

**CONSTITUTION AND BYLAWS OF THE
METROPOLITAN NEW YORK SYNOD OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA**

As of September 2017

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CONSTITUTION AND BYLAWS of the METROPOLITAN NEW YORK SYNOD

Est. 1987

Incorporating Subsequent Amendments

Material in **boldface text** and two-part numbers are Constitutional Provisions.

Material in *italic text* and three-part numbers are Bylaws.

Material in plain text, reduced font and with year designations are Continuing Resolutions.

Continuing Resolutions of the Assembly are marked with an SA and the year in which they were adopted;

Continuing Resolutions adopted by the Synod Council are marked with the Action Code from the minutes of the meeting in which they were adopted.

PREAMBLE

Convinced that the Holy Spirit is leading us toward unity in the household of God, we of the Eastern District of the American Lutheran Church, East Coast Synod of the Association of Evangelical Lutheran Churches and the Metropolitan New York Synod of the Lutheran Church in America give thanks to God for the faith we share together in Christ and, by adopting this constitution, form a new synod in the name of the Father, the Son, and the Holy Spirit.

Chapter 1 NAME AND INCORPORATION

†S1.01. **The name of this synod, as determined by the Churchwide Assembly, shall be Metropolitan New York Synod of the Evangelical Lutheran Church in America.**

†S1.02. **For the purpose of this constitution and the accompanying bylaws, the Metropolitan New York Synod of the Evangelical Lutheran Church in America is hereafter designated as "this synod" or "the synod."**

†S1.11. **This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.**

†S1.21. **The seal of this synod shall be inscribed: Metropolitan New York Synod, Evangelical Lutheran Church in America, 1987.**

S1.21.01. The seal of this synod is inscribed with the official logo with the name of this synod forming the circular outer edge of the seal.

Chapter 2 STATUS

†S2.01. **This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, which are recognized as having governing force in the life of this synod.**

†S2.02. **The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions – congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.**

†S2.03. **No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.**

Chapter 3 TERRITORY

- †S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall be the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester in the State of New York.
- †S3.02. "Determined by the Churchwide Assembly," as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.01. and 10.02.02.

Chapter 4 CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.
- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- †S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- †S4.04. This synod accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this synod.
- †S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- †S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- †S4.07. This synod confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5 NATURE OF THE CHURCH

- †S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.
- †S5.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.
- †S5.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community

of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

†S5.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

Chapter 6 STATEMENT OF PURPOSE

†S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.

†S6.02. To participate in God's mission, this synod as a part of the Church shall:

- a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
- d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

†S6.03. Each synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in the territory of this synod. In fulfillment of this role, this synod shall:

- a. Provide for pastoral care of congregations and rostered ministers in the synod:
- b. Plan for, facilitate, and nurture the mission of this church through congregations:
- c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners:
- d. Interpret the work of this church to congregations and to the public on the territory of the synod.

†S6.03.01 *In providing for pastoral care of congregations and rostered ministers in the synod, the responsibilities of the synod include the following:*

- a. *providing for the pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service, in this synod, including:*
 - 1) *approving candidates for the ministry of Word and Sacrament in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;*
 - 2) *authorizing ordinations and ordaining ministers of Word and Sacrament on behalf of this church;*
 - 3) *approving ministers of Word and Service, which may be done through multi-synodical committees;*

- 4) *authorizing consecrations and consecrating ministers of Word and Service on behalf of this church; and*
- 5) *consulting in the call process for rostered ministers.*

S6.03.a.5.
SA2007

To assist the synod in its consultative role in the call process for rostered ministers, a policy on the Transition and Call Process shall be presented to the synod assembly for its endorsement and shall continue in force until amended by the assembly. Exceptions to the policy for exigent circumstances may be granted by a two-thirds vote of the synod council upon the recommendation of the bishop of the synod. This policy will be reviewed at least every five years.

- b. *providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:*
 - 1) *nurturing and supporting congregations and lay leaders;*
 - 2) *seeking and recruiting qualified candidates for the rostered ministries of this church;*
 - 3) *making provision for pastoral care, call or appointment review, and guidance;*
 - 4) *encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and*
 - 5) *supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.*
- c. *providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with the procedures in Chapter 20 of this church's constitution.*
- d. *providing for archives in conjunction with other synods.*

†S6.03.02

In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:

- a. *developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;*
- b. *leading and encouraging of congregations in their evangelism efforts;*
- c. *assisting members of its congregations in carrying out their ministries in the world;*
- d. *encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;*
- e. *providing resources for congregational life;*
- f. *grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.*

†S6.03.03

In strengthening interdependent relationships among congregations, synods, and the churchwide organization, and in fostering relationships with agencies and institutions affiliated with or related to this church as well as with ecumenical partners, the responsibilities of the synod include the following:

- a. *promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into partnership with other synods in the region;*
- b. *fostering organizations for youth, women, and men, and organizations for language or ethnic communities;*
- c. *developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing partnership funding;*
- d. *supporting relationships with and providing partnership funding on behalf of colleges, universities, and campus ministries;*
- e. *maintaining relationships with and providing partnership funding on behalf of seminaries and continuing education centers;*
- f. *fostering supporting relationships with camps and other outdoor ministries;*
- g. *fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;*
- h. *fostering relationships with ecumenical and global partners;*
- i. *cooperating with other synods and the churchwide organization in creating, using, and supporting*

regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

†S6.03.04. *In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:*

- a. encouraging financial support for the work of this church by individuals and congregations;*
- b. participating in churchwide programs;*
- c. interpreting social statements in a manner consistent with the interpretations given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues;*
- d. providing ecumenical guidance and encouragement.*

S6.03.05. *In the process of planning for the mission of this church in the synod, initiating and developing policy through the region, and implementing programs, this synod will endeavor to:*

- a. Foster supporting relationships with preschool, elementary and high schools.*
- b. Foster supporting relationships with individuals and groups related to ministries in specialized settings.*

†S6.04. **Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60% of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be lay persons; and that, as nearly as possible, 50% of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50% shall be male; and that, where possible, the representation of ministers of Word and Sacrament shall be both male and female. This synod shall establish processes that will enable it to reach a minimum goal that 10% of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.**

†S6.04.01. *It is the goal of this synod that 10 percent of the membership of synod assemblies, councils, committees, boards and/or other organizational units be persons of color and/or persons whose primary language is other than English.*

†S6.04.02. *It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term "youth" means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term "young adult" means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.*

†S6.05. **Each assembly, council, committee, board, commission, task force, or other body of this synod or other synodical units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, commission, task force, or other body.**

†S6.06. **References herein to the nature of the relationship between the three expressions of this church – congregations, synods, and the churchwide organization – as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.**

Chapter 7 SYNOD ASSEMBLY

†S7.01. **This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of**

Incorporation, this constitution and bylaws, the assembly's own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.

- S7.01.01. *The date and place for a meeting of the Synod Assembly shall be determined by the Synod Council.*
- S7.01.02. *The Synod Council shall prepare the proposed agenda and program for each meeting of the Synod Assembly.*
- S7.01.03. *Programs and Procedures*
a. *Holy Communion shall be celebrated at each Synod Assembly.*
b. *All appointments for the conduct of worship services shall be made by the bishop.*
- S7.01.04. *Minutes*
a. *The minutes of each session of a Synod Assembly shall be submitted by the secretary to a Committee on Minutes Review, which shall examine them and make appropriate recommendations to the secretary.*
b. *Within three months of the Synod Assembly the secretary shall submit the minutes to the Synod Council for their approval at their next regularly scheduled meeting. Following the approval of the Synod Council the secretary shall certify the required number of copies of the minutes for deposit in the archives of the synod and the archives of the Evangelical Lutheran Church in America.*
c. *Minutes of each Synod Assembly shall be published by the Synod Council and distributed to congregations and rostered persons not more than three months after their approval.*
d. *Publication of minutes for congregations and rostered persons using electronic means in a secure format that cannot be altered is permissible providing that printed alternatives are available for those that request them.*
- S7.01.05. *All Synod Assembly committees shall be appointed by the bishop except:*
a. *The Committee on Reference and Counsel which shall be appointed by the Synod Council in consultation with the bishop; and*
b. *The Committee on Nominations and Elections which shall be appointed by the Synod Council in consultation with the bishop (as specified in S9.01.01).*
- †S7.11. **A regular meeting of the Synod Assembly shall be held at least triennially.**
- S7.12. **Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, and shall be called by the bishop at the request of two-thirds of the members of the Synod Council or one-fifth of the members of the Synod Assembly.**
a. **The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.**
b. **If the special meeting of the Synod Assembly is for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the presiding bishop of the ELCA in cooperation with the Synod Council.**
- S7.12.01. *The Synod Council shall take care in the scheduling of special meetings of the synod assembly that sufficient time is allowed for the distribution of material in advance of the date of the assembly by mail to all registered voting members.*
- S7.13. **Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary.**
- S7.13.01 *Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary not less than four weeks preceding the meeting.*
- S7.13.02 *A Bulletin of Reports shall be prepared and sent to all rostered persons and lay voting members from congregations at least fifteen days before each regular meeting of the Synod Assembly.*

- S7.14. One-half of the voting members of the Synod Assembly shall constitute a quorum.**
- S.7.14.01 *For the purposes of establishing a quorum, the number of voting members of the Synod Assembly shall be based on the number of voting members registered, who have received their credentials which may differ from the number elected or eligible.
If a congregation fails to elect or report the election of voting members to the registration committee at or before the assembly, those memberships shall be regarded as vacant and will not be a factor in the calculation of the quorum.*
- S7.14.02 *Congregations will submit the names of their Synod Assembly voting members and alternates to the secretary at least fifteen days before the Synod Assembly.
Voting members or alternates whose names were not submitted in advance of the assembly must have their registrations presented by their pastor (or in the case of a vacancy by their interim or vice-pastor).*
- S7.14.03 *An alternate lay member shall be seated if the regular lay member is unable to serve. Only credentialed voting members may be seated in the members' areas.*
- S7.14.04. *For each meeting of the Synod Assembly the bishop shall appoint a Committee on Registration and Attendance to register all voting members, receive excuses from those who are absent and make recommendations on such excuses, record those absent without excuse, and make a full report to the Synod Assembly.*
- †S7.21. The membership of the Synod Assembly, of which at least 60% of the voting membership shall be composed of lay persons, shall be constituted as follows:**
- a. All ministers of Word and Sacrament under call on the roster of this synod in attendance at the Synod Assembly shall be voting members.**
- b. All ministers of Word and Service, under call, on the rosters of this synod shall be voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item †7.21.c.**
- c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to the synod, normally one of whom shall be male and one of whom shall be female, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation normally shall be equally divided between male and female.**
- d. Voting membership shall include the officers of this synod.**
- †S7.21.01 *Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until voting members are seated at the next regular Synod Assembly.*
- S7.22. The synod may establish processes that permit retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the roster of this synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. above. The synod may establish processes that permit ordained ministers, associates in ministry, deaconesses, and diaconal ministers who are on leave from call, or those designated as disabled, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. above. If the synod does not establish processes to permit the rostered leaders specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.**
- S.7.22.01 *All retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the roster of this Synod in attendance at the Synod Assembly shall be voting members consistent with †S7.21.c. above.*

