

**CONSTITUTION AND BYLAWS  
OF THE  
PACIFICA SYNOD OF THE  
EVANGELICAL LUTHERAN CHURCH IN AMERICA**

**Chapter 1.  
NAME AND INCORPORATION**

- †S1.01. The name of this synod shall be the "Pacifica Synod" of the Evangelical Lutheran Church in America.
- †S1.02. For the purpose of this constitution and the accompanying bylaws, the Pacifica 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 include the name of this synod and shall otherwise be in such form as is determined by the Synod Council from time to time.

**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 (ELCA or "this church"), which are recognized as having governing force in the life of this synod.
- †S2.02. 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 Imperial, Orange, Riverside, San Bernardino, San Diego in the State of California, and the State of Hawaii as their boundaries exist on the date this constitution is adopted.
- †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 10.01.11 and 10.02.02.

**S3.01.01** Congregations affiliated with this church, but not located within the territory of this synod, may be deemed to be within the territory of this synod provided that all requirements in the constitution, bylaws, and continuing resolutions of this church regulating such matters have been complied with and further provided that the Synod Assembly has adopted a bylaw providing for the affiliation of such congregations with this synod.

**S3.01.02** The following congregations affiliated with this church shall be deemed to be within the territory of this synod for all purposes: St. Andrew Lutheran Church, Whittier, California; Salem Evangelical Lutheran Church, Whittier, California; Shepherd of the Hills Lutheran Church, Whittier, California; Good Shepherd Evangelical Lutheran Church, Claremont, California; and Prince of Peace, La Mirada.

#### **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. 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.

## **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.**

To fulfill these purposes, this 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 the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers of this church in this synod, including:
  - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
  - 2) authorizing ordinations and ordaining on behalf of this church;
  - 3) approving associates in ministry, deaconesses, and diaconal ministers of this church, which may be done through multi-synodical committees;
  - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and
  - 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.
- b. Provide 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. Provide for discipline of congregations, ordained ministers, and persons on the official lay rosters; as well as for termination of call, appointment, adjudication, and appeals consistent with the procedures established by this church in Chapter 20 of the ELCA constitution and bylaws.
- d. Foster organizations for youth, women, and men and organizations for language or ethnic communities.
- e. Plan for the mission of this church in this synod, initiating and developing policy and implementing programs, consistent with churchwide policy, including:
- 1) ecumenical guidance and encouragement;
  - 2) development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
  - 3) leadership and encouragement of congregations in their evangelism efforts;
  - 4) development of relationships to and participation in planning for mission of social ministry organizations and ministries;
  - 5) encouragement of financial support for the work of this church by individuals and congregations;
  - 6) provision for resources for congregational life;
  - 7) assistance to the members of its congregations in carrying out their ministries in the world; and

- 8) interpretation of social statements in a manner consistent with the interpretation given by the churchwide unit which assisted in the development of the statement, and suggestion of social study issues through (a) Synod Assembly memorials to the Churchwide Assembly or (b) resolutions for referral from the Synod Assembly through the Synod Council to the Church Council and (c) Synod Council resolutions addressed to the Church Council or for referral to a unit of the churchwide organization through the Church Council's Executive Committee.
- f. Promote interdependent relationships among congregations, synods, and the churchwide organization, and enter into partnership with other synods in the region .
  - g. Participate in churchwide programs and develop support for the ministry of the churchwide organization.
  - h. Foster the grouping of congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.
  - i. Support relationships with and provide partnership funding on behalf of colleges, universities, and campus ministries.
  - j. Foster relationships with and provide partnership funding on behalf of social ministry organizations.
  - k. Maintain relationships with and provide partnership funding on behalf of seminaries and continuing education centers.
  - l. Foster supporting relationships with camps and other outdoor ministries.
  - m. Foster supporting relationships with preschools, elementary schools and secondary schools operated by congregations of this synod.
  - n. Interpret the work of this church to congregations and to the public.
  - o. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
  - p. Provide for archives in conjunction with other synods.
  - q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of this synod which can best be done cooperatively with other synods and the churchwide organization.

- r. 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 and according to procedures specified in the bylaws of this constitution.

**†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 laypersons; 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 ordained ministers shall be both male and female. This synod shall establish processes that will enable it to reach a minimum goal that is 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.A01.** *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.*

**†S6.05.** Each assembly, council, committee, board, commission, task force, or other body of this synod or any 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.

