



**Mennonite  
Church  
Saskatchewan**

# **BYLAWS**

**Final Draft for 2020 ADS**

*March 14, 2020*

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## MENNONITE CHURCH SASKATCHEWAN

### HISTORY OF ITS LEGAL IDENTITY

The Conference of Mennonites of Saskatchewan held its first meeting in Rosthern in 1959 with Paul Schroeder in the chair. The conference was officially incorporated under The Societies Act as of Dec. 16, 1960. Bylaws were adopted and subsequently amended from time to time.

The Societies Act was repealed and replaced by The Non-profit Corporations Act. In compliance with that Act, the Conference of Mennonites of Saskatchewan applied for a Certificate of Continuance and was registered accordingly by the Corporations Branch on March 30, 1982.

The Conference's original bylaws as amended to 1982 were also continued and further amendments were made from time to time. When the bylaws were being revised in 1997, the Conference became aware that the bylaws violated the Act in several ways. The major violation was that the Act does not provide for a delegate form of government. The Conference's legal counsel advised that a disgruntled member of one of the member congregations could therefore possibly successfully challenge in a court of law any decision made by the Conference. The bylaws were rewritten in 1997 and adopted at a Special Conference Session held on November 29, 1997 but they included several temporary provisions to comply with the Act. The most important of these was that each member congregation could send only one voting delegate to Conference Sessions rather than the one delegate per 25 members as the bylaws had previously provided.

At that same Special Conference Session, the Executive Committee was authorized to petition the Government of Saskatchewan to make provision for the incorporation of the Conference to be continued under separate legislation. On June 2, 1998, the Legislative Assembly of Saskatchewan enacted The Conference of Mennonites of Saskatchewan Act. That Act authorizes the Conference to "make... bylaws that it considers advisable for the conduct of its affairs." This allowed the Conference to reinstate its customary parliamentary form of government.

The first bylaws under The Conference of Mennonites of Saskatchewan Act were adopted at the annual conference session held in Waldheim, SK on Feb. 26 & 27, 1999. They were amended at the Annual Conference Session in Rosthern on Feb. 26, 2000.

At the annual session held Feb. 23 & 24, 2001, the Conference asked that its name be changed to Mennonite Church Saskatchewan, in keeping with the name change by Mennonite Church Canada. The Legislative Assembly of Saskatchewan, in response to a petition, then enacted The Conference of Mennonites of Saskatchewan Amendment Act, 2002 to affect that name change. The bylaws were then amended accordingly at the annual delegate session in Saskatoon on March 1, 2003.

In 2004, MC Sask initiated a Visioning process which prompted the establishment of a Structures Task Force in 2006. The recommendations of that Task Force were endorsed at the annual delegate session of Feb 22 & 23, 2008. Then the bylaws were amended to reflect the proposed new structures at the annual delegate session held Feb 27 & 28, 2009.

At the annual delegate session held March 8 & 9, 2019, a draft version of bylaw updates was presented for delegate review, with changes made according to Mennonite Church Canada structural changes, and to better reflect current practice. These bylaws were then approved by delegates at the 2020 annual delegate session held March 13 & 14, 2020.

# MENNONITE CHURCH SASKATCHEWAN BYLAWS

## Part I – Definitions

### 1) Definition of Terms

In these Bylaws:

- a) “**act**” means An Act respecting Mennonite Church Saskatchewan and amendments thereto;
- b) “**ADS**” means Annual Delegate Session;
- c) “**MC Canada**” means Mennonite Church Canada;
- d) “**MC Sask**” means Mennonite Church Saskatchewan;
- e) “**regional church**” means MC Sask as a member of MC Canada;
- f) “**regional church minister**” means a person engaged by MC Sask to provide services as listed in Section 41;
- g) “**committee**” means a committee, a commission, a board of a separate business entity, or a group established under these bylaws with specifically designated duties and powers;
- h) “**council**” means the board of directors of MC Sask as provided in the Act;
- i) “**congregation**” means a body of persons who have responded to the call of Christ in repentance and in faith, who symbolize their unity through the practice of baptism and communion and who are visibly grouped for the expressed purpose of implementing their obedience to Christ as head of the church;
- j) “**delegate**” is a person selected by a congregation to represent them at a delegate session;
- k) “**employee**” means any person hired by MC Sask under Section 41;
- l) “**member**” where it is not otherwise qualified, means an individual person whose name is on the role of a member congregation;
- m) “**member congregation**” means a congregation that has been accepted as a member of MC Sask under the provisions in Part III of these bylaws;
- n) “**related organization**” is one as prescribed in Section 42;
- o) “**resolution**” is to be passed by 50% + 1 and is meant to provide direction to MC Sask;
- p) “**special resolution**” means a resolution which must be passed by at least two-thirds of the votes cast at a delegate session of which not less than 60 days’ notice specifying the intent to propose the resolution has been given. Special resolutions are meant to make fundamental changes to the organization; and
- q) “**youth delegate**” means a senior high school student (gr.9-12) who is active in a member congregation and has been chosen by the congregation to be a delegate at a delegate session.