- S.7.22.02 *All ordained ministers, associates in ministry, deaconesses, and diaconal ministers who are on leave from call, or those designated as disabled, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. above.*
- S7.23. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly shall from time to time designate.**
- S7.24. Ordained ministers shall remain as members of the Synod Assembly so long as their names appear on the roster of ordained ministers of this synod. Associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers of this church serving under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as they their names appear on the official lay rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.**
- †S7.25. Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.**
- †S7.26. This synod may establish processes through the Synod Council that permit representatives of congregations under development and authorized worshiping communities of the synod, which have been authorized under ELCA bylaw 10.02.03., to serve as voting members of the Synod Assembly, consistent with †S7.21.**
- S7.27. This synod may establish processes through the Synod Council to grant an ordained minister from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly of the Evangelical Lutheran Church in America the privilege of both voice and vote in the Synod Assembly during the period of that ordained minister's service in a congregation of this church.**
- S7.27.01 *All persons with a valid call to Word and Sacrament ministry as a pastor to a congregation on the territory of this synod and who do not have privilege of voice and vote at Synod Assemblies by other provisions of the governing documents of the synod, shall be granted the privilege of voice and vote at those Synod Assemblies occurring during the terms of their calls.*
- S7.28. Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.**
- †S7.31. Proxy and absentee voting shall not be permitted in the transaction of any business of this synod.**
- S7.32. Robert's Rules of Order, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.**
- S7.32.01 Standing rules governing the conduct of the Synod Assembly shall be enumerated within a continuing resolution of this synod.**
- S7.32.01 Rules of the Synod Assembly**
- S7.32.01.SA2003 A. Parliamentary Rules

- 1) With the permission of the assembly, the chair shall have the authority to call items of business before the assembly in whatever order the chair considers most expedient for the conduct of the business of the assembly.
 - 2) Unless this rule is suspended by a 2/3 vote, in all plenary sessions persons speaking from the floor shall be limited to 3 minutes and no person shall speak more than twice on the same question. This rule shall not apply to persons presenting a report, or when direct questions are posed to specific individuals for clarification.
 - 3) Only one who is specifically recognized to move the previous question may make the motion for the previous question.
 - 4) All substantive motions shall be written by the mover on forms provided for that purpose, signed and sent to the secretary's table. The chair may use discretion not to open the floor for debate on a motion until a written copy is available to the chair, the secretary, or the assembly membership.
 - 5) When the motion to *Amend by Substitution* is before the assembly, a vote must first be taken to substitute before the surviving motion may be amended.
- B. Non-voting Members of the Assembly
- 1) Assistants to the Bishop who are not otherwise voting members shall be advisory members of the assembly and have voice but not vote.
 - 2) All youth officially registered for the assembly shall be granted the privilege of participating in its proceedings with voice but not vote.
 - 3) Official visitors may address the assembly at the request of the chair or by majority vote.
 - 4) Visitors shall be seated in the designated areas.
 - 5) Rostered Synodical Deacons who are not otherwise voting members but who are in attendance as registered visitors to the assembly shall have the privilege of voice in the assembly.
- SA2004
- C. Resolutions
- 1) The Committee on Reference and Counsel may assist the chairperson in the schedule for handling business items, consider requests for the distribution and posting of materials and give other assistance as the chairperson may request. New business shall be processed through this committee.
 - 2) If any voting member proposes to add any new item of business, it shall immediately be referred to the Committee on Reference and Counsel. The committee may establish a deadline for such items at any time following the first plenary session. The committee shall report to the assembly its recommendation for handling such new business, which may be that the matter not be considered. In such matters, a two-thirds vote of the assembly shall be required to add the item of business to the agenda.
 - 3) Priority shall be given to those resolutions received in advance of the assembly on or before the deadline for submissions. Insofar as possible, resolutions shall be considered in the order in which they were received.
 - 4) When two or more resolutions addressing the same general topic are received the committee on Reference and Counsel may adapt, edit, amend or combine them as seems helpful, securing the consent of (or consulting with) the original author(s) if at all possible. If the committee presents a substitute resolution it becomes the main motion. The maker of the original resolution has the right to place the original resolution on the floor as an amendment by substitution.
 - 5) Resolutions to amend the budget as recommended by the Synod Council must be submitted in writing to the treasurer by the conclusion of Plenary Session in which the budget is put before the assembly.
 - 6) All resolutions proposing the establishment of any new committee, board, commission or task force etc. must include a plan for funding. Those resolutions which do not include such a plan shall be automatically referred to the Synod Council.
- D. Nominations
- 1) Floor nominations for all positions to be elected at this assembly shall be called for at the beginning of the assembly during the report of the Nominating Committee, except for those positions closed under S9.20.05.a.
 - 2) Floor nominations must have the support of at least ten (10) credentialed voting members (by signature) on the forms provided at the assembly.
 - 3) Nominations forms including biographical information shall be submitted to the secretary on the form provided by the close of the first plenary session.
 - 4) After floor nominations have been closed, a brief summary of data on each nominee shall be distributed to the members of the Assembly. Floor nominations whose nomination and biographical forms have not been received by the secretary by the end of session in which the nominations report is given will be considered withdrawn.

S7.33. "Ex-officio" as used herein means membership with full rights of voice and vote unless

otherwise expressly limited.

Chapter 8

OFFICERS

†S8.01. The officers of this synod shall be a bishop, a vice-president, a secretary, and a treasurer.

S8.10. Bishop

†S8.11. The bishop shall be elected by the Synod Assembly. The bishop shall be a minister of Word and Sacrament of the Evangelical Lutheran Church in America.

†S8.12. As this synod's pastor, the bishop shall:

- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
- b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ministers of Word and Sacrament, and its ministers of Word and Service.
- c. Exercise this church's power to ordain (or provide for the ordination *by another synodical bishop** of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. Consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service.
- e. Attest letters of call for the persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.
- f. Install (or provide for the installation of) rostered ministers whose calls the bishop has attested.
- g. Exercise leadership in the mission of this church and in so doing:
 - 1) Interpret and advocate the mission and theology of the whole church;
 - 2) Lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and
 - 5) Advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
 - 1) Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;
 - 2) Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of rostered ministers, and congregations of this synod;
 - 3) Be the chief ecumenical officer of this synod;
 - 4) Consult regularly with other synodical bishops and the Conference of Bishops;
 - 5) Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) Be ex officio a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
 - 1) Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;

- 3) Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
- 4) Exercise supervision over the work of the other officers;
- 5) Coordinate the work of all synodical staff members;
- 6) Appoint all committees for which provision is not otherwise made;
- 7) Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
- 8) Provide for preparation and maintenance of synodical rosters containing the names and addresses of all rostered ministers of this synod and a record of the calls under which they are serving or the date on which they become retired or disabled;
- 9) Annually bring to the attention of the Synod Council the names of all rostered ministers on leave from call or engaged in approved graduate study in conformity with the constitution, bylaws, and continuing resolutions of this church and pursuant to prior action of this synod through the Synod Council;
- 10) Provide for prompt reporting to the secretary of this church of:
 - (a) additions to and subtractions from the rosters of this synod and the register of congregations;
 - (b) the issuance of certificates of transfer for rostered ministers in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and
 - (c) the entrance of the names of such persons for whom proper certificates of transfer have been received;
- 11) Provide for preparation and maintenance of a register of the congregations of this synod and the names of the laypersons who have been elected to represent them; and
- 12) Appoint a statistician of the synod, who shall secure the parochial reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

†S8.13. The synodical bishop may appoint an attorney, admitted to the bar within the territory of the synod or the state where the synod is located, to be Synod Attorney. The appointment must be approved by the Synod Council and reported to the Synod Assembly and to the ELCA secretary. The appointment continues until resignation or until a successor is appointed. The Synod Attorney provides legal advice and counsel to the synodical officers and the Synod Council. The Synod Attorney is expected to be familiar with the governing documents and policies of the synod and, as necessary, to attend meetings of the Synod Council. The Synod Attorney serves without salary but may be retained and compensated for specific legal services requested by the synod.

S8.14. The office of bishop shall be a full-time salaried position. The bishop may have such assistants as this synod shall from time to time authorize.

†S8.15. The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected synod bishop.

†S8.16 Conflicts of Interest

†S8.16.01. The following procedures shall govern matters of potential conflicts of interest for synodical bishops:

- a. Whenever a synodical bishop determines that a matter of the kind described in †S8.16.01.b. may require his or her determination or action with respect to a related individual as defined in †S8.16.01.c., the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.

b. Matters include any proceedings under Chapter 20, proceedings under provision 7.46. of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America (†S14.13.), candidacy, reinstatement, and similar matters where determinations or actions by the synodical bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.

c. A related individual is one who, with respect to the synodical bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

S8.20. Vice-President

†S8.21. The vice-president shall be elected by the Synod Assembly. The vice-president shall be a layperson. The vice-president shall be a voting member of a congregation of this synod. The vice-president shall not receive a salary for the performance of the duties of the office.

S8.22. The vice-president shall chair the Synod Council.

S8.23. In the event of the death, resignation, or disability of the bishop, the vice-president shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.

S8.30. Secretary

†S8.31. The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a layperson or a minister of Word and Sacrament.

†S8.32. The secretary shall:

a. Keep the minutes of all meetings of the Synod Assembly, and Synod Council be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct.

b. Be authorized and empowered, in the name of the synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.

c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.

d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

S8.32.01 The Secretary shall be authorized to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of the synod in connection with any amendments to the governing documents of the synod.

S8.40. Treasurer

†S8.41. The treasurer may be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or a minister of Word and Sacrament.

S8.42. The treasurer shall provide and be accountable for:

a. Management of the monies and accounts of the synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.

b. Investment of funds upon the authorization of the Synod Council.

c. Receipt and acknowledgment of offerings, contributions, and bequests made to the synod, collecting interest and income from its invested funds, and paying regular appropriations and

orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church.

d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.

e. Rendering at each regular meeting of the Synod Assembly full, detailed, and duly audited reports of receipts and disbursements in the several accounts of the synod for the preceding fiscal years, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations. In addition such reports shall be rendered to the Synod Council annually.

f. Obtaining a fidelity bond in the amount determined by the Synod Council for persons handling synod funds, which bond shall be in the custody of the secretary. The premium for the bond shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

S8.50. General Provisions

†S8.51. The terms of office of the officers of this synod shall be:

a) The bishop of this synod shall be elected to a term of six years and may be reelected.

b) The vice president and secretary of this synod shall be elected for a term of four years and may be reelected.

c) The treasurer of this synod shall be [elected][appointed] to a four-year term and may be reelected or reappointed.

S8.52. The terms of the officers shall begin on the first day of the third month following election.

†S8.53. Each officer shall be a voting member in a congregation of the synod, except that the bishop need not be a member of a congregation of this synod at the time of election.

†S8.54. Should the bishop die, resign, or be unable to serve, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop is able to be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.

†S8.55. Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be four years.

†S8.56. The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior notice of the meeting shall be given to the officer in question at least ten calendar days prior to the meeting.

