

**Mars Hill Church By-Laws
Review and Recommendations
By Pastor Paul Petry
To Pastor Jamie Munson**

September 26, 2007

Dear Jamie:

Next to the Scriptures, the by-laws are the most important document of a church. Where scripture is silent, or not specific, the by-laws provide the necessary details for the governance of the church. At your request, I have reviewed the proposed by-laws and discussed the proposed changes with Nat Taylor. I know that I will be held accountable before almighty God as an elder.

In addition to my commentary below, I have attached a complete copy of the bylaws as you drafted them, with few revisions. Please understand that as I reviewed the text of the document, it was my objective to complete this with a clear conscience, biblically faithful, remove my own interests or lack of interests, and try as best as I am able to erase the names and personalities of the men who currently serve in the various positions – with an eye to how the text of the document may affect the future governance of the church, and the relationships of those who are called to lead her.

In Jesus,

~ Paul

Commentary

Article I.

Adopting a three-tiered governance structure makes sense, especially as we continue to grow. My concern is with the details of how those tiers are established. Please refer to the attached revised By-Laws, which I have left with all of your original language intact, and indicating language to be removed by a strike-through, and language to be added underlined.

Article II

Making the wording more compact makes sense. However, the scripture references should be added, i.e.: (1 Peter 5:4).

Article III

Section B. Having the Board of Directors make certain determinations is fine, however, what about a situation where it involves an elder who is directly under the supervision of a campus pastor? Would it not make sense to have the campus pastor involved in determining the period of time for the Sabbath, or other matters involving an elder under his supervision, as he would presumably be closer to the situation? The document doesn't really address the matter of campus pastors – unlike the current bylaws which at least refer to “site pastors.” Some time and thought needs to be put into this, especially as we expand to outlying campuses outside of the ability of the Board of Directors to adequately exercise their fiduciary duties in regards to overseeing those campuses.

Section E involves the due process regarding charges brought against and discipline or removal of an elder. This should not be an arbitrary process – but must be clearly spelled out with all due procedural safeguards. This is an area where the highest level of due process must be exercised, as a man's reputation, his marriage, family, his future is at stake. Our current by-laws contain such language (Art. III, Sec. E), which was drafted and reworked several times, and provided for a just process which is based upon scriptural principles. It should remain.

Article IV

See the attached document.

Section B. I realize that an “Annual” meeting of the elders meets the requirements of state law, and I have not made any changes there, but preferably, the full council of elders will meet more frequently than once a year, so that at least one meeting of all the elders could involve more than just “transacting business.”

Section G. A quorum should consist of at least a simple majority (51%).

Section L. Notice, Advice and Consent. Although the full council of elders will have very limited powers as the result of the proposed bylaws change, would be a boost to morale and “by-in” by all the elders if they believe they have some say in the process. If we compare this to the governing of a city, for instance – the city council has the full authority to vote on proposed projects, etc., but there is a statutory time period before any major decisions are made for input from the community, and an “open-door” or “sunlight” policy regarding all decisions both before and after they are made. This fosters a sense of trust and openness.

Articles V, VI, VII

See attached document.

There appears to be a glaring conflict of interest in that the Board of Directors appoints the executive elder team, but the executive elder team has the power to terminate the board members. I have made proposed changes which address that issue, and others.

Article VIII

There needs to be a more detailed process in place, and an appeals process for a member who believes he has been wrongly accused or removed from membership. I have added some language to make the church discipline process more impartial, less arbitrary, and subject to scrutiny.

In the presence of God and of Christ Jesus and of the elect angels I charge you to keep these rules without prejudging, doing nothing from partiality. -- 1 Timothy 5:21

But the wisdom from above is first pure, then peaceable, gentle, open to reason, full of mercy and good fruits, impartial and sincere. -- James 3:17

Matthew 18:15-17: (The call for due process and establishing all the facts.)

If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses. If he refuses to listen to them, tell it to the church. And if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector.

Proverbs 18:17

The one who states his case first seems right, until the other comes and examines him.

Example of representation

Philemon 1:10

I appeal to you for my child, Onesimus, whose father I became in my imprisonment.

Harshness to be avoided

2 Timothy 2:24-26

And the Lord's servant must not be quarrelsome but kind to everyone, able to teach, patiently enduring evil, correcting his opponents with gentleness. God may perhaps grant them repentance leading to a knowledge of the truth, and they may come to their senses and escape from the snare of the devil, after being captured by him to do his will.

Galatians 6:

Brothers, if anyone is caught in any transgression, you who are spiritual should restore him in a spirit of gentleness. Keep watch on yourself, lest you too be tempted.

1 Peter 5:3

not domineering over those in your charge, but being examples to the flock.

Elders are also entitled to due process

1 Timothy 5:19

Do not admit a charge against an elder except on the evidence of two or three witnesses.

Time Constraints

I realize that there is a rush to have the elders vote to adopt the proposed bylaws, however, given the gravity of this task, the lack of time for a complete and open discussion, especially given the issue of campuses opening on the horizon, I would appeal to extending the deadline so that a more robust discussion and analysis may result in fewer "loose ends" and bylaws that will serve our church well into the future.