## Part II – Definition and Relationships

### 2) Definition of MC Sask

- a) MC Sask does not exist apart from its member congregations. It defines itself as:
  - i) congregations voluntarily joined together in relationships of love, caring and mutual accountability for the purpose of serving the Kingdom of God in ways described by the confession of faith adopted by MC Canada;
  - ii) congregations joined in relationship and gathered in meeting and ministry;
  - iii) congregations whose will is expressed by its delegate sessions and administered in accordance with the structures detailed in these bylaws; and
  - iv) congregations who have a vision of being Christ centred and sent.
- b) The authority of MC Sask rests in the congregations as expressed by its delegate sessions.
- c) MC Sask is a regional church of MC Canada under the terms of its bylaws and the agreed upon covenant between the regional churches.
- d) MC Sask will be inspired and guided by its Statements of Mission, Values, and Purpose.

### **3) Relationship to Member Congregations**

- a) MC Sask is a deliberative body which believes in the congregational form of government whereby each member congregation retains maximum freedom of self-determination.
- b) Even though MC Sask respects the autonomy of each member congregation, it may give counsel and assistance to a member congregation when necessary or upon request from the congregation.
- c) When a member congregation takes a position at variance with those of MC Sask including the currently held confession of faith and such other statements as may from time to time be adopted by MC Sask and by MC Canada, the council shall follow the process which may be established from time to time by MC Sask.

## **Part III – Membership**

### **4) Eligibility for Membership**

- a) Any congregation is eligible to become a member congregation if it affirms:
  - i) the currently held confession of faith;
  - ii) the current MC Sask Covenant;
  - iii) all position statements which may be adopted from time to time by MC Sask and MC Canada; and
  - iv) these bylaws including the definition of MC Sask in Section 2.
- b) A congregation wishing to become a member congregation shall apply in writing to the MC Sask office at least three months prior to an annual delegate session. Such application shall be evaluated by the council which shall then present a recommendation to the delegate session for consideration.
- c) When a congregation's application for membership has been approved by a delegate session, that congregation shall be admitted as a member congregation in a manner determined by the council.
- d) When a congregation has been admitted as a member congregation by a vote of a delegate session, that congregation shall enjoy all the rights and privileges of membership and shall assume all duties and responsibilities as defined in these bylaws.
- e) If the recommendation is for a period of discernment, then the congregation will be entitled to send persons to attend delegate sessions as guests, and to participate in all other events of MC Sask during that time.

### **5) Rights and Privileges of Member Congregations**

Member Congregations are entitled to:

- a) send delegates to delegate sessions, as prescribed in Section 12, with the right to vote; and
- b) to participate in programs and receive services from MC Sask.

### **6) Expectations of Member Congregations**

Member congregations are expected to:

- a) give faithful attention to the Scriptures;
- b) affirm the currently held confession of faith;
- c) uphold position statements which MC Sask and MC Canada may adopt from time to time;
- d) select pastors whose training and faith positions are such that they meet the credentialing requirements as determined by MC Sask;
- e) send at least one delegate to all delegate sessions as prescribed in Section 12;
- f) respect the resolutions adopted by delegate sessions of MC Sask;
- g) support programs and projects of MC Sask;
- h) make contributions to the budget of MC Sask;
- i) encourage members to accept positions of leadership and service within MC Sask; and

- j) assume all duties and responsibilities as defined in these bylaws.