†S8.57. The recall or dismissal of an officer and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such

- conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.
- a. Proceedings for the recall or dismissal of a synodical bishop shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;
 - 3) at least 10 synodical bishops; or
 - 4) the presiding bishop of this church.
 - b. Proceedings for the recall or dismissal of an officer of a synod, other than the synodical bishop, shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or
 - 3) the synodical bishop.
 - c. The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.
 - d. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod.
 - e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:
 - 1) the Synod Council will submit a written report of their findings and the basis of their decision to the Committee on Appeals.
 - 2) the Committee on Appeals, other than those who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.
 - f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw 20.21.01. and as defined under the process described in ELCA constitutional provisions 20.20. and 20.21. as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw 20.22.01. and as defined under the process described in ELCA constitutional provisions 20.20. and 20.21. as grounds for discipline.
 - g. If the officer is a layperson, grounds for recall or dismissal include those set forth in ELCA bylaw 20.41.01. as grounds for discipline.
 - h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:
 - 1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw 20.21.16. except to the extent that those rules are in conflict with the provisions of this bylaw; and
 - 2) the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.
 - i. Written notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the affected officer and to the Synod Council, and the office shall be vacated.

†S8.58. If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period a minister of Word and Sacrament of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than the

authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9

NOMINATIONS AND ELECTIONS

- †S9.01. **The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws. The Synod Assembly shall elect members of the Churchwide Assembly in accordance with bylaw 12.41.11 of the constitution and bylaws of the Evangelical Lutheran Church in America.**
- S9.01.01 *For each meeting of the Synod Assembly in which there are to be elections, the bishop shall appoint with the consent of the Synod Council a Committee on Nominations and Elections. It shall consist of at least seven members.*
- S9.01.02 *The principal duties of the Committee on Nominations and Elections shall be:*
- a. *Receiving and reporting nominations to the Synod Council from each conference as described in S9.20.00.*
 - b. *The Committee shall nominate for all "At Large" positions to the Synod Council and for those positions where conferences fail to nominate at least two members.*
 - c. *The Committee shall be responsible for the distribution of ballots, supervise the counting and recording of the same, and announce the results in detail to the Assembly.*
 - d. *The process for Nominations and Elections at Synod Assemblies, except for the nomination and election of a bishop and Synod Council positions covered under S9.20.00, shall be defined within a continuing resolution.*
- S9.01.03 *In all elections, voting members may be required to present their credentials before receiving a ballot to vote.*
- S9.01.04 *In all contested elections, all votes by the Synod Assembly shall be by secret ballot unless the Synod Assembly shall by three-fourths vote decide otherwise.*
- S9.01.05 *In addition to those offices set forth in the constitution, the Synod Assembly shall elect all members of the Synod Council, the synod's voting members of the Churchwide Assembly, the Consultation Committee and the Discipline Committee.*
- S9.01.06 *The Report of the Committee on Nominations and Elections about all persons nominated for election by the Synod Assembly shall be published in advance of the Assembly.*
- S9.01.07 *The Committee on Nominations and Elections shall not be dissolved upon the presentation of its report, but shall be activated to process nominees in the event of a special election. Its members shall serve until their successors are appointed in connection with the next regular election cycle.*
- S9.02. In all elections by the Synod Assembly, other than for the bishop a majority of the legal votes cast shall be necessary for election.**
- S9.03. Additional nominations may be made from the floor for all elections for which nominations are made by the Committee on Nominations and Elections.**
- S9.04. The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the legal votes on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.**

- S9.05.** The Committee on Nominations and Elections shall nominate at least two persons for vice-president; additional nominations may be made from the floor.
- S9.06.** The Synod Council shall nominate at least two persons for secretary; additional nominations may be made from the floor.
- S9.07.** The Synod Council shall nominate two persons for treasurer; additional nominations may be made from the floor.
- S9.08.** In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot to the number of at least two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.
- S9.09.** The result of each ballot in every election shall be announced in detail to the Assembly.
- †S9.10.** When notified by the secretary of this church, on behalf of the Nominating Committee of the Churchwide Assembly, the Synod Assembly shall nominate two persons in the specified categories for possible election by the Churchwide Assembly to the Church Council.
- S9.11.** The Synod Council shall appoint representatives to the steering committee of its region.
- †S9.12.** Background checks and screening shall be required and completed for persons nominated as synodical officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Synod Council.
- S9.20.00 Nomination of Candidates for Synod Council*
- S9.20.01 The conferences shall serve to nominate seats on the Synod Council. Each conference shall be responsible for nominations for one seat on the Synod Council.*
- S9.20.02 Two election cycles will elect one half of the Synod Council every other election year. Each of the conferences will be assigned to a cycle.*
- S9.20.03 The Synod Council shall establish a rotation schedule to designate the nominations necessary from each conference, i.e. clergy, lay female, lay male in each cycle. The rotation schedule shall ensure that each conference nominates for each category within the rotation. The synod council may restrict scheduled "At Large" Synod Council elections to multicultural candidates in order to meet the goals established under S6.04.*
- S9.20.04 Conferences shall meet to make their nominations no later than 90 days in advance of the Synod Assembly.*
- S9.20.05 Conferences shall nominate two (or more) candidates for the position assigned to them.*
- a. When two or more candidates are nominated by the conference, nominations for that position shall be closed.*
 - b. If the conference nominates only one candidate, additional nominations may be made from the floor.*
 - c. If the conference nominates no candidates, the Committee on Nominations and Elections shall make nominations for the position, and additional nominations may be made from the floor.*
- S9.20.06 Nominations from the floor or by the Committee on Nominations and Elections may propose any person regardless of their conference for election to the Synod Council.*

S9.20.07 *For the purposes of nominations only those authorized voting members of the conference (S12.01.05) may vote to designate nominees. Nominations to the Synod Council shall require the support of at least one-third of the voting members present and voting.*

OR

For the purposes of nominations the conference may schedule an "open caucus" wherein any voting member of a congregation within the conference may nominate and vote. Nominations to the Synod Council shall require the support of at least one-half of those attending the caucus and voting. The quorum for such a caucus shall be one-third of pastors and one-third of the congregations as represented by lay delegates.

S9.20.08 *In the event of an election to fill a vacant unexpired term on the Synod Council, nominations shall be processed through the Committee on Nominations and Elections. Interim vacancy appointments shall remain the responsibility of the Synod Council. Conference restrictions shall not apply to nominations to fill unexpired terms on the Synod Council by appointment or election.*

S9.21.00
SA2003 Nominations and Election Process for Synod Assembly Elections

The following process shall be used for nominations and elections at the Synod Assembly:

S9.21.01 Publication of Pending Elections

The Synod Secretary shall prepare a list of offices to be elected and publish the list and a request for nomination suggestions in the Metroscope or its successor publication, published on or before the first week of the 4th month preceding the month in which the Synod Assembly is held. The information shall also be published on other publicly available Synodical media, such as a web site.

S9.21.02 Committee on Nominations and Elections Pre-Assembly Process:

- 1) The Committee gathers the list of all open offices from the Secretary.
- 2) The Committee solicits additional nominee suggestions by a request for suggestions in an advertisement in e-mails to Deans, and a posting on the Web Site. Nomination suggestions may also be submitted in response to the Secretary's notice. All suggested nominees must be persons who hold membership in a congregation in the MNYS (compatible with S8.52, S10.06, and S11.11). Suggestors need not be Voting Members of the Assembly when submitting names to the Nominating Committee.
- 3) The Committee selects two persons for each office (or as prescribed by the governing documents) from nomination suggestions received and persons sought by the committee.
- 4) The Committee performs its duties with the following guidance:
 - i) Select only candidates for which there is evidence that they are qualified and willing to serve. Assertions by the suggestor are a potential source of this confidence.
 - ii) Use the Male/Female, Ordained/Lay and any other categories mandated by the governing documents as useful criteria to select candidates.
 - iii) Geographic location, age category, and PCL status may be used as necessary and wise to develop as representative a candidate list as possible.
 - iv) Nominate candidates such that, in a single office per ticket voting system, the representativeness goals and requirements would be met as completely as possible given the available suggested candidates.
- 5) The Committee shall gather at least the following information from each candidate for inclusion in the biographical information provided to the Voting Members:
 - Name, Address, Telephone
 - Age bracket (< 19, 20-39, 40-59, 60+)
 - Congregation and Conference
 - Racial/Ethnic Information
 - Current Position/Employment
 - Maximum of 3 Church Leadership positions thought by the candidate to be relevant to the position
 - Maximum of 3 Community Leadership positions thought by the candidate to be relevant to the position.
 - An optional statement from the candidate (25 words or less) indicating what key qualities they would bring to this office.
- 6) The Committee shall organize their nominees into groups of equivalent offices, with the committee's discretion to use a PCL category or not as they deem wise, taking due consideration to the representativeness goals.
- 7) The Committee may develop sub-groups of equivalent offices only insofar as, in their opinion, it is necessary to reasonably ensure meeting representativeness goals. If there is more than one equivalent office, the Committee may not so sub-divide the equivalent offices into sub-categories so there are only

two Committee nominees for each sub-category unless there is no other permitted category structure that will reasonably meet the representativeness goals.

- 8) The resulting categorized Nominee list shall be posted on the Web Site on or before the first day of the second month preceding the month in which the Synod Assembly is held, with e-mail notice to the Deans and any other mailing lists as appropriate. The list shall also be included in the first available Metroscope publication published on or after the release to the Web Site.
- 9) Once the nominees from the Committee are known, additional nominations by Voting Members may be made in writing to the Committee on or before one week before the Synod Assembly opening session. Such nominations must designate their nominee for a specific category among those categories published by the Committee and must complete the biographical information form specified by the Committee.
- 10) The Committee shall integrate the Nominations from the Voting Members with the Committee Nominations and prepare a consolidated nomination form and consolidated biographic document for distribution to voting members at the assembly. If a Nominee from a Voting Member nominated for a major category (e.g., Synod Council) is qualified for more than one sub-category as originally established by the Committee (e.g. Lay Female and Lay Female PCL) and if the nominator forbears from selecting one of those sub-categories, the Committee may assign that nominee to the category that, in the committee's opinion, best meets the representativeness goals.

S9.21.03

Elections - First Balloting Process

- 1) The first ballot shall contain the names of all nominees arranged in tickets, one ticket for each Committee designated sub-category of equivalent offices. Within each ticket, the names of the nominees are arranged in random order using a By-Lot procedure defined in the terms below. The candidate names are arranged in order so the first By-Lot selected candidate is listed first and so on.
- 2) The first ballot may have more than one office to be elected per ticket. If so, voters can vote for as many candidates within a ticket as there are offices.
- 3) To determine election for each ticket, the number of ballots submitted with a valid ticket marking that has at least one candidate selected for that ticket constitutes the number of voters on this balloting process for that ticket. Any candidates who receive more votes than 1/2 of the number of voters are elected.
- 4) After any candidates are declared elected, each ticket shall be examined to determine the number of offices remaining to be filled from that ticket.
- 5) The Committee shall report those non-elected candidates in each ticket who achieved the highest number of votes plus ties such that there are at least twice the number of candidates as there are offices remaining to be filled in each ticket.

