTL must be safeguarded in our churches*. Everyone needs accountability! It is unspiritual and unscriptural not to be in submission to others. Accountability protects pastors, governing boards, other church leaders, and ministries. Qualified bylaws provide such a protection.

Open Bible's Commitment to Balance

Balance must not only be applied to how Open Bible Churches as an Association is governed but also to the governance of affiliated churches. The end result of this process will be churches led by balanced forms of governance that allow pastors and church leaders to lead while still providing accountability.. Open Bible's church bylaw models, while allowing for diversity in governance, are guided by the spirit of 1 Corinthians 16:16, "...submit to such as these and to everyone who joins in the work, and labors at it," and by Open Bible's position statement, "A balance of affiliation and freedom, providing accountability without undue control."

¹ Illustration adapted from **E³: Effective, Empowering Elders**. © 2006. Rick Thompson.

What You Need to Know About the IRS and Church Governance

Charitable organizations received a windfall in donations because of 911. Unfortunately many of those organizations were not able to handle all the donations received, mishandled them for personal benefit, or utilized them for purposes other than benefiting 911 victims. Abuse of privileges provided by law has stimulated a relentless desire in the Congress and IRS for much stronger enforcement of the laws. The way both entities look at nonprofit organizations has changed dramatically from simple maintenance to watchdog mode. Charities, including churches, are funded by contributions from people and private corporations. Congress and the IRS want to make sure those contributions are being spent for their intended purpose. They have now cast themselves as public protectors causing scrutiny in all areas to increase.

At a February 2008 not-for-profit legal and tax seminar in Washington D.C., the director of the exempt division of the Internal Revenue Service, Richard Shultz, articulated the IRS's new perspective and its major areas of concern.

1. What is the IRS' top area of concern for nonprofit organizations?

Answer: Organizational governance. In Richard Shultz's words, "This is the number one issue for nonprofit organizations."

2. What does that mean to our church?

Answer: The IRS will be looking into the following:

1. Governance documents (Bylaws, articles of incorporation and minutes)
2. Mission statements – more specifically whether mission as indicated by governance documents is being funded by donations.
3. Independent boards – Does the church's board have the requisite freedom, authority, and responsibility to oversee the affairs of church governance, finance, and operations. The board, while working in support of and accountability to the pastor, cannot be controlled by the pastor. It must have full authority to act.
4. Employee payments, particularly accountable reimbursement plans (see Open Bible's model, accountable reimbursement plan) and loans to officers, directors, insiders, and major donors.

3. How can the IRS question the governance of our church?

Answer: The IRS has determined proper standards for tax reporting, accounting systems, and pursuit of nonprofit mission are all tied to and begin with proper, church governance. Nonprofit corporations operate on monies donated by private citizens and corporations. Contributors have a right to know the organization or church to which they donate is operated according to proper standards so they can have the assurance contributions are spent on the mission of the organization or church. *Ironically this IRS position promotes the missional integrity of the church.* The IRS feels it not only has a right, but also an obligation to monitor governance of nonprofit organizations, including churches, to insure the money is properly receipted, properly accounted for, and properly spent.

4. Has the IRS ever become involved at this level before?

Answer: This is a complete shift from anything the IRS has ever said or done relating to nonprofit organizations. It has backed up fervor in these areas by creating 990 forms heavily laden with governance questions. Although churches do not yet have to file 990 forms, the questions asked on these forms would be the questions any IRS agent would ask if a church were to be audited.

5. What does all this mean to our church?

Answer: It means two things. First a new vigilance must be pursued regarding the church's governance documents, including articles of incorporation, bylaws, and minutes. Second the church must resolve to operate in accordance with those documents.

6. How can I help our church comply with IRS standards?

Answer: The new bylaw models developed by Open Bible Churches will help the church by establishing proper standards of governance in the areas most important to the IRS. If a church adopts or adapts a new model and complies with the standards established in that model, it will be well on its way to complying with IRS, governance mandates.

7. What if our church doesn't want to be involved in obtaining new bylaws?

Answer: While the IRS cannot stop your church from operating, it does control whether your church has to pay taxes on its income, can accept charitable contributions, and whether your donors can receive a tax benefit from their contributions. Those benefits are gained from your church's status as a 501(c)(3) corporation. The IRS does have the power to remove a church from 501(c)(3) status with all its benefits. This will mean all the church's income will become taxable and charitable contributions cannot be accepted. No church member will receive any tax benefits from contributing to the church. Officers and directors could be in danger of being found liable of abdicating their fiduciary duty to the church's members or partners.