## **7) Withdrawal of Membership**

- a) A congregation that wishes to withdraw from MC Sask covenants to engage in a minimum of two conversations with the leadership of MC Sask. A third party may be requested to ensure that all differences are clearly articulated and each party is fully heard as well as all opportunities for resolution are considered.
- b) A member congregation that wishes to withdraw its membership in MC Sask may do so by giving to the MC Sask office a written notice to that effect.
- c) When the MC Sask office receives from a member congregation a written notice of withdrawal from membership, that congregation's rights, privileges, duties and responsibilities shall cease immediately.

## **Part IV – Delegate Sessions**

### **8) Annual Delegate Sessions**

MC Sask shall hold an annual meeting to be known as the annual delegate session (ADS) at a time and place to be determined by the council unless it was determined by a previous meeting.

### **9) Special Delegate Sessions**

A special meeting to be known as a special delegate session may be called by the moderator after consultation with the council or may be called on a petition signed by not fewer than six member congregations.

### **10) Notice to be Given**

Notice of each delegate session shall be sent to all member congregations not fewer than 14 days in advance of the meeting.

### **11) Powers**

The delegate sessions shall:

- a) be the setting where final decisions of MC Sask are made;
- b) receive reports from the council and from all committees, as well as from related organizations;
- c) direct council to develop policies and position statements as the delegates deem appropriate;
- d) approve bylaws and by-law amendments recommended by the council;
- e) provide direction to the council and all committees;
- f) elect officers and members of the council and all committees as prescribed in these bylaws;
- g) approve the budget;
- h) select the financial auditor; and
- i) provide a forum for fellowship and worship for member congregations.

### **12) Voting Delegates**

It shall be the responsibility of every member congregation to be represented at delegate sessions. Each member congregation shall be entitled to name one voting delegate for every twenty-five members, or any portion thereof, for each delegate session.

### **13) Youth Delegates**

- a) In addition to the above delegates, each member congregation is entitled to send one youth delegate to each delegate session.
- b) Youth delegates shall have all the rights and privileges of any other delegate or member except to hold elected office.

#### **14) Quorum**

Twenty-five voting delegates which represent not less than one-fourth of the member congregations shall constitute a quorum for the conduct of business at delegate sessions.

#### **15) Procedures**

- a) The name(s) of each member congregation's voting delegate(s) shall be submitted to the registration coordinator before or during the delegate session in a form prescribed by the council.
- b) All persons who attend member congregations shall be entitled to attend delegate sessions and to take reasonable part in the discussion, but only the registered voting delegates, the registered youth delegates, and the members of the council are entitled to present and second motions or resolutions.
- c) Only registered delegates (including youth delegates) are entitled to vote. No delegate may cast more than one vote on any question.
- d) The presiding officer will conduct all votes on motions. Voting methods will be at the discretion of the presiding officer and can be by show of hands, use of voting cards, or by secret ballot. Unless otherwise specified, a simple majority will carry the vote.
- e) Motions or resolutions which are deemed by the council to propose major policy or program changes or to require extra-budgetary expenditure are deemed "special resolutions" (see Section 1(p)), and shall be submitted to the MC Sask office at least 60 days prior to a delegate session for advance circulation to member congregations. Such motions or resolutions may, however, be presented to the delegate session if the delegates agree to waive the requirement for advance notice.
- f) All resolutions presented to the delegates will be guided by the *Resolutions Policy*.
- g) Any delegate may challenge a ruling of the presiding officer and when that occurs, the presiding officer's recourse is to call for a vote on whether the ruling of the chair shall stand.
- h) A presiding officer who is uncertain of the correct procedure in any given situation may seek guidance from the delegates or from the parliamentarian.
- i) Decisions about rules of order which are not clarified in the Act or in these bylaws shall be guided by a recent edition of Roberts Rules of Order.

### **Part V – Leadership Assembly**

#### **16) Composition**

The leadership assembly shall consist of:

- a) the council as prescribed in Section 19;
- b) all elected members of all committees provided in these bylaws;
- c) all appointed representatives provided in these bylaws; and
- d) representatives of related organizations as invited by the council

#### **17) Duties and Powers**

The leadership assembly shall:

- a) serve as a sounding board to the council;
- b) provide a forum for cooperation and collaboration between all those persons responsible for administering the programs of MC Sask; and
- c) provide advice to the council and committees as it deems appropriate.