S9.21.04

Process for Second Ballot

The Committee shall examine the remaining candidates within each first ballot ticket and develop additional tickets such that only one office is to be elected per ticket. Tickets on the second and subsequent ballots may include no more category restrictions than originally imposed by the Committee on the first ballot ticket.

- 1) Candidates shall be assigned to a second ballot ticket in this manner: For all second ballot tickets electing to equivalent offices with equivalent required category restrictions (e.g., Synod Council Clergy), the ticket with the fewest unassigned candidates eligible for that ticket's category restrictions and which has zero or one candidates already assigned is selected first. If there is more than one ticket with such a property, the selected ticket is chosen by lot from the set of equivalent tickets. From all remaining unassigned candidates eligible for this ticket, one is selected by lot and assigned to the ticket. The process iterates until all tickets have two assigned candidates. Then, from all available tickets, the one with the fewest assigned candidates and with 1 or more available qualified unassigned candidates is selected. If two or more tickets have the same such attributes one is selected by lot. An unassigned candidate that meets the selected ticket qualifications is selected by lot. This process iterates until all candidates are assigned to tickets.
- 2) Candidates on the second ballot shall be listed in the order in which they were assigned to the ticket in the By-Lot process described above.

S9.21.05

Second and Succeeding Ballot Election Process

- 1) The second ballot process shall permit voters to select only one candidate per ticket. The tickets on the second and subsequent ballots shall be labeled only by the constitutionally mandated restrictions that apply to that ticket plus a ticket number.
- 2) In the second ballot process, the total number of valid votes cast is calculated separately for each ticket. More than 1/2 of the number of valid votes cast is required for election.
- 3) If there is no election on a ticket on the second ballot, the top two candidates plus ties shall be candidates on a third ballot. The ordering of candidates on the third ballot is the same as the ordering on the previous ballot. On the third ballot, (if it is required) the Chair of the Synod Assembly seals their vote and provides it to the Committee Chair. Should there be a tie on one or more tickets on the third ballot,

the vote of the Chair of the Assembly shall be used to attempt to break the tie. To preserve the anonymity of the voters, the Committee shall not reveal whether or not an election was decided by use of the tie breaking process.

- 4) If a Synod Assembly adjourns without completing the election process or proceeding past the second ballot, the Synod Council in office at the time of the opening of the Synod Assembly shall fill the remaining offices, electing from the tickets and candidates that remain unselected by the Synod Assembly.

S9.21.06

Definition of Terms:

- 1) **Office:** a position to which a person is elected, e.g., Synod Council, Discipline Committee. Offices are not identified by representativeness categories.
- 2) **Ticket:** a selection of candidates for office among which voters must choose. A ticket may elect to more than one office. For example, a ticket may have 4 candidates, two of which should be elected. Tickets may be restricted to persons meeting one or more specific category requirements.
- 3) **Category:** a criterion that restricts the nature of candidates for a particular ticket. Constitutionally required categories include Lay Male/Lay Female and Ordained/Lay. Permitted categories include PCL, Age, and Quadrant Distribution. A Category is used to differentiate persons as they are assigned to tickets. If the Nominating Committee assigns one or more Categories to a Ticket, then all persons assigned to that ticket must meet the Category(s) limitations.
- 4) **Ballot:** a listing of candidates for election by ticket. More than one ticket (in general) is on a ballot. A voter casts votes per ticket and need not vote on every ticket included on a ballot.
- 5) **By-Lot Selection:** Either a manual or an automated process is permitted and both may be used during a single election. If the process is manual, equal tokens representing the available choices shall be thoroughly mixed and one token selected in an unbiased manner. If additional selections are required, tokens are selected in an unbiased manner from the remaining unselected tokens to determine the second, third, etc choice. If the process is automated, each choice shall be assigned a random number chosen by selection without replacement from the uniform distribution in the range 0—999. The highest number is considered selected. The second highest number is the second selected, etc.

Chapter 10

SYNOD COUNCIL

†S10.01.

The Synod Council consisting of the four officers of the synod, 10 to 24 other members, and at least one youth and at least one young adult shall be elected by the Synod Assembly.

a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ministers on a roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.

b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be four years.

S10.01.01.

The Synod Council shall consist of the four officers of the Synod, one youth who shall be not less than sixteen (16) years nor more than eighteen (18) years of age at the time of election or appointment for service, one young adult who shall be between the ages of eighteen (18) and thirty (30) at the time of election or appointment for service, and twenty-two (22) other members. Of the twenty-two (22) other members eight (8) shall be clergy, six (6) shall be lay female, six (6) shall be lay male, these members shall be nominated and elected as provided for under S9.20.00; in addition, four (4) lay members shall be elected as at large candidates, Two (2) of the four at large members shall be persons of color and/or whose primary language is other than English.

S10.01.02.

The term of each young adult and "other member" of the Synod Council elected by the Synod Assembly shall be four years. The term of the youth member shall be two years.

S10.01.03.

Apart from the four officers, no member of the Synod Council shall serve for more than two consecutive full terms.

S10.01.04

The terms of the members of the Synod Council (other than the officers) shall begin at the conclusion of the Synod Assembly (or Synod Council meeting) at which they are elected.

†S10.02. **The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions which are not in conflict with actions taken by the Synod Assembly or which are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.**

S10.02.01 *The Synod Council may conduct a meeting by mail to vote upon matters previously discussed at a regular or special meeting; or, in urgent matters not previously discussed, to consider an action recommended by the executive committee. In such cases, adoption will require a unanimous ballot of all members. The results of such votes shall be entered into the minutes of the next meeting of the synod council. Such meetings may be conducted using regular mail, facsimile or email communications.*

S10.03. **The functions of the Synod Council shall be to:**

- a. **Exercise trusteeship responsibilities on behalf of the synod.**
- b. **Recommend program goals and budgets to the regular meetings of the Synod Assembly.**
- c. **Carry out the resolutions of the Synod Assembly.**
- d. **Provide for an annual review of the roster of ordained ministers and of other official rosters, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.**
- e. **Issue letters of call to ordained ministers and letters of call to associates in ministry, deaconesses, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of Evangelical Lutheran Church in America.**
- f. **Fill vacancies until the next regular meeting of the Synod Assembly except as may otherwise be provided in the constitution or bylaws of the synod, and determine the fact of the incapacity of an officer of the synod.**
- g. **Report its actions to the regular meeting of the Synod Assembly.**
- h. **Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.**

S10.03.00. *Elections to fill unexpired terms (except for that of bishop) shall take place at the next synod assembly for which elections are scheduled (even years). Vacancy appointees will serve until such an election is held. The Synod Council may schedule a special election to fill unexpired terms if a vacancy occurs more than 5 months in advance of an odd year assembly.*

S10.03.01. *In addition to the functions listed in S10.03. the Synod Council shall:*

- a. *Supervise and coordinate the work of the committees and agencies of the Synod;*
- b. *Elect staff officials when such positions are created by the Synod Assembly;*
- c. *Establish the salaries of officers and staff officials;*
- d. *Designate representatives for the Synod in approved ecumenical relationships;*
- e. *Elect or appoint the representatives of the Synod who are to serve, in addition to the bishop ex officio, on the governing bodies of inter-church agencies to which the Synod is related;*
- f. *Adopt and oversee a system of personnel practices applicable to all Synod staff, officials and other employees;*
- g. *Make an annual examination of all investments and securities held by the Synod;*
- h. *Make statements in the name of the Synod on social or moral issues within the scope of the Synod's concern on recommendation of the Committee for Advocacy and Social Ministry when in the judgment of the Synod Council an emergency exists, or when to delay such action until the next Synod Assembly would destroy the effectiveness or seriously impair the timeliness of a statement that this Synod ought in conscience to make. Concurrence of two-thirds of the total membership of the Synod Council shall be required in each instance.*

S10.04. **Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council shall require a two-thirds vote for adoption.**

- S10.05.** No elected member of the Synod Council shall receive compensation for such service on the Council.
- S10.06.** If a member of the Synod Council ceases to be a member in good standing on a roster of the synod, if an ordained minister, or to be a voting member of a congregation of the synod, if a layperson, the office filled by such member shall at once become vacant.
- S10.06.01* Any member of the Synod Council who is absent from four (4) successive regularly scheduled meetings of the Council or whose overall attendance is less than 50% in a twelve (12) month period shall have their office at once declared vacant and a replacement shall be provided in accordance with S10.03.f.
- S10.07.** The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.
- S10.07.01.* Regular meetings of the Synod Council shall be held at least three times annually at the time and place as fixed by the Council. Special meetings may be called at the request of seven or more members of the Council, by the bishop, or in the case of the bishop's death, resignation or inability to serve, by the vice-president. Special meetings shall be held on at least three days notice and shall specify the items of business to be considered.
- S.10.07.02.* Committees and/or task forces may be appointed from time to time to carry out specific responsibilities as the Council has need.
- Chapter 11** **STANDING COMMITTEES, COMMITTEES AND COMMISSIONS.**
- †S11.01.** There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee and such other committees as the synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by the synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.
- S11.01.01.* The Executive Committee of the Synod Council shall be a Standing Committee and shall consist of the four officers and four members of the Council. Members shall be elected annually by the Council to serve for one year, such election to take place at the first regular meeting of the Council following the Synod Assembly. In addition to the responsibilities specified in †S8.56 the Executive Committee shall:
- a.* Confer with the bishop on matters to come before the Synod Council; and
 - b.* Review routing items to come before the Synod Council with the purpose of facilitating deliberation and action in the Council meetings.
- †S11.02.** The Consultation Committee of this synod shall consist of at least six and not more than 12 persons, of whom half shall be ministers of Word and Sacrament and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution.
- The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.
- S.11.02.01* The Consultation committee shall consist of twelve (12) members.
- †S11.03.** The Committee on Discipline of this synod shall consist of twelve (12) persons of whom six (6)

shall be ministers of Word and Sacrament and six (6) shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.

a. The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

b. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.

†S11.04. The Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.

†S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom are members of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's accounting, financial reporting, internal control systems, and external audit processes as provided in †S15.31

Audit Committee Functions [SC10.06.xx]

The functions of the Audit Committee shall be to:

- a. Recommend to the synod council the appointment of independent auditor.
- b. Meet with the independent auditor to discuss the scope and approach of the audit.
- c. Review and evaluate the reports prepared by the independent auditor particularly with respect to any identified weaknesses in the synod's internal accounting and management controls and any recommendations for improvements in such controls.
- d. Monitor and report to the synod council the progress of remedial actions that may be an appropriate response to the report of the independent auditor.
- e. Review the annual financial statements with the independent auditor.
- f. Conduct periodic inquiry into synod procedures for ensuring expenditures (especially in sensitive areas such as professional fees, compensation, and travel and entertainment) are appropriate in nature and reasonable in amount.
- g. Provide the synod secretary with minutes of all meetings.

S11.10. General Provisions

S11.11. The synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committee and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

S11.20. Other Committees and Commissions

S11.21. Committees

This synod shall establish committees to which are assigned responsibility for an identified portion of the program of the synod. Committees shall relate to appropriate church-wide program units and to Region 7 for the purpose of identifying and promoting the purposes and programs of the ELCA. Committees shall be responsible to the Synod Assembly and report to the synod council between assemblies. The synod council shall be authorized to review and approve the policies, procedures, and programs of committees in order to assure conformity with the governing documents and actions of the Synod Assembly.