8. Who can help me explain the importance of new bylaws to our church?

Answer: Your regional executive director will walk with you through the process of governance and bylaws change, if requested. Documents have been prepared with an eye to helping pastors enable their officers, directors, members, and partners to see the importance of properly prepared and followed bylaws.

Church Bylaws Process and Timetable

All affiliated Open Bible churches are to have approved bylaws on file at the national office by December 31, 2010.

Process

1. Select from bylaw Models A-E, deciding to adopt a model as is, adapt it, or write your own bylaws, heeding the minimum requirements for church bylaws.
2. Submit your proposed bylaws to your regional executive director prior to taking them to the membership for action. The regional executive director will forward your bylaws to the secretary-treasurer for pre-approval.
3. Upon approval by the secretary-treasurer, take the bylaws to your proper approving body. (The proper approving body for your church is determined by your church's current bylaws.)
4. Upon acceptance by your proper approving body, send a signed and dated copy of your new bylaws to your regional executive director and the secretary-treasurer for official filing at the regional and national offices.
5. Follow this same process for any future amendments to your bylaws.

Timetable

In order to pace the incoming flow of church-bylaw submissions, please adhere to the following timetable:

If you are an English-speaking church in Eastern, Mountain Plains, or Pacific regions:

1. If adopting or adapting bylaw models A or B, submit bylaws for pre-approval by *September 30, 2008*.
2. If adopting or adapting bylaw models C, D, or E, submit bylaws for pre-approval by *January 31, 2009*.
3. If writing your own bylaws, heed the minimum requirements for church bylaws and submit bylaws for pre-approval by *May 30, 2009*.

If you are a Hispanic church in any region or an English-speaking church in Central or Southeast regions:

Submit bylaws (adopt, adapt, or write) for pre-approval by *December 31, 2009*.

If you are a non-English, non-Spanish language church in any region:

Submit bylaws (adopt, adapt, or write) for pre-approval by *December 31, 2009*. Contact Donald Bryan, director of Mission USA, Open Bible Churches, for counsel (541.689.2211).

Recommendation

Most currently affiliated churches have governance structures very similar to Model A or Model B bylaws. For some churches, it will work well to merely insert your church name in the appropriate places in one of these two models.

If you desire to change your church's governance structure, it is highly advisable you start with a model and make the desired adaptations, rather than writing your own bylaws. It will be much easier to work from a model than to write your own, because most of the work is already done for you and you will not be as likely to miss some of the required components.

If you are contemplating moving your church governance to Model C, D, or E, it is recommended you counsel with your regional executive director before attempting to launch that transition.

You will speed the pre-approval process if you e-mail your proposed bylaws to your regional executive director as a Word attachment. If you choose this option, please color-code any proposed adaptations from the selected model, as that will speed the approval process.

Contact

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Part 2

**BYLAWS
ACTION**

Church Governance Overview



	MODEL A	MODEL B	MODEL C	MODEL D	MODEL E
	Pastor-Congregation-Board Governance	Pastor-Board-Congregation Governance	Pastor-Board-Region Governance	Apostolic Council-Pastor-Board Governance	Region-Pastor-Elder Council Governance
Pastoral Selection	Electoral call by congregational membership, by 2/3 vote for an initial, one-year term of service.	Electoral call by congregational membership, by 2/3 vote for an initial, one-year term of service.	Appointed by governing board with approval by the regional board.	Recommended by governing board to a term of service with appointment and installation by the apostolic council.	Appointed by regional board.
Pastoral Continuation	Re-elected by congregational membership, by 2/3 vote for a term of 3-5 years	Electoral reconfirmation by membership, thereafter reviewed biennially (tools provided by the region) by governing board for continued service.	Reviewed (tools provided by the region) and continued in service by the governing board.	Reviewed (tools provided by the region) and continued in service by the governing board.	Reviewed biennially and continued in service by the regional board.
Pastoral Accountability	Membership, governing board, and RED.	Governing board, membership, and RED.	Governing board, regional board, and RED.	Governing board, apostolic council, and RED.	Regional board, elder council, and RED.
Governing Board Selection	Nominated by the pastor & board, elected (majority) by the congregational membership for a term of 1-3 years.	Nominated by pastor, appointed by governing board with ratification by the congregational membership to terms of 1-3 years.	Appointed by pastor with ratification by the regional board to terms of 1-3 years.	Appointed by pastor and ratified by the apostolic council to terms of 1-3 years.	Regional board is the governing board of the church.
Governing Board Continuation	Re-elected by congregational membership, by majority vote for a term of 1-3 years.	Reappointed by the same process, upon pastoral review for terms of 1-3 years.	Reviewed and reappointed by the same process for terms of 1-3 years.	Reviewed and reappointed to by the same process to terms of 1-3 years.	Regional board is the governing board of the church.
Membership	Congregational membership	Congregational membership	Governing board	Governing board.	Non-voting members or partners.
Budget and Financial Authorization	Authorized by the governing board. Major matters require congregational, membership approval.	Authorized by the governing board. Major matters require congregational membership approval.	Authorized by the governing board.	Authorized by the governing board.	Authorized by the regional board.
Notes	<i>Continued terms of pastoral and governing board service are approved by congregational membership by vote.</i>	<i>Regional executive director is informed by the governing board of biennial completion of reviews and continued service of the pastor.</i>	<i>No voting, congregational membership. The regional board exclusively fills the judicial branch role.</i>	<i>No voting, congregational membership.</i>	<i>Similar to regional supervision but chosen as a form of governance.</i>