## **18) Meetings**

- a) The leadership assembly shall meet at least once each year between annual delegate sessions at the call of the moderator.
- b) Additional meetings may be called by the moderator.

## **Part VI – Council**

### **19) Composition**

The council shall consist of:

- a) the executive committee as provided in Section 22;
- b) four members-at-large elected at a delegate session; and
- c) the regional church ministers ex-officio but non-voting.

### **20) Duties and Powers**

The council shall:

- a) represent MC Sask in all matters and shall exercise its powers between delegate sessions;
- b) consider the advice provided by the leadership assembly and the delegates;
- c) maintain an appropriate record of the most current confession of faith, mission statement, position statements, recommendations from MC Sask committees and task forces, and any policy directions adopted by a delegate session as specified in the *Records Management and Archives Policy*;
- d) ensure the safekeeping of all legal documents and titles of MC Sask as specified in the *Records Management and Archives Policy*;
- e) act as advisors or consultants for all committees of MC Sask, appointing an ex-officio member when deemed appropriate;
- f) hire, oversee and dismiss MC Sask Executive Minister;
- g) assign the signing officers;
- h) at its discretion, fill vacancies in elected positions that occur between annual delegate sessions until the next election;
- i) appoint a member of the council to serve on the personnel committee together with the moderator;
- j) appoint a member to serve on the finance committee together with the finance chair;
- k) appoint the parliamentarian to interpret the Rules of Order as may be required at a delegate session, for terms that it shall determine;
- l) appoint persons various MC Sask positions as needed:
  - i) These persons will also serve as members of the Leadership Assembly, actively participating in meetings and duties as prescribed in these bylaws (Part V).
- m) appoint persons to external of directors as requested:
  - i) These persons represent MC Sask in their role, and are expected to be familiar with the relationship and agreements between MC Sask and their organization, reporting to the council as required.
  - ii) These persons will also serve as members of the Leadership Assembly, actively participating in meetings and duties as prescribed in these bylaws (Part V).
- n) appoint persons to serve as MC Sask delegates at MC Canada annual meetings;
- o) periodically have a visioning and planning session to set direction for MC Sask, including an evaluation of programs;
- p) present a report on its actions, including major decisions and adopted policies, at the annual delegate session and in the report booklet for delegate approval;
- q) consider the budget prepared by the finance committee, preparing it for presentation and approval at the annual delegate session;



- r) develop and document policies of MC Sask, as directed by the delegate body at a delegate session, or as the council deems appropriate; and
- s) serve as members of the Leadership Assembly, actively participating in meetings and duties as prescribed in these bylaws (Part V).
- t) Council shall on behalf of its membership, be empowered to make all financial decisions for the organization, manage its financial assets, and be able to purchase and sell real property.

## **21) Meetings**

- a) The council shall meet at least quarterly each year to carry out the duties prescribed in Section 20.
- b) The council may meet more frequently at the call of the moderator.
- c) The council shall have the option of conducting, at the discretion of the moderator or, on a request from the floor, all or part of its meeting in-camera thereby excluding any person or persons under discussion.
- d) The council may discuss and make decisions by conference call or electronically if issues are time-sensitive and the council cannot meet in person.
- e) Members of council shall receive at minimum seven days notice of a meeting.
- f) Decisions on motions at a council meeting will be conducted by the moderator and shall be reached by consensus. If a vote is required, a show of hands will be used or a secret ballot if requested. A simple majority is required to pass a motion, the moderator will only vote if a tie needs to be broken.

## **Part VII – Executive Committee**

### **22) Composition**

- a) The executive committee shall consist of the officers which shall be the:
  - i) moderator;
  - ii) deputy moderator;
  - iii) secretary; and
  - iv) finance chair.
- b) All officers must be members, as prescribed in Section 1(I), and shall be elected as prescribed in Section 26.

### **23) Duties and Powers of the Executive Committee**

The executive committee shall exercise the powers of the council between meetings of the council.

### **24) Meetings**

The executive committee shall meet at the call of the moderator at such times and places as is deemed necessary to carry out the duties prescribed in Section 23.