S11.21.01. *Size, Tenure and Appointment of Committees*
Each committee shall consist of five to twelve persons, appointed for three year terms by the bishop with the advice and consent of the Synod Council. Reappointments may be made for two additional

terms. Chairpersons of committees shall be appointed by the bishop and serve at the pleasure of the bishop.

S11.21.02. Committees shall be appointed as necessary to relate to the following program areas, their names and duties shall be established in a Continuing Resolution:

- a. *Congregational Life*
 - 1) *Children, Youth and Family Ministry*
 - 2) *Worship and Music Committee*
- b. *Education*
 - 1) *Domestic Violence Task Force*
 - 2) *Companion Synod Committee*
- c. *Ministry*
 - 1) *Synodically Rostered Diaconate Council*
- d. *Outreach*
 - 1) *Outreach Committee*
 - 2) *Mission Planning Team*
- e. *Advocacy and Social Ministry*
 - 1) *Global Mission Committee*
 - 2) *Hunger Committee*
- f. *Administration*

1) *Archives Advisory Committee [SC2004.09:10]*

The Archives Advisory committee is responsible for identifying, gathering, maintaining and interpreting the historical records and artifacts of the Metro NY Synod of the ELCA and predecessor bodies. The Archives Advisory Committee consists of persons appointed in accordance with Synod bylaws. The archivist, chairperson and historian are recommended by the committee and appointed by the bishop, and serve at the pleasure of the Bishop. A representative from the Region 7 Archives at Philadelphia, a representative of Wagner College and the bishop will be advisory members of the committee.

One member of the committee shall be the Synod Archivist. The Archivist is responsible for collecting and appraising, preserving and protecting, arranging and describing and making accessible original documents and records of the synod and of congregations of the Synod which disband.

One member of the committee shall be the Synod Historian. The Historian is responsible for identifying appropriate source materials for inclusion in the archives and for interpretation and presentation of Synod history.

The committee will assist the Archivist and Historian in the performance of their duties. In addition the committee shall:

- i. Advise congregations of this synod in the creation and maintenance of congregational records and archives.
- ii. Advise congregations of this synod in the preservation and interpretation of congregational history.
- iii. Coordinate with regional and churchwide archivists and historians.
- iv. Advise the synod and its congregations of items of historical, ecclesial or artistic merit within the synod that should be preserved or require conservatory care, particularly in the case of congregations in the process of closing.
- v. As necessary, make recommendations to Synod regarding long-range planning and management of the archives.

g. *Finance*

1) *Compensation Guidelines Committee [SC2003.04.]*

The Compensation Guidelines Committee shall consist of five persons appointed in accordance with synod bylaws [S11.21.01]. Every effort will be made to have at least one representative from each quadrant. The chairperson shall be appointed by the bishop and serve at the pleasure of the bishop. The bishop and vice president of the synod will be advisory members of the committee.

Responsibilities of the committee include:

- i. Examining available resources for determining equitable and fair levels of compensation and benefits for rostered leaders.
- ii. Studying, reviewing and comparing compensation guidelines from other synods and ecumenical partners
- iii. Annually recommending to the synod council the Compensation Guidelines for rostered leaders of this synod.
- iv. Assuring annual distribution of Compensation Guidelines to all congregation and agency leadership, and rostered leaders no later than October 1.
- v. Encouraging congregations and agencies of this synod to establish and maintain Mutual Ministry

Committees.

- vi. Receiving suggestions and comments from congregations and individuals for improving the guidelines.
- vii. Maintaining helpful materials about compensation and personnel evaluation that would be available to congregations, agencies and leaders of this synod.
- viii. Providing the synod secretary with minutes of all meetings.

2) *Financial Management Committee [SC2003.04.]*

The Financial Management Committee provides for responsible management of all financial assets of the synod; prepares an annual budget reflecting realistic anticipated receipts and expenditures that support the synod's ministries and strengthens the financial position of the synod through all appropriate means.

Committee membership consists of the treasurer and five to eight persons appointed in accordance with synod bylaws. The chairperson is appointed by the bishop and serves at the pleasure of the bishop. The bishop and vice president of the Synod Council are advisory members of the committee.

Responsibilities of the committee include:

- i. Assisting and advising the Synod Council in financial and business requirements as specified in documents of governance, constitution, bylaws and continuing resolutions.
- ii. Ensuring, on behalf of the Synod Council, that the financial affairs of the synod are being conducted efficiently, giving particular attention to promptly paying all obligations and regularly forwarding the expected proportionate share of congregational mission support to the churchwide treasurer's office.
- iii. Providing for financial management systems in the synod office, including bookkeeping, banking, and investing.
- iv. Regularly analyzing and reporting to the Synod Council trends in income and expenses, giving special attention to unanticipated fluctuations.
- v. Developing and maintaining a system of long-range financial planning for the synod.
- vi. Ensuring that there is an adequate system of internal controls.
- vii. Annually examining and reviewing insurance in force to ensure that there is adequate and appropriate coverage.
- viii. Monitoring significant litigation that may affect synod resources.
- ix. Developing income and expense projections for use in the annual budget development process, taking into account past trends in congregational giving, commitments and other factors.
- x. Developing a draft of a budget for each coming fiscal year and submitting it to the Synod Council for its submission to the Synod Assembly. The budget development process shall include opportunities for staff, committees, and other groups to request support for their programs. The process shall reflect annual consultation between the churchwide organization and the synod in setting the proportionate share of congregational income.
- xi. Providing effective management of the Synod's investment portfolio (operating, restricted and endowment funds) consistent with approved fund objectives. Responsibilities for managing the investment portfolio include:
 - a. Developing and regularly reviewing the Statement of Investment Objectives and Policies and recommends to Synod Council for approval. In particular, the committee periodically reviews the asset mix policy and real rate of return objective included in the statement and recommends changes to Synod Council as appropriate.
 - b. Directing the investment according to the approved asset mix policy, in the markets it considers to be the most appropriate.
 - c. Making decisions concerning the engagement and termination of investment managers, consultants providing performance measurement and investment advice, and custodians.
 - d. Approving mandates and investment objectives for individual investment managers and establishing criteria for manager review.
 - e. Monitoring investment performance of the total portfolio and of individual managers and assessing each manager's compliance with the approved mandate.
 - f. Assisting in other areas of concern as may be requested by the Synod Council, Executive Committee or the bishop.
 - g. Providing the Synod Secretary with minutes of all meetings.

3) *Investment Committee*

h. *Funds*

- 1) *Bishop's Mission Fund*
- 2) *Urban Empowerment Fund*

i. *Synod Assembly*

- 1) *Assembly Planning Committee [SC2003.11.]*

The Assembly Planning Committee membership shall consist of seven (7) persons appointed in accordance with synod bylaws. Every effort will be made to have at least one representative from each quadrant.

Responsibilities of the committee include:

- i. Management and logistics for each Synod Assembly.
- ii. Coordinating all necessary plans for each Synod Assembly.
- iii. Preparation of budget estimates for each Synod Assembly and recommendation to Synod Council of appropriate registration fees.
- iv. Recommending a draft agenda to the Office of the Bishop.
- v. Coordinating with other synod committees assigned specific duties for Synod Assemblies, such as Worship, Nominations, Elections, Reference and Counsel.
- vi. Coordinating with the Synod Secretary and the Office of the Bishop for preparation and transmission of all necessary documents and notices for each Synod Assembly.
- vii. Coordinating with the Business Manager of the Synod to manage the financial and legal tasks for a Synod Assembly.

2) *Assembly Site Selection Committee [SC2003.11.]*

The Assembly Site Selection Committee membership consists of five (5) persons. Two persons are selected by the Bishop and Vice President in consultation from the membership of the Synod Council. Two persons are selected by the Chair of the Assembly Planning Committee. The Business manager of the Synod serves as chair. The term of each member shall be one year. Successive re-appointments are permitted.

Responsibilities of the committee include:

- i. Select a date and site for each Synod Assembly.
- ii. Recommend such site to the Synod Council for approval no later 15 months before the recommended assembly date.

S11.21.03. *There shall be a Candidacy Committee which shall be responsible for guiding candidates during their period of preparation for ministry as pastors, associates in ministry, deaconesses or diaconal ministers. This committee which shall be chaired by the bishop or his/her designee shall also examine the qualifications of candidates for ordination or for reception from other church bodies. Applicants who have been endorsed by the bishop and the candidacy committee shall be recommended by the committee to this Synod's Assembly, or, if that is not practicable, to the Synod Council for approval for ordination, commissioning or consecration.*

S11.22. Commissions

This synod shall establish commissions as units of the synod which assist and advise committees in the performance of their function or sets of functions in accordance with the purposes of each commission. Commissions shall be responsible to the Synod Assembly and report to the Synod Council between assemblies.

S11.22.01. *Size, Tenure and Appointment of Commissions*
Each commission shall consist of five to twelve persons, appointed for three year terms by the bishop with the advice and consent of the Synod Council. Reappointments may be made for two additional terms. Chairpersons of commissions shall be appointed by the bishop and serve at the pleasure of the bishop.

S11.22.02. *The Synod shall have the following commissions:*

- a. *Communications and Public Relations*
- b. *Multicultural Affairs*
- c. *Women*
- d. *Gays and Lesbians*
- e. *Evangelical Outreach*

S11.23. The Synod Council shall have the authority to create such committees or organizational units as are necessary to carry out the mission and functions of this Synod. It shall set forth the purposes and functions of each committee and organizational unit, its composition and terms of service in accordance with the provisions of the constitution.

S11.23.01 *Any ad hoc committee, task force, or work group whose assigned purpose and tenure is for less than one year may be chartered by the bishop or vice-president of the synod; its members shall be appointed by the mutual agreement of the bishop and vice-president. The chartering (purpose and function), staffing (composition) and term of service of such committees, task forces, etc. shall be reported to the Synod Council.*

Chapter 12 CONFERENCES, CLUSTERS, COALITIONS OR OTHER AREA SUBDIVISIONS

†S12.01. This synod may establish conferences, clusters, coalitions, area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and partners as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other partners.

S12.01.01. The synod shall establish and make provision for the continued functioning of conferences composed of the congregations within specified areas and their pastors. Other ordained ministers not serving parishes shall be assigned to a conference by the bishop. The boundaries of the conferences shall be subject to determination by the Synod Council, with sensitivity to local mission needs.

S12.01.01 Conferences/Quadrants

A2016 The synod shall be composed of conferences, grouped in four quadrants.

The Synod Council shall assign congregations to a conference.