## **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.

**†S7.11.** A regular meeting of the Synod Assembly shall be held at least biennially.

**S7.11.01** Regular meetings of the Synod Assembly shall be held annually, as scheduled by the Synod Council, generally in the months of April, May, or June.

**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 one-fifth of the voting members of the previous regular 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 required 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.

**S7.13.** Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.

**S7.13.01** Notices of all meetings of the Synod Assembly shall be given in writing and mailed to all ordained ministers on the roster of this synod, all active associates in ministry, consecrated deacons and deaconesses, commissioned teachers, certified or commissioned lay professionals on the roster of this synod, and to each congregation related to this synod. The written notice shall be mailed by the secretary of this synod no later than sixty days prior to the scheduled meeting of the Synod Assembly.

**S7.14.** One-half of members of the Synod Assembly shall constitute a quorum.

**†S7.21.** The membership of the Synod Assembly, of which at least 60% of the voting membership shall be composed of laypersons, shall be constituted as follows:

- a. All ordained ministers under call on the roster of this synod in attendance at the Synod Assembly shall be voting members.
- b. All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the official lay rosters of this synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item +S7.21.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 this 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 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.A94** The Pacifica Synod of the ELCA grants seat and voice to the President of the Pacifica Synodical Women's Organization at Synod assemblies.

**S7.22.** a. This 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.

b. Ten percent (10%) of all retired ordained ministers on the roster of this synod shall have the right to serve as voting members of the Synod Assembly. The selection of these retired ordained ministers to serve as voting members shall be done in a process established by the Synod Council. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of number of members in the congregations so that at least 60 percent of the voting membership of the Synod Assembly shall be laypersons. The additional lay representation shall be determined in compliance with †S7.21.c.

c. Ten percent (10%) of all retired associates in ministry, retired deaconesses and retired diaconal ministers on the roster of this synod shall have the right to serve as voting members of the Synod Assembly. The selection of these retired associates in ministry, retired deaconesses and retired diaconal ministers shall be done in a process established by the Synod Council.

**S7.23.** All retired ordained ministers, all ordained ministers on leave from call, all associates in ministry on leave from call or retired, all deaconesses of the Evangelical Lutheran Church in America on leave from call or retired, and all diaconal ministers of this church on leave from call or retired who are not elected as members, all of whose names appear on the rosters of this synod, shall have the privilege of voice but not vote at all meetings of the Synod Assembly. 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 also 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 or the Synod Council shall from time to time designate.

- S7.24.** Ordained ministers 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 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 their names appear on the official lay roster 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 in his/her congregation. Normally, congregations will hold elections for voting members 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 mission settings formed with the intent of becoming chartered congregations and authorized worshipping 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. Authorized worshipping 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.
- 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.
- S7.28.** 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. (See S19.01)

**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 pastor who is an ordained minister of the Evangelical Lutheran Church in America.

**S8.11.01** This synod shall establish a "Mutual Ministry Committee" to give support and counsel to the bishop and staff. It shall consist of two ordained and four laypersons appointed by the Synod Council in consultation with the bishop. The Mutual Ministry Committee shall serve during the bishop's term of office, and shall meet with the bishop and staff at least semi-annually, or more frequently as the bishop requests.

†**S8.12.** As this synod's pastor, the bishop shall be an ordained minister of Word and Sacrament who 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 ordained ministers, and its other rostered leaders.
- c. Exercise solely 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 ordained ministry and as provided in the bylaws of the Evangelical Lutheran Church in America.
- d. Commission (or provide for the commissioning of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as associates in ministry; 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 deaconesses; and 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 diaconal ministers of this church.

- e. Attest letters of call for 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):
  - 1) the pastors of all congregations of this synod;
  - 2) ordained ministers called to extraparish service within this church; and
  - 3) persons serving in the other rostered ministries within this synod.
- 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 the synod as it seeks to promote the health of this church's life and witness in the areas served by the synod;
  - 4) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and witness in the areas served by this synod;
  - 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 ordained ministers, other rostered leaders, 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:

- a) the names and addresses of all ordained ministers of this synod and a record of the calls under which they are serving or the date on which they became retired or disabled; and
  - b) the names and addresses of all other rostered persons of this synod and a record of the positions to which they have been called 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 persons on leave from call or engaged in approved graduate study in conformity with the constitution and bylaws 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 persons 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.