### **25) Duties and Powers of the Officers**

- a) The moderator shall:
  - i) preside at all delegate sessions, and meetings of the council and the executive committee;
  - ii) call all meetings of the leadership assembly, the council, and the executive committee;
  - iii) conduct all meetings in accordance with rules of order as prescribed in Section 15(i), and the usual practices of MC Sask;
  - iv) represent the council on the personnel committee;
  - v) conduct correspondence on behalf of MC Sask as appropriate; and
  - vi) be the representative from MC Sask to the Joint Council of MC Canada.
- b) The deputy moderator shall preside when the moderator is absent or unable to act, or at the request of the moderator.

- c) The secretary shall be responsible for:
  - i) recording the minutes of delegate sessions, as well as the meetings of the leadership assembly, the council and the executive committee; and
  - ii) conducting any correspondence assigned by the executive committee or the council.
- d) The finance chair shall direct the finance committee in carrying out its duties, and will represent the finance committee on the personnel committee.

## **Part VIII – Elections and Terms of Office**

### **26) Elections**

- a) The officers prescribed in Section 22 and all committee positions provided in these bylaws shall be elected at an annual delegate session.
- b) A slate of candidates for all the elected positions provided in these bylaws shall be presented by the nominating committee, but delegates are entitled to make further nominations at a delegate session through the nominating committee provided that each candidate has agreed to accept the nomination.
- c) Where two or more candidates have been nominated for the same position, the candidate with the most votes (50%+1) shall be declared elected.

### **27) Limitations on Elected Offices**

- a) No person may hold more than one elected position. A person who already holds an elected position and who is elected to another elected position automatically vacates the previously held elected position.
- b) Employees of MC Sask are not entitled to be delegates at an MC Sask delegate session or elected to any MC Sask committee.

### **28) Terms of Office**

- a) The terms of office shall be:
  - i) for officers and members at large on the council as prescribed in Section 19 and 22:
    - (1) three years; and
    - (2) they may each be re-elected for two additional consecutive terms.
- b) for all other positions elected at the annual delegate session:
  - i) three years; and
  - ii) they may each be re-elected for up to two additional consecutive terms.
- c) All officers and those elected to committees:
  - i) shall take office at the close of the delegate session at which they were elected; and
  - ii) shall remain in office until their successor has been elected.
- d) A member appointed by the council under Section 20(h) to fill a vacancy in an elected position shall hold office for the unexpired portion of the predecessor's term, and is then eligible for election as in subsection (a) hereof.

## **Part IX – General Provisions for Committees**

### **29) Establishment of Committees**

- a) MC Sask may establish committees and commissions as prescribed in Section 1(g).
- b) During the annual delegate session or soon thereafter each elected committee shall select a chairperson and a secretary.

### **30) Eligibility for Election**

All persons elected by a delegate session must be actively engaged in a member congregation.

### **31) Accountability of Committees**

- a) All committees are accountable to the delegates and shall submit reports of their activities to each annual delegate session.
- b) Committees shall submit to the finance committee an annual budget.
- c) In view of the council's responsibility to exercise the powers of MC Sask between delegate sessions, all committees shall also report to the council in the manner it may prescribe.
- d) Copies of minutes of all committee meetings shall be sent to the council through the MC Sask office.
- e) A committee must obtain the approval for any major capital expenditure, significant budget amendments, the disposal of any surplus funds, major policy shifts or major program initiatives from the council and from a delegate session if, in the judgement of the council, the question should be referred to a delegate session for consideration.

### **32) General Powers**

- a) Each committee may appoint subcommittees as deemed appropriate and a member of the committee shall chair such appointed subcommittees. Each subcommittee is accountable to the committee that formed it.
- b) All committees may consult with, and seek the advice of, the council and invite any of the officers to attend their meetings periodically for specific purposes.

### **33) Meetings**

Each committee shall meet at the call of the chairperson at such time and place as is deemed necessary to most effectively carry out its tasks.

### **34) Quorum**

A majority of those comprising the committee shall constitute a quorum.

## **Part X – Governing Bodies of MC Sask**

### **35) Commissions**

Commissions of MC Sask are operational in nature and carry out the work of the church. All commission members shall serve as members of the Leadership Assembly, actively participating in meetings and duties as prescribed in these bylaws (Part V). A list of these commissions, their members, and purpose is available from MC Sask.