{Note: The list of congregations below is provided for convenience and is not part of the governing documents, but subject to adjustment when congregations are recognized or closed.}

a. Quadrant I – Seven Northern Counties

1.) Conference 1 – Hudson

Immanuel, Kingston	St. Paul, Red Hook
Redeemer, Kingston	Memorial, Rhinebeck
Trinity, Kingston	Third, Rhinebeck
Redeemer, New Paltz	Atonement, Saugerties
First, Poughkeepsie	St. Paul, West Camp
Mount Calvary, Ruby	Christ, Woodstock
St. John, Poughkeepsie	

2.) Conference 2 – Delaware-Hudson

St. Thomas, Central Nyack	St. Paul, New City
Christ, Ellenville	King of Kings, New Windsor
Grace, Greenwood Lake	Christ, Newburgh
St. Paul, Liberty	Good Shepherd, Pearl River
St. John, Middletown	St. Peter, Port Jervis
St. Paul, Narrowsburg	Christ, Suffern

3.) Conference 3 – Tappan Zee

Trinity, Brewster	St. Luke, New Rochelle
Our Redeemer, Chappaqua	Emanuel, Pleasantville
Our Savior, Croton-on-Hudson	St. Paul, Rye Brook
Dobbs Ferry, Dobbs Ferry	Grace, Scarsdale
St. John, Mamaroneck	St. Matthew, White Plains
Resurrection, Mt. Kisco	Trinity, White Plains
United, Mt. Vernon	Grace, Yorktown Heights
Holy Trinity, New Rochelle	St. Andrew, Yorktown Heights

b. Quadrant II – Nassau-Suffolk

1) Conference 4 – Eastern Nassau

St. John, Bellmore	Grace, North Bellmore
St. Luke, Farmingdale	Good Shepherd, Plainview
St. Stephen, Hicksville	Our Redeemer, Seaford
Good Shepherd, Levittown	Faith, Syosset
St. David, Massapequa Park	Christ, Wantagh
St. John, Merrick	

2) Conference 5 – Western Nassau

Christ, Floral Park	Gloria Dei, New Hyde Park
Ascension, Franklin Square	Our Savior, Port Washington
Our Savior, Glen Head	Kalam Lutheran Church, Roslyn
Our Saviour, Manhasset	New Hope, Valley Stream
Our Savior, Mineola	St. Andrew, West Hempstead
Christ, New Hyde Park	

3) Conference 6 – Southwest Nassau

Bethlehem, Baldwin	Christ/Christo, Freeport
St. Peter, Baldwin	Epiphany, Hempstead
Incarnation, Cedarhurst	St. John by the Sea, Long Beach

St. John, Lynbrook
Grace, Malverne
Oceanside, Oceanside

4) Conference 7 – Peconic

St. Michael, Amagansett
Incarnation, Bridgehampton
Holy Cross, Commack
St. Peter, Greenport
Holy Cross, Lake Ronkonkoma
Advent, Mattituck

5) Conference 8 – Western Suffolk

Cross of Christ, Babylon
Ascension, Deer Park
Christ, East Northport
St. Paul, East Northport
Calvary, Hauppauge
Gloria Dei, Huntington Station
St. Peter, Huntington Station

c. *Quadrant III – New York, Bronx, Richmond*

1) Conference 9 – Manhattan

Advent
Christ
NY Finnish
Grace & St. Paul
Gustavus Adolphus
Holy Trinity
Immanuel
Our Savior's Atonement

2) Conference 10 – Bronx

Abiding Presence
All Saints
Calvary
Epiphany
First
Fordham

3) Conference 11 – Staten Island

Christ
Eltingville
Immanuel
Messiah

d. *Quadrant IV – Kings-Queens*

1) Conference 12 – Southeast Queens

Prince of Peace, Cambria Heights
New Hope, Jamaica
Our Saviour, Jamaica
Epiphany, Laurelton

2) Conference 13 – Western Queens

Grace, Astoria
St. Barnabas, Howard Beach
St. John, Richmond Hill
Bethany, Elmhurst
Grace, Forest Hills
Atonement, Jackson Heights
Trinity, Long Island City

3) Conference 14 – Northeast Queens

Holy Trinity, Bellerose
St. Paul International, Floral Park
Christ, Flushing

4) Conference 15 – Brooklyn Bridges

Espiritu Santo

Holy Trinity, Rockville Center
Good Shepherd, Roosevelt
Grace, Uniondale

Our Savior, Patchogue
St. Paul, Port Jefferson Station
Trinity, Rocky Point
Hope, Selden
St. Andrew, Smithtown

Christ, Islip Terrace
St. John, Lindenhurst
King of Kings, Melville
Latvian Church of New York, Melville
Trinity, Wyandanch
Abiding Presence, Fort Salonga

St. Luke
St. Peter
Transfiguration
Trinity (Lower East Side)
Trinity (100th St.)
Zion, 119th St.
Zion-St. Mark

Kingsbridge
Resurrection
St. Paul
St. Peter (140th St.)
St. Peter (219th St.)
Transfiguration

Our Saviour
St. Paul-St. Luke
Trinity
Zion

Redeemer, Queens Village
St. Peter, Springfield Gardens
Resurrection, St. Albans

Trinity-St. Andrew, Maspeth
Trinity, Middle Village
St. Jacobus, Woodside
Christ Chinese, Elmhurst
St. Paul (129 St.) Richmond Hill
Covenant, Ridgewood
St. James-St. Matthew, S. Ozone Park

All Saints, Jamaica
Christ, Little Neck

St. John
St. John-St. Matthew-Emanuel

St. Paul		Zion
	5) Conference 16 – South Shore Brooklyn	
Advent		St. Paul (W. 8th St.)
Holy Redeemer		St. Stephen
Holy Trinity		Trinity
St. James		Epiphany
St. Paul (Ave. J)		
	6) Conference 17 – Southwest Brooklyn	
Bethlehem		St. Jacobi
Good Shepherd		Salam Arabic
Our Saviour		Trinity
Redeemer-St. John		

- 12.01.02. *Conference Objectives*
The objectives of each conference shall include:
- a. *Study the Holy Scriptures and Christian doctrine, and promote such study within the congregations.*
 - b. *Quicken and deepen the spiritual life of clergy and laity.*
 - c. *Cultivate Christian fellowship.*
 - d. *Discuss methods of parish administration and the solution of parish problems.*
 - e. *Transact business matters relating to the congregational work of the conference.*
 - f. *Study and support the mission and programs of the Evangelical Lutheran Church in America and the Metropolitan New York Synod.*
 - g. *Foster cooperative efforts in nurture and service.*
- S12.01.03. *The conference shall have at least one meeting annually. Additional meetings may be scheduled by the conference, called by the dean or the bishop, or called by the dean at the request of one fourth of the congregations of the conference.*
- S12.01.04. *One-third of the ordained ministers of the conference and at least one-third of the congregations of the conference shall have registered lay delegates at a conference meeting shall constitute a quorum.*
- S12.01.05. *All congregations in the conference shall be represented at the conference meetings by the pastor(s) and two lay delegates.*
- S12.01.06. *All ordained ministers not under call by a congregation in the conference to which they are assigned shall be entitled to vote.*
- S12.01.07. *Each lay delegate and ordained minister shall be entitled to one vote. Proxy and absentee voting shall not be permitted in any meeting of the conference.*
- S12.01.08. *Each conference in consultation with the bishop shall elect a dean from among the pastors of the conference to serve a term of four years, a secretary who may be either clergy or lay, and such other officers as deemed appropriate, each to serve for a two-year term. A dean shall normally serve no more than eight consecutive years, and each other officer shall serve in his or her office no more than two consecutive terms. If a dean fails to perform the duties of the office of dean, the bishop may request the resignation of the dean, or may ask the Synod Council to remove the dean from office. A two-thirds majority vote by the Synod Council is necessary for removal of a dean.*
- S12.01.09. *Each conference may appoint or elect such committees, task forces or other groupings, or undertake such activities as may be desirable to fulfill its objectives.*
- S12.05.00 *Deans*
- S12.05.01 *Purpose of the Dean*
The Conference Dean shall support the ministry within the Conference and serve as the principal liaison between the Conference and the Office of the Bishop.
- a. *The Dean shall represent the Office of the Bishop within the Conference in order to enhance ministry, service and communication among congregations and rostered leaders.*
 - b. *The Dean shall represent the Conference within the Conference of Deans.*

- c. *The Dean shall be the Bishop's representative on the territory of the Conference.*

S12.05.02

Criteria for Selection

The Conference Dean shall be a pastor under a regular call from a congregation or the Synod and serving on the territory of the Conference, or a retired pastor living on the territory of the conference. A person selected to serve as Dean:

- a. *is Christ-centered;*
- b. *supports the mission and inter-relatedness of the congregations, synod and church-wide expressions of the Evangelical Lutheran Church in America;*
- c. *is collegial and cooperative;*
- d. *demonstrates leadership in the Conference;*
- e. *communicates openly and honestly while respecting confidentiality, and holds sensitive information in strict confidence;*
- f. *maintains healthy boundaries and demonstrates physical, emotional and spiritual well-being and financial responsibility;*
- g. *participates in the life of the Synod.*

S12.05.03

Election:

The Bishop shall nominate normally two candidates for the office of Conference Dean, in consultation with the Conference.

- a. *The Dean shall be elected by the full Conference and recognized at the Synod Assembly. The Dean assumes the office immediately upon election, and may be installed at a Conference-wide event.*
- b. *The Dean will normally serve a term of four years, renewable once. In specific cases, based on the need of the Conference, the Bishop may, with the consent of the conference, postpone a scheduled election for up to one year suspend the term limit one time making it possible, in emergencies, for the Dean to serve an additional year. Conferences are encouraged to use Synod Guidelines for the election of Deans.*

S12.05.04

Duties:

- a. *The Dean will work closely with the Bishop and the Synod Staff. The Synod will provide appropriate training for the specific duties outlined below:*
 - 1.. *Facilitating or appointing a facilitator for all meetings of the Conference and its rostered leaders, including but not limited to regular bible study, training events, and visioning/discerning God's mission in its territory;*
 2. *Facilitating or appointing a facilitator for ministerium gatherings held at least quarterly;*
 3. *Participating in regular meetings of the Conference of Deans;*
 4. *Offering pastoral care to other rostered leaders and congregations and informing the Bishop of such needs;*
 5. *Sharing information within the Conference about the larger church;*
 6. *Assisting other deans when they are unable to fulfill their tasks;*
 7. *Providing a perspective from the Conference to the Office of the Bishop on pending issues and actions in the life of the Synod;*
- b. *In support of the call process, and in consultation with appropriate Synod Staff the Dean **may**:*
 1. *recommend rostered leaders to synod leadership for congregations in the call process;*
 2. *conduct the exit interview with the rostered leader who is leaving;*
 3. *conduct the exit interview with the elected congregation council at the end of a ministry;*
 4. *provide orientation for the congregation council and call committee in time of transition;*
 5. *be appointed coverage pastor, or may facilitate the appointment of one;*
 6. *introduce the recommended interim;*
 7. *review the congregational self-study/profile for mission with call committee and congregation council, helping to discern the future, ongoing mission of the congregation;*
 8. *present mobility papers of recommended rostered leaders to the call committee;*
 9. *assist the congregation to identify supply pastors in cooperation with and at the approval of the Office of the Bishop; and*