**S8.12.01** The Bishop shall establish a Candidacy Committee which shall have responsibility for the recommendation of certification of candidates for the position of ordained minister or associate in ministry.

**S8.12.02** In order to facilitate a meaningful relationship between this synod and the Synodical Women's Organization, an independent entity, the bishop or his/her designated representative shall serve as a liaison representative from this synod to the board of the Synodical Women's Organization, provided

that the Synodical Women's Organization has established the basis for such a liaison relationship.

**S8.14.** The bishop may have such assistants as the Synod Council shall from time to time authorize.

**S8.14.01** The bishop may designate a person to serve as a representative of the bishop with respect to the ministry of this synod as it is conducted in the State of Hawaii. The following shall apply regarding the bishop's representative in Hawaii:

- a. The designated representative shall be an ordained minister of this church.
- b. The designated representative shall, on or before assuming the position, be a person whose principal residence is the State of Hawaii.
- c. The designation shall be made by the bishop after consulting with appropriate persons engaged in the ministry of this synod and its affiliated congregations and institutions in the State of Hawaii.
- d. The designated representative shall serve at the pleasure of the bishop.

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

**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.

**S8.21.01** The vice-president shall be a voting member of the ELCA Churchwide Assembly.

**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 an ordained minister.
- S8.31.1** The secretary shall not receive a salary for the performance of the duties of the office.
- †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 this 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 keep the minutes of all meetings of the Synod Council and Executive Committee.
- S8.40. Treasurer**
- †S8.41.** The treasurer shall be elected by the Synod Assembly. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or an ordained minister.
- S8.41.1** The treasurer shall not receive a salary for the performance of the duties of the office.
- S8.42.** The treasurer shall provide and be accountable for:
- a. Management of the monies and accounts of this 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.
  - d. Receipt and acknowledgment of offerings, contributions, and bequests made to this 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 such funds as authorized by the Synod Council and that are received by this synod for the general work of this church.

- e. 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 a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.
- f. Giving of corporate surety in the amount determined by the Synod Council, which shall be in the custody of the secretary, and the premium therefore 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, secretary, and treasurer of this synod shall be elected to a term of four years and may be reelected.
- c. The designation of the term of six years for the bishop shall begin upon the next election of a bishop of this synod. This item c. of +S8.51. shall expire at the completion of that election.

**S8.51.01.** The Bishop may serve three consecutive terms. The Bishop's term shall begin on the first day of the third month following his/her election at which time the term of the previous bishop shall terminate. No other officer shall serve more than two consecutive terms.

**S8.52.** The terms of the officers, except the Bishop, shall begin immediately after the adjournment of the regular meeting of the Synod Assembly at which the officer is elected to the Synod Council, and shall terminate at the adjournment of the regular meeting of the Synod Assembly held during the fourth calendar year following the member's election or until their successor(s) are elected. (See S8.55).

- †S8.53. Each officer shall be a voting member in a congregation of this 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 shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can 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 written 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 may be effected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America.
- †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 an ordained minister 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 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.
- 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.** There shall be a Nominating Committee consisting of seven members who shall be appointed by the Synod Council to serve for one year effective January 1, including each regular meeting of the Synod Assembly at which elections requiring nominations from the Nominating Committee are to be held. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee, provided that the nominees meet the inclusivity qualifications, if any, established by the Synod Council. (See S9.04.01)
- S9.03.01** Nominations for all positions, including the bishop, whether offered by the Nominating Committee, or from the floor, shall be valid only if prior to the nominations being closed, the nominee has, either directly or indirectly, indicated her/his willingness to serve if elected.
- S9.03.02** Except for nominations for the position of bishop, all nominations from the floor must be accompanied by a written nomination containing the signatures of no less than 10 persons entitled to vote at the assembly for the nominee.
- 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 cast 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 legal 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 legal 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.
- S9.04.01** There shall be a Synod Bishop Nominating Task Force, separate from the Synod Nominating Committee, who shall present to the Synod Assembly nominees for the office of bishop.
- a. Members of the Synod Bishop Nominating Task Force shall be such that it is represented by 1 clergy or 1 layperson of each Conference, as recommended by each of the deans and chairpersons from the conferences described in the bylaws.