Church Bylaws Selection

Date Rcv'd. Region	Date Rcv'd. National	Date Returned to Church
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Church Name: _____

City: _____ State: _____

1. Check the church-bylaw model you have enclosed for approval:

Selected this Model: A ___ B ___ C ___ D ___ E ___

Model Adapted? Yes *Please proceed to A & B*

No *Please proceed to Questions 3-4*

or

Have written our own *Please proceed to Questions 2-4*

If you adapted a model, please identify: (A) all components modified by reference to original Articles, Sections, Paragraphs, and Subparagraphs, and (B) all components added:

A. Components modified: (Use supplemental sheet if necessary.)

B. Components added: (Use supplemental sheet if necessary.)

2. If you have written your own bylaws, what resources influenced the preparation of the enclosed, proposed bylaws?

List of minimal requirements

Existing bylaws

3. Are the Articles of Incorporation of the church in accord with the enclosed bylaws?

They are in accord

The articles need to be amended

Do you need assistance in amending the articles? Yes ___ No ___

4. If we have questions, who is our contact person?

Name: _____ Phone: _____ E-mail: _____

(Send with your proposed bylaws to your regional executive director)



Part 3

**BYLAWS
REFLECTION**

Why Pastoral and Board Reviews?

The Word exhorts us to “occupy” until our Lord returns (Luke 19:13). Occupying means more than occupying space. Scripture clearly indicates we are to be stewards of what the Lord entrusts to us in a manner that can be measured or evaluated. It must not be the objective of leaders to remove or isolate themselves from evaluation by others of that which has been entrusted to them. Instead of avoiding accountability, leaders desire evaluation to learn, grow, and increase their leadership effectiveness for the Lord. The new, model bylaws of Open Bible Churches require leaders at all levels of ministry to be evaluated. The president of Open Bible Churches is evaluated and reaffirmed for continued service through reelection. The remaining officers, national ministry leaders and regional executive directors are reviewed as conditions of their reappointment to continued service. Open Bible Churches makes provision for affiliated churches to either reaffirm pastors’ calls to continued service via reelection by the congregation or biennial reviews by the church’s governing board. Under the new bylaws, no leaders in Open Bible, including pastors, are without the protection of accountability provided either by election or a review process.

The Review Process

For churches that reelect their pastors, the church secretary or member of the governing board will send a simple, reelection-report form with ballots to the regional executive director’s office. For churches that do not reelect their pastors, a biennial, pastoral review is required. The governing board will select one from a variety of pastoral-review forms available from the regional executive directors or at www.openbible.org. The form will encourage board members to identify strengths and affirm effective ministry, not just critique. The form will also require the governing board to review the pastor’s salary package, which is often forgotten and difficult for the pastor to address. The governing board will complete and send a verification form to the regional executive director to acknowledge reviews have been completed. When the pastor’s initial selection to serve was by appointment, the governing board will also send copies of the review forms to the regional executive director.