10. *preach and preside at worship early in the vacancy to represent the Office of the Bishop; for this service, the calling congregation will pay for the supply pastor leadership of the dean's congregation.*
- c. *Representing the Office of the Bishop by visiting each rostered leader in the Conference on an annual basis, and each congregation at least once during his/her term as Dean;*
- d. *Providing feedback to the Bishop's office regarding the missional health of the congregations in the conference; a neighboring Dean will provide a report on conference Dean's congregation;*
- e. *Representing the Office of the Bishop in welcoming new rostered leaders and normally presiding at their installation, and in other roles as requested by the Bishop;*
- f. *Being accountable for time and activity as Conference Dean to the Office of the Bishop, the Conference and the Dean's own congregation;*
- g. *Being in regular contact with the rostered leaders of the Conference, key lay leaders, and the Office of the Bishop; and*
- h. *Providing a written report from the Conference to the Synod Bishop, using supplied guidelines, for publication in the Synod Assembly Bulletin of Reports.*

S12.05.05

Support

- a. *Conference Deans will receive support from the Conference of Deans, and support and training from Synod Staff and the Bishop.*
The Office of the Bishop and/or the Synod Staff shall:
 1. *Provide guidance for helping the Dean's congregation adjust to this ministry;*
 2. *Visit a new Dean's congregation as a visible sign of support and appreciation to the congregation for sharing their pastor with the Conference.*
 3. *Send a yearly thank you to the Dean's congregation for their support as their pastor fulfills his/her duties as Conference Dean.*
 4. *Provide timely updates regarding any changes in the rostered leadership of conferences congregations;*
 5. *Provide reporting forms and guidelines for all requested reports.*
 6. *Provide guidelines for the resignation or termination of the dean's appointment.*

S12.05.06

Compensation

The Synod will provide travel reimbursement at the current IRS rate for all meetings related to the office of Dean, and reimbursement for other appropriate expenses related to the Dean's work.

Chapter 13

CONGREGATIONS

†S13.01.

Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the register of congregations of this synod, shall adopt the Model Constitution for Congregations or one acceptable to this synod which is not in contradiction to the constitution and bylaws of Evangelical Lutheran Church in America.

- a. **New congregations. A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:**
 - 1) **Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the ELCA constitution and bylaws.**
 - 2) **Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the Model Constitution for Congregations consistent with requirements of the constitution, bylaws and continuing resolutions of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the Model Constitution for Congregations, the constitution of this synod, or the Constitution and Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America, may be adopted as described in Chapter 16 and 18 of the Model Constitution for Congregations.**
 - 3) **Accept the commitments expected of all congregations of the ELCA as stated in**

***C6.01., *C6.02., and *C6.03., of the Model Constitution for Congregations.**

b. Congregations from another church body. If a congregation is a member of another church body, the leaders of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.

c. Recognition and reception. Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the register of congregations.

- †S13.02. It shall be the responsibility of each congregation of this synod annually to choose from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.**
- S13.11. When a pastor or when an associate in ministry, deaconess, or diaconal minister resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod.**
- S13.12. A congregation under financial obligation to its former pastor or associate in ministry, deaconess, or diaconal minister shall make satisfactory settlement of the obligation before calling a successor.**
- †S13.19. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.**
- †S13.20. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.**
- S13.21. The alignment of congregations in pastoral charges, and all alterations in any alignment, shall be subject to approval by the Synod Assembly or by the Synod Council.**
- †S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.**
- †S13.23. Provision 9.71. of the ELCA constitution shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.**
- S13.24. If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized or that it is necessary for this synod to protect the congregation's property from waste and**

deterioration, the Synod Council, itself or through trustees appointed by it, may take charge and control of the property of the congregation to hold, manage and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.

- S13.25. This synod may temporarily assume administration of a congregation upon its request or with its concurrence.
- †S13.30. Discipline
†S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws.
- S13.40. Synodically Authorized Worshiping Communities
S13.41. Authorized worshiping communities, acknowledged under criteria, policies, and procedures approved by the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.
- Chapter 14 ROSTERED MINISTERS
- S14.10 Ministers of Word and Sacrament
- †S14.11. The time and place of the ordination of those persons properly called to congregations or non-congregational service of this synod shall be authorized by the bishop of this synod.
- †S14.12. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
a. Every minister of Word and Sacrament shall:
1) preach the Word;
2) administer the sacraments;
3) conduct public worship;
4) provide pastoral care;
5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
6) impart knowledge of this church and its wider ministry through distribution of its communications and publications;
7) witness to the Kingdom of God in the community, in the nation and abroad; and
8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
b. Each pastor with a congregational call shall, within the congregation:
1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
2) relate to all schools and organizations of the congregation;
3) install regularly elected members of the Congregation Council;
4) with the council, administer discipline; and
5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this synod.
- S14.03. The pastor
a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation,
b. shall submit a summary of such statistics annually to this synod; and
c. shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- S14.04. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their

consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.

S14.05. Each ordained minister on the roster of this synod shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

†S14.16. When a congregation of this church desires to call a pastor or a candidate for the ministry of Word and Sacrament of this church:

- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
- b. For issuance of a letter of call to a pastor or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds vote shall be required of voting members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
- c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

S14.12. No ordained minister shall accept a call without first conferring with the bishop of this synod. An ordained minister shall respond with an answer of acceptance or declination to a letter of call within thirty days of receipt of such call. In exceptional circumstances with the approval of the bishop of the synod and the chair of the Congregation Council of the congregation issuing the call, an additional fifteen days may be granted to respond to a letter of call.

†S14.18. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or, following consultation with the synodical bishop and for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or suspension of the congregation through discipline.

- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,

- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
- 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the congregation council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical

opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of ministers of Word and Sacrament as disabled. Upon removal of the disability and restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by this synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

- †S14.19. Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.
- †S14.21. The parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in his/her hands in good order by a departing pastor before:
- a. installation in another call, or
 - b. approval of a request for change in roster status.
- †S14.22. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another call, or
 - b. approval of a request for change in roster status.
- †S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod

that the parochial records, for the period for which the interim pastor was responsible, are in order.

†S14.24. With the approval of the synodical bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.18., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.18.

S14.25. All ordained ministers under a call shall attend meetings of the Synod Assembly. The pastors of congregations shall also attend the meetings of the conference, cluster, coalition or other area subdivision to which the congregation belongs.

S14.22. Lay rostered ministers shall be subject to discipline as provided for in Chapter 20 of the constitution and bylaws of the ELCA.

S14.30. Ministers of Word and Service

†S14.31. The time and place of the consecration of those persons properly called to congregations or non-congregational service of this synod shall be authorized by the bishop of this synod.

S14.50.00 *Synodical Diaconate*

All subsections were reclassified as Continuing Resolutions in accordance with SA2009.05.12

S14.50.01 Purpose

- A. The purpose of the synodical diaconate is to coordinate and support the efforts of those engaged in diaconal ministry:
 1. to provide some basic and uniform standards for preparation, education, and accountability;
 2. to offer opportunities for continuing education, collegiality and support;
 3. to encourage excellence in ministry and to be a forum for mutual concerns and needs
- B. The synodical diaconate serves to coordinate and facilitate the oversight and leadership to be exercised by the bishop over the various diaconal ministries of the synod, whether in congregations or agencies, or on special deployed mission assignments.
- C. The ELCA constitution [7.61.02] does provide for synods to authorize diaconal ministry to meet local needs. The synodical diaconate is not an official ministerial roster of the Evangelical Lutheran Church in America and should not be confused with the Associate in Ministry or ELCA Diaconal Minister.

S14.50.02 Ministry

- A. At the heart of the ministry of deacons are works of mercy, witness and worship, in solidarity with the poor and needy. The actual tasks undertaken by members of this diaconate will vary according to the gifts and skills of the deacon, and the needs of the church and its surrounding community.
 1. Members are urged to lead the congregation as liturgical deacons in the historical sense, praying the Kyrie and the Prayers of the Church, preparing the altar for the Lord's Supper, and receiving the offerings.
While encouraged to perform these tasks rostered deacons are not to usurp the calling and privilege of other congregation members to also serve as assisting ministers in the congregation's liturgies.
 2. MNYS Deacons shall neither preside at the Holy Communion nor exercise the Office of the Keys except as may be authorized by the bishop. The deacon shall not administer Holy Baptism nor officiate at funerals, except at the direction of a supervising pastor.
 3. Deacons shall not regularly preach. They may on occasion preach in cases where an ordained minister is unavailable, and if they have received special training in homiletics and have been prepared to preach under the supervision of a pastor.

S.14.50.03 Membership

- A. MNYS Deacons are men and women who have been called by the Church to serve after the example of our Lord Jesus. They are first and foremost Christian people in their usual employment and life, and they are trained and formed by additional study and prayer.
- B. Members of the diaconate of the Metropolitan New York Synod are those people who

1. have applied for and been accepted into membership;
2. who meet those requirements set by the synod, and who;
3. adhere to the guidelines for service and supervision.

S14.50.04

Leadership - Diaconal Council

- A. To serve as a Diaconal Council to organize and conduct the business and activities of the diaconate, nine (9) persons including seven members of the synodical diaconate, two pastors and two additional lay persons will be appointed by the bishop with the advice and consent of the Synod Council .
 1. The council officers (a chairperson and a secretary) shall be elected from within the council each year.
 2. Appointments to the Diaconal Council shall be for three-year terms. There shall be a limitation of six consecutive years service on the Diaconal Council. Officers may serve no more than two consecutive years in the same office.
 3. The council shall relate to the leadership support structure of the synod
 4. A member of the council shall serve as liaison to the leadership support meetings.
 5. A member of the synod staff, appointed by the bishop shall be an ex-officio member of the Diaconal Council.
- B. The Diaconal Council will serve as the application committee for the synodical diaconate. Other individuals may be invited by the council to serve on the application committee to assist them in their work.
- C. The Diaconal Council shall be responsible for making a report on the life and activities of the synodical diaconate to each regular synod assembly, as well as providing regular reports to the bishop and synod council.

S14.50.05

Synodical Rostering Process

- A. Qualifications

MNYS Deacons must be of sound moral character and mature faith. They shall have demonstrated faithfulness in worship and service, and have shown an eagerness for further spiritual formation

 1. MNYS Deacons must:
 - b. be active members of a congregation of the Metropolitan New York Synod;
 - c. accept and adhere to the Confession of Faith of the Evangelical Lutheran Church in America;
 - d. have been involved in parish life and leadership;
 - e. have stability in their employment record and family life;
 - f. if married, have the whole-hearted support of spouse and family.
 2. They will complete an approved course of theological education such as the diakonia formation program which will include:
 - a. Biblical studies and exegesis
 - b. Evangelical Lutheran Theology (Systematics and Symbolics)
 - c. Prayer and Spirituality
 - d. Church History
 - e. Practice of Christian Witness and Ministry
 3. They will complete an an approved internship in which they demonstrate potential and skill in
 - a. relating to people,
 - b. in spiritual leadership,
 - c. in willingness and ability to participate in collegial relationships under pastoral supervision,
 - d. in care and advocacy for the poor and,
 - e. in an ability to publicly represent the church with intelligence, dignity and devoted service.
 4. It is expected that most members of the diaconate would continue to hold regular employment and serve on a part-time non-stipendiary basis.
 - a. In some cases, remuneration will be in order for members who serve a ministry which is their regular employment, who substitute for or replace a stipended minister, or have a special need.
 - b. Congregations and other agencies should provide funds for professional expenses incurred in the course of the deacon's duties and for continuing education.
 5. It is expected that members of the diaconate will serve a minimum of 15 hours per week in their specific ministry inclusive of preparation.
- B. Educational Requirements
 1. Applicants to the diaconate will have a high school diploma or its equivalent.
 2. Other background or experience will be taken into consideration in relation to the applicant's proposed areas of service.
 3. Completion of a program of special ministry training and theological formation such as diakonia. The two-year program, diakonia, will be the minimum standard for determining the theological preparedness of candidates. Other forms of preparation will be evaluated and may be accepted; additional preparation will be recommended as needed.
 4. MNYS Deacons shall engage in ongoing continuing education to develop ministerial skills and expertise

and to maintain the diaconate as a community of theological reflection.