### **36) Separate Business Entities**

These boards govern a separate entity of MC Sask. They function independently of the council but are responsible to MC Sask and the council. All entity board members shall serve as members of the Leadership Assembly, actively participating in meetings and duties as prescribed in these bylaws (Part V). A list of these business entities, their board members, and purpose is available from MC Sask.

Each entity board shall:

- a) select a chairperson who shall ensure communication with the council and other bodies of MC Sask is maintained as outlined in these bylaws;
- b) meet with the council annually, either as full bodies or the moderator with the organization board chair, to discuss all aspects of their operations;
- c) develop and from time to time amend bylaws to guide the organization, ensuring the council is notified whenever changes are made;

- d) develop financial, human resource, and other policies that may be required, or adopt those utilized by MC Sask and MC Canada;
- e) show they are fulfilling all obligations of any financial agreement where MC Sask is acting as financial guarantor on an ongoing basis;
- f) manage and maintain the buildings and grounds at its respective facilities; and
- g) coordinate all programs at their respective facilities.

### **37) Committees of MC Sask**

These committees are governance related and are responsible for oversight and direction of MC Sask. All committee members shall serve as members of the Leadership Assembly, actively participating in meetings and duties as prescribed in these bylaws (Part V). A list of these committees, their members, and purpose is available from MC Sask.

### **38) Policies of MC Sask**

All policies can be found on the MC Sask website or by request from the MC Sask office. In the event where MC Sask policies are insufficient to address a specific situation, the policies of Mennonite Church Canada are to be used. Policies can be made/changed by the council; approval of the delegate body is not required. However, in keeping with the Communications Policy, the council is obligated to inform the delegate assembly of any/all changes, and may present them in full at the next delegate sessions for ratification when the council deems appropriate.

## **Part XI – Financial Control**

### **39) Fiscal Year**

The fiscal year of MC Sask shall be the calendar year.

### **40) Signing Authority**

The signing officers shall be designated by the council as prescribed in Section 20(g).

## **Part XII – Employees**

### **41) Employment**

The council may hire, oversee, and release persons as required to provide pastoral, administrative and other services as described in human resources policies.

## **Part XIII – Related Organizations**

### **42) Organization Relationships**

MC Sask seeks to foster mutually supportive arrangements with some organizations, each of which has a unique relationship to MC Sask, in which its member congregations are actively involved and which the member congregations support. A list of these related organizations is available from MC Sask.

### **43) Mutual Arrangements**

Related Organizations:

- a) are entitled to name a representative from its governing body to the leadership assembly; and
- b) are expected to report to delegate sessions in the manner requested by the council.

## **Part XIV – Affiliations**

### **44) Authority to Affiliate**

- a) MC Sask may enter into an affiliation agreement with any other body with similar objectives for the purpose of better meeting their objectives jointly. Joint ventures may be determined from time to time.
- b) MC Sask authorizes its officers to maintain liaison with the officers of those bodies with which it becomes affiliated to deal with any issues relating to their joint activities.

## **Part XV – Seal**

### **45) Custody and Execution**

MC Sask shall have a seal which shall be:

- a) held in the custody of MC Sask as per the *Records Management and Archives Policy*; and
- b) affixed to official documents signed by the signing officers as determined by the council.

## **Part XVI – Amendments**

### **46) Bylaws**

- a) These bylaws may be amended only by special resolution.
- b) Amendments to the bylaws come into effect immediately following their adoption by a delegate session.

### **47) Amendment Process**

- a) Any member congregation or any member may submit proposals for the amendment of these bylaws to the office of MC Sask.
- b) Such proposals for amendment shall be reviewed by the bylaws committee which shall then forward its recommendation to the council.
- c) The council shall:
  - i) review the recommendations of the bylaws committee; and
  - ii) submit the proposed amendment to a delegate session.

## **Part XVII – MC Sask Office**

### **48) Head Office**

The head office of MC Sask shall be at such a place within Saskatchewan as the council may determine in keeping with policy established by MC Sask.

## **Part XVIII – Winding Up**

### **49) Disposal of Assets**

After payment of all liabilities, the property of MC Sask shall be distributed as provided in the Act.