Evaluating the Ministry¹

By Aubrey Malphurs (*adapted*)

Navigators are critiqued whether they like it or not. Every time they take their boat out, people are watching and judging their performance. They are asking, “Is this person a sailing novice? Does he have any idea what he is doing? Would I want to sail with this person?” Though unsettling at times, this critique can serve to make you a better sailor, depending on how you handle it.

The idea of having someone evaluate you as a leader and pastor or evaluate the ministry of your church can be frightening and intimidating. Who in their right mind would invite personal or ministry critique? Some would argue that we should not evaluate the church or its people because it is a spiritual, not a secular undertaking. Only God should appraise a spiritual ministry such as a church. I would argue that we must not allow fear and personal feelings of intimidation to get in the way of honest, objective feedback. That a ministry is a spiritual endeavor is more an argument for than against healthy critique.

Even if we do not invite critique, critique will take place. It takes place every Sunday on an informal level. People are very discriminating. If ministry evaluation takes place on an informal level, why not move it to a formal level so that we can benefit from it rather than be a victim of it?

Every leader should ask, “Am I evaluating my ministry effectiveness, and do we evaluate the effectiveness of the church?” If the church’s mission is to make disciples, the evaluative request of the senior pastor is, “Show me your disciples!” Personal ministry and church ministry appraisal are necessary to refine any work for God. When you avoid honest, objective assessment, you are opting for comfort over courage and ministry mediocrity over meaningful ministry.

Evaluation is not foreign to the Scriptures. While no examples exist in the New Testament of a church passing out some kind of performance appraisal, that does not mean that they did not appraise their people and ministries, nor does it mean that we do not have the freedom to do so. Luke regularly supplies us with progress reports and church updates in Acts 2:41, 47; 4:4; 5:14; 6:1, 7; 9:31, 35, 42; 11:21,24; 14:1,21; 16:5; 17:12. In 1 Timothy 3:1-13 Paul gives the qualifications for deacons and elders. That means that some kind of evaluation was made, or such qualifications would not have made sense. In 1 Corinthians 11:28 Paul preached healthy self-examination to the members of the church at Corinth. He encouraged them to examine themselves before taking the Lord's Supper. This would result in the proper proclaiming of the Lord's death (v. 26) and preclude judgment (vv. 29-32). Again, in 2 Corinthians 13:5-6 he tells the people of the church to examine and test themselves to see whether they are in the faith. To fail such a test would have been a calamity. But he seems to indicate that not to test oneself would be an even greater calamity. Then in Revelation 2-3 God evaluates six of his churches, looking for what they are doing well and not so well. Just as an unwillingness to measure one's spiritual condition makes spiritual growth nearly impossible, so failure to measure ministry effectiveness makes its growth nearly impossible.

Evaluation Encourages Ministry Appraisal

Leaders need to know the answer to the question, "How am I doing?" It is not unusual for a person to spend a year or more in ministry, thinking that all is at least okay or even good, only to discover, when he or she is abruptly dismissed, that things were not good. This is unfair to the person. He or she should have been warned. Evaluations provide opportunity to learn where improvements should be made.

Evaluation Coaxes Ministry Affirmation

In my experience as a consultant, pastor of three churches, and interim preacher in numerous churches across several different denominations, I have learned that the people who make up the average church tend not to affirm those who are serving them well, whether on a pastoral or lay level. They appreciate excellence in ministry but are slow to affirm those who achieve it. They seem more critical than complimentary. I believe that they assume the individuals who serve well are aware of their accomplishments and the impact they are having. However, this is usually not the case.

Proverbs 16:24 says, "Pleasant words are a honeycomb, sweet to the soul and healing to the bones." Who does not look forward to the day when the Savior will say, "Well done, good and faithful servant"? How can we regularly affirm pastors and church leaders who minister well? How can we make sure that it does not fall through the cracks, that it happens around here? The answer is regular evaluation. Most turn up their nose at evaluation because it frightens and even intimidates them. However, identifying problems is only one side of evaluation. The other side is affirmation.

Evaluation Elicits Ministry Improvement

As hard as it is to hear, we desperately need people in our life who will bravely and honestly tell us when something is not working. This is how we get better at what we do. If we choose to immerse ourselves in a comfortable, non-confrontive ministry cocoon, we will likely create ministry that is much less than it could be for Christ. We need people – hopefully, but not necessarily, loving people – who provide an objective, informed perspective of what we are attempting for Christ. I cannot emphasize enough the importance of good ministry appraisal. The benefits far outweigh the disadvantages.