C. Internship

1. All applicants shall complete an approved and supervised internship of nine (9) to twelve (12) months duration. Such an internship will normally take place only after the conclusion of a program of study and formation, and acceptance by the Diaconal Council as a candidate.
2. The purpose of internship is
 - a. to enable the applicant to experience the kind of service expected as a member of the diaconate;
 - b. to test the person's skills, interests, commitment and suitability as a member of the diaconate;
 - c. to further the applicant's training and formation under the supervision of an experienced pastor.
3. Establishment of an internship shall require
 - a. application for candidacy in the MNYS Diaconate
 - b. the agreement of a sponsoring congregation and pastor;
 - c. a proposal from the applicant, approved by the pastor and Diaconal Council, specifying tasks to be completed and hours to be spent;
 - d. formal approval by the congregation council of the internship site.
4. The policies and procedures established by the ELCA for Associates in Ministry candidacy shall be used as the basis for diaconal internships. Supervisors and interns may be provided with this material, along with consultation with the Diaconal Council on their use.
5. Internship process

Internship supervisors will normally be rostered ordained ministers directly related to the ministry being undertaken during the internship.

 - a. The supervisor shall
 - i. assist the intern in establishing goals and expectations;
 - ii. meet with the intern no less than twice monthly to discuss assignments, development, progress and concerns;
 - iii. submit a written evaluation of the internship to the application committee of the synodical diaconate.
 - b. The intern shall
 - i. submit periodic written reports on their internship, describing the nature of the experience and giving their personal reflections.
 - ii. The intern shall also meet regularly with a support committee made up of three (3) to five (5) members, appointed by the congregation council upon nomination by the pastor/supervisor. If the intern serves in an agency or institution, members should also be drawn from that venue in consultation with the pastor/supervisor.
 - c. The support committee shall provide progress evaluations to the Diaconal Council.

D. Acceptance

1. Applicants shall file a completed "Application for Admission to the Diaconate" to register their intentions with the bishop and application committee (Diaconal Council).
2. The local congregation council and pastor must give their support to the application.
3. The application process shall include:
 - a. an initial meeting between the applicant and application committee, (the process, requirements, internship and special needs will be discussed at this meeting;
 - b. the filing of an internship proposal (c.f.14.50.05.C.3.c),
 - c. at least one interim meeting between the applicant, committee and internship supervisor to gauge progress and make recommendations if needed;
 - d. at least two meetings of the application committee to review the initial application and proposed internship materials and then to review the completed internship materials and other pertinent matters;
 - e. a final interview between the application committee and applicant;
 - f. preliminary approval of the candidates as being eligible for call as a member of the synodical diaconate. Final approval for rostering cannot be granted prior to receipt of a Letter of Call.
4. Final approval (rostering) shall require:
 - a. A Letter of Call from a congregation attesting to an election at a legally called meeting of the congregation signed by the President of the congregation and accepted by the applicant, The Letter of Call shall provide an overview of the applicant's areas of service and an estimate of the number of hours to be served in each area;
 - b. A letter from the pastor-supervisor affirming the call and agreeing to guide, support and encourage the work of the applicant;
 - c. Approval by the application committee and endorsement of that decision by the bishop.
5. A Letter of Call to a Deacon shall be adopted or renewed annually (per ELCA 7.61.02) by the voting membership at a regular or special meeting of the congregation.

6. Congregations extending a Letter of Call to a synodical deacon should to adopt bylaws relating to the function of deacons in the congregation. Local congregational bylaws shall not be in conflict with these bylaws.
7. Approved applicants shall be received into membership in the synodical diaconate through the Laying on of Hands at a liturgy of the synod.

S.14.50.06

Accountability

- A. MNYS Deacons shall be accountable directly to their pastor-supervisors and to the congregations through which they received their Letter of Call and/or through the governing bodies of other organizations or agencies they serve.
- B. MNYS Deacons shall also be accountable to the bishop of the synod and to their peers in the synodical diaconate.
- C. Annual reports of ministry shall be filed with the calling congregation, bishop's office and Diaconal Council.

S.14.50.7

Participation

- A. The Diaconal Council shall maintain a detailed set of expectations and requirements for MNYS Deacons in service, including:
 - ongoing prayer for all deacons and their ministries,
 - attendance at an annual spiritual retreat,
 - participation as needed in support of the diaconate structure,
 - maintaining the integrity of local ministerial call,
 - submission of the annual report, and
 - participation in continuing education..
- B. New or renewed Letters of Call shall be filed with the Diaconal Council and with the Office of the Bishop. Notification of any change or modification to existing calls shall be sent to the bishop and the Diaconal Council.
- C. The bishop shall be consulted in the event of any resignation, termination or leave of absence from call due to special need or in the event of a pastoral vacancy
- D. Continuance on the synodical roster shall be maintained by an active Letter of Call. MNYS Deacons not under call shall have their status reviewed by the Diaconal Council in a manner consistent with the ELCA guidelines for Associates in Ministry.
- E. Ministerial Garb
 1. The synod provides ID cards to members of the diaconate on the synodical roster.
 2. Signs of office
 - a. A unique pectoral cross designed especially for the synodical diaconate identifies rostered deacons.
 - b. At the liturgies of the church MNYS Deacons may wear the diaconal stole as a mark of their office. When serving as assisting ministers they may wear the dalmatic.
 3. Street Dress

To avoid confusing the image of the deacon with that of the pastor, the basic street dress of the deacon should be regular shirts or blouses, or clerical neckband shirts without a collar. The wearing of clerical garb by MNYS Deacons is not permitted, except in specific mission situations and only upon the recommendation of the Diaconal Council and the express permission of the bishop.

†S14.32. **Consistent with the faith and practice of the Evangelical Lutheran Church in America, every Minister of Word and Service shall:**

- a. **Be rooted in the Word of God, for proclamation and service;**
- b. **Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;**
- c. **Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;**
- d. **Equip the baptized for ministry in God's world that affirms the gifts of all people;**
- e. **Encourage mutual relationships that invite participation and accompaniment of others in God's mission;**
- f. **Practice stewardship that respects God's gift of time, talents, and resources;**
- g. **Be grounded in a gathered community for ongoing diaconal formation;**
- h. **Share knowledge of the ELCA and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and**

- i. Identify and encourage qualified persons to prepare for ministry of the gospel.

†S14.41. When a congregation of this church desires to call a minister of Word and Service or a candidate for the ministry of Word and Service of this church:

- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective minister of Word and Service.
- b. For issuance of a letter of call to a minister of Word and Service or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.71., a two-thirds vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
- c. When the congregation has voted to issue a call to a prospective minister of Word and Service , the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

†S14.43. a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the office effectively in that congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the minister of Word and Service;
 - 5) suspension of the minister of Word and Service through discipline for more than three months;
 - 6) resignation or removal of the minister of Word and Service from the roster of ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant and the minister of Word and Service shall be listed on the roster of ministers of Word and Service as disabled. Upon removal of the disability and restoration of the minister of Word and Service to health, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds

vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.44. Ministers of Word and Service shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the Congregation Council.

†S14.45. The minister of Word and Service shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another call, or
- b. approval of a request for change in roster status.

†S14.46. With the approval of the synodical bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.43., a congregation may call a minister of Word and Service for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the minister of Word and Service and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.43.

Chapter 15 FINANCIAL MATTERS

†S15.01. The fiscal year of the synod shall be February 1 through January 31.

†S15.11. Since the congregations, synods, and churchwide organization are interdependent units that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program of the whole church. The gifts and offerings of the members of the Evangelical Lutheran Church in America are given to support all parts of this church and thus partnership in this church should be evidenced in determining each partner's share of the gifts and offerings.

Therefore:

a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.

b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage or amount of each congregation's mission support as determined in consultation with the churchwide organization and approved by the Synod Assembly as part of its budget consideration.

c. Should the Synod Assembly not approve the proportionate share of mission support determined in consultation with the churchwide organization, a new consultation with the churchwide organization shall take place. The Synod Council is authorized to amend the budget adopted by the Synod Assembly to reflect the results of this consultation.

S15.11.01. *Congregations shall be encouraged to transmit these proportionate shares monthly.*

†S15.12. **The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership funding with other synods and the churchwide organization.**

S15.12.01. *In conjunction with the development of each annual budget the Synod Council shall provide for hearings to afford staff officials and representatives of committees, other organizational units and potential budget beneficiaries the right to be heard.*

- S15.12.02. *The Synod Council shall include a brief statement highlighting important aspects of the budget.*
- S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16% of the sum of the amounts scheduled in the next year's budget for regular distribution to synodical causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.
- S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm selected by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. The financial reports shall be in the format approved from time to time by the Office of the Treasurer.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. The financial reports shall be in the format approved from time to time by the churchwide Office of the Treasurer.
- †S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

Chapter 16 INDEMNIFICATION

- †S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, agent, committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of section †S16.02.
- (a) The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †S16.04. †S16.01., a disciplinary hearing or related process described in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.
- (b) The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.
- †S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod as (or whose duties in that

position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if

(a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and

(b) that process has been applied in making a specific determination that such person is entitled to indemnification.

†S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other persons in or arising from a capacity described in section †S16.01. or section †16.02.

†S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America by the synodical bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be decided by the Synod Council.

Chapter 17 ADJUDICATION

†S17.01. The synodical bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.

†S17.02. The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When the matter at issue cannot be resolved in this manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

†S17.03. When there is disagreement among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.

†S17.04. When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve, it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. In this case the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.

†S17.10. Adjudication in a Congregation

†S17.11. When there is disagreement among factions within a congregation on a substantive issue that

cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 18

AMENDMENTS, BYLAWS AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by the Churchwide Assmby, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of Evangelical Lutheran Church in America officially informs the synod that the Churchwide Assembly has amended the constitution for synods, this constitution may be amended to reflect any such amendment by a majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the Constitution for Synods shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

†S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

- a.** An amendment may be adopted by a two-thirds vote at a regular meeting of the Synod Assembly after having been moved and presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least 25 members and having been approved by a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.
- b.** The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

†S18.20. Amendments to Bylaws

†S18.21. This synod may adopt bylaws not in conflict with this constitution nor with the constitution and bylaws of the churchwide organization. The synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

†S18.30. Amendments to Continuing Resolutions

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.