Board Member Review

For the same reasons, it is wise for pastors to provide reviews for members of the governing board to affirm areas of strength and identify areas for growth. Board member review forms are available from the regional executive directors or at www.openbible.org.

¹ Adapted from **Advanced Strategic Planning**, by Aubrey Malphurs. Used by permission of Baker Books, a division of Baker Publishing Group, © copyright 2005. All rights to this material are reserved. Materials are not to be distributed to other web locations for retrieval, published in other media, or mirrored at other sites without written permission from Baker Publishing Group. <http://www.BakerPublishingGroup.com>.

The Top 22 QUESTIONS

Q & A

About Your Church Bylaws

1. Why do we need to change our bylaws if we are happy with them? Isn't this just unnecessary work?

Few people enjoy working with bylaws. You are called to minister, and bylaws hardly minister! However, bylaws protect your church's ministry, not just today, but after you turn over leadership to others. We have to remember bylaws are not just written for now, but also for the future. They provide a legal vehicle for transitions of leadership and governance and for protection of authority and relationships. It is timely and wise we do this.

2. If our church has just written or revised our bylaws, can we use them as they are?

No matter how recently they were written or revised, all church bylaws must comply with minimum, church-by-law requirements. It is unlikely your previously written or revised bylaws meet all the requirements. However it is also possible your recently written or revised bylaws can be brought into conformance without undo effort.

3. What if we paid an attorney to write our bylaws? Do we still need to do this?

The attorney did not have our list of minimum requirements when helping you with your bylaws. Some requirements are general in nature so the attorney may have addressed those. Other requirements are Association specific, for which the attorney had no knowledge. It is still necessary to have current, updated bylaws approved by the secretary-treasurer. As in question 2, it is possible your bylaws can be brought into conformance without undo effort.

4. Can we pick parts of several bylaw models and put them together?

Yes, you may assemble components from several models, however, the principle of balance in governing authority must be protected. You could, for example, incorporate the governing-board selection procedure from Model B into Model A. You could not, however, have the pastor appoint board members, as in Model C, without regional-board ratification.

5. Why are we required to obtain pre-approval of church bylaws from the secretary-treasurer prior to presentation to our approving body?

When you go to your approving body with proposed bylaws you want to know those bylaws meet all requirements with Open Bible, as evaluated by the secretary-treasurer. You don't want to go back to the approving body saying, "Oops, we left this out or did not state this correctly." You want to have done your homework so going to your approving body is the completion of the process and all that remains is to send a signed and dated copy to the regional and national office for filing.

6. If time is an issue, can we present bylaws to the approving body first? What about to the regional executive director?

See above. You will submit proposed bylaws through the regional executive director to the secretary-treasurer. This keeps the regional executive director in the communication loop, but regional executive directors are not authorized to approve bylaws. Approval must come from the secretary-treasurer (who is also an attorney).

7. What if we take our preapproved bylaws to the approving body and the approving body wants to make changes?

You will need to explain to members of the approving body such changes must be approved by the secretary-treasurer of the Association before they can become official. You will submit those changes to the secretary-treasurer and, if approved, you will be able to submit a signed and dated copy of the bylaws for filing with the national office. If the changes do not satisfy requirements, it will be necessary to take revisions back to the approving body.

8. Do our new bylaws need to be filed with anyone in our state?

Most states do not require filing of bylaws. Some secretaries of state accept bylaws to be placed on file. Only a few states stipulate your bylaws must be on file with the state. Contact your secretary of state or regional office to learn filing requirements.

9. What options do we have if models A-E do not fit our church's structure?

We have provided a broader range of governance possibilities in the church-by-law models, than Open Bible has ever previously endorsed. What the models may not include are specific variations with your church that would be *in addition* to what our models provide. You are not limited to the content of our models. You may add to them as long as the additions do not conflict with what is required.

10. What process or order do we follow to have our bylaws approved?

The pastor, governing board and any other key people you feel advisable, should select a bylaw model you wish to adopt or adapt or, using the minimum requirements checklist, your own bylaws should be drafted. If you have questions, you may contact the secretary-treasurer. Once you have adopted, adapted, or written new bylaws, submit those proposed bylaws to your regional executive director who will forward them to the secretary-treasurer for evaluation. Upon receiving pre-approval from the secretary-treasurer, take your bylaws to the appropriate, approving body for its approval. (Your current bylaws determine your appropriate, approving body.) When approved, send a signed and dated copy of your new bylaws to the secretary-treasurer's office for official filing and a copy to your regional office.

11. Can a pastor be elected to an indefinite term?

The Open Bible Manual states a pastor may be reelected or reappointed to as many terms as the members or governing board (depending upon the model of governance) desire, which could be for a lifetime. However no indefinite terms are permitted. Everyone at every level – from the president of Open Bible, to regional executive directors, to pastors, to members of governing boards – stands accountable for reelection or reappointment as confirmation of continued service.

12. Our elders have always been called for life. How can we now say they will serve terms and possibly not be reappointed?

All bylaw models make provision for pastoral appointment of elders who do not serve as the church's governing board to serve at the pastor's pleasure; not too much different than what you describe. However, if your elders also serve as the governing board, no provision is made for indefinite terms. Governing board members are selected and serve as stipulated in bylaws.

13. Our church is under regional supervision but we really like Model A. Can we use that one?

While under regional supervision churches are governed by Regional Supervision Bylaws. However, upon obtaining release from regional supervision, your church can pursue adoption of Model A as your bylaws.

14. Our church is currently under regional supervision? What do we do about bylaws?

While under regional supervision your church is governed by Regional Supervision Bylaws. As part of the process of being released from regional supervision, the church will be aided in preparing and obtaining approved bylaws. Consult with your regional executive director concerning the transition.

15. What if, after choosing a bylaw model now, the pastor and church board want to later change to a different model?

You will send your proposed, revised bylaws to the secretary-treasurer for pre-approval, before taking them to your membership. The key is to follow the amendment process stipulated in your bylaws. If your bylaws call for approval of amendments by a congregational membership you could not bypass that process in moving to revised or new bylaws. You always comply with current bylaws in approving new bylaws.

16. Our church has never had bylaws. We always operated under Article IV of Open Bible's former Policies and Principles. Can we just continue under Article IV?

Article IV only temporarily exists while churches are adopting new bylaws. Article IV will cease to exist on December 31, 2010. The best protection for churches today is for all to have current bylaws on file. An affiliated church must have bylaws approved by the deadline. If your church liked operating under Article IV, Model A is virtually a clone updated to include current requirements. You should look at adopting Model A if you liked Article IV.

17. If we do nothing about our church's bylaws, what will happen?

We really do not want to go there. However provision was made for such an occurrence by ministers and delegates at the 2007 Association meeting, in Spokane, Washington. If a church fails to submit approved bylaws by the deadline, regional boards are authorized to assign a model bylaw to the church. The regional board would do its best to assign a model consistent with the structural tradition of the church, but the regional board would make the determination. That is not what we want to see as an outcome; the church needs to adopt or adapt a bylaw model that best fits its needs.

18. Can we just ask the secretary-treasurer to suggest changes we need to make to our bylaws and bring those to our membership?

Sorry, but you need to be on top of bylaws and have an understanding of requirements. That will not happen by having someone else do your homework. No shortcuts here; the secretary-treasurer will be available to help with questions, but you must still do the work.

19. We are nervous about bringing up such changes in our church. We do not want upset or division. How can we avoid that?

If you believe conditions in your church make bringing up change a possible source of conflict, we recommend you counsel with your regional executive director about how to approach presentation of the changes. We do not have an option to avoid dealing with church bylaws. Change is always difficult for some people. We will work with you to assist in deciding how to communicate about and make the transition.

20. When we adopt or adapt a bylaw model, does this mean our church could never withdraw from affiliation?

An updated procedure for withdrawal from affiliation has been provided for Models A-D. If church members desire to withdraw, provision is made to do so. Bylaws have not been written to hold churches in affiliation against their will so long as the procedure for withdrawal is followed and not circumvented.

21. The pastor has never been pleased with our bylaws but “it has always been this way.” Is this a way of changing how we govern our church?

It may be the best opportunity you have ever had because no opportunity to bridge from old to new has previously been made available. You won't be able to simply impose new bylaws on your church because you have to follow your current bylaws' amendment process, but you now have other models to show as options for change. Again we encourage you to counsel with your regional executive director concerning how to best navigate the change.

22. When will translations of the church model bylaws be provided for ethnic language congregations?

Spanish translation is underway. Consult with Donald Bryan of Open Bible's Mission USA (541.689.2211), concerning other languages.