- b. Appointments to the Synod Bishop Nominating Task Force shall be approved by the Synod Council at its spring council meeting one year prior to the Synod Assembly year in which a Synod bishop is to be elected.
- c. The Synod Bishop Nominating Task Force will assure that the Synod bishop election procedures are printed in the Synodical newsletter the year preceding the Synod bishop election.

**S9.04.02** During the year in which a bishop is to be elected, each Conference of the Synod described in the bylaws shall be requested to submit to the Synod Bishop Nominating Task Force up to 12 names of ordained ministers of the ELCA as potential candidates for Synod bishop.

- a. Before submitting their names, each conference is encouraged to study the office of Synod bishop in conjunction with identifying those whom they believe to have the gifts necessary for holding the office of Synod bishop.
- b. The selection of names should be done by congregations through a conference process, such that their list of nominees are presented to the Synod Bishop Nominating Task Force by November 1st of the year prior to the Synod Assembly year in which a Synod bishop is to be elected.

**S9.04.03** The Synod Bishop Nominating Task Force shall submit to the Synod Assembly in the year in which a Synod bishop is to be elected, a slate of no more than 12 nominees for Synod Bishop.

- a. From among those persons nominated by each conference, the Synod Bishop Nominating Task Force shall develop the Synod bishop nominee list by determining the 12 names most frequently submitted for Synod bishop. In the event of a nominating tie, the discretion will lie with the Synod Bishop Nominating Task Force.
- b. The Synod Bishop Nominating Task Force will notify the 12 nominees to get their concurrence that they are willing to be nominated and may review their qualifications for the office of the bishop before submitting their names in nomination.
- c. The Synod Bishop Nominating Task Force shall develop biographical data on each of the nominees. This information shall be submitted to the Synod office 90 days prior to the date of the assembly of the year in which a Synod bishop is to be elected by the Synod Assembly.

- d. The Synod office shall process and promptly distribute the Synod bishop nominees' biographical information with the delegates' pre-assembly packets.
- e. Synod bishop nominees are encouraged to refrain from campaigning for the office of Synod bishop.

**S9.04.04**

At the Synod Assembly in which a bishop is to be elected, the slate of Synod Bishop nominees shall be presented to the Assembly at the first business meeting following the opening of the Assembly. The first ballot in the election of a bishop shall not be limited to the names proposed by the Synod Bishop Nominating Task Force. Voting members of the Assembly who intend to vote on the first ballot for a candidate who has not been included in the prior nominating process may, on the first day of the Assembly, submit to the task force a completed copy of the approved biographical information form for duplication and distribution to the voting members prior to the second ballot.

- a. On the first ballot, three fourths (3/4) of the legal votes cast shall be necessary for election. If no election results, the first ballot shall be considered the nominating ballot and all names will be forwarded to the second ballot. Persons desiring to have their names removed from the second ballot for bishop shall indicate their desire, in writing, to the chairperson of the Synod Bishop Nominating Task Force by a time designated by the Synod Assembly and prior to the preparation of the Second Ballot for the election of a Bishop
- b. On the second ballot three fourths (3/4) of the legal votes cast shall be necessary for election.
- c. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot. Two thirds of the legal votes cast shall be necessary for election.
- d. Prior to the third ballot, a question and answer period, not to exceed one hour, shall be held. The Synod Bishop Nominating Task Force will provide up to seven questions to be submitted to each nominee for their response. The order in which each candidate receives the question shall be rotated in such a manner as to allow each candidate a "first response".
- e. The fourth ballot shall be limited to the three persons (plus ties) whose names received the greatest number of votes on the third ballot. Sixty percent of the legal votes cast shall be necessary for election.
- f. Prior to the casting of the fourth ballot, the three persons (plus ties) whose names will appear on the fourth ballot, may each address the Assembly for no more than five minutes.

- g. Subsequent ballots shall be limited to the two persons (plus) ties whose names received the greatest number of legal votes on the fourth ballot. A majority of legal votes cast shall be necessary for election.
- h. Once the balloting for the office of Synod Bishop has begun, the Assembly shall not adjourn until a Synod Bishop is elected.

**S9.04.05**

If an election for a successor bishop must be held in the event of the death, resignation, or inability to serve of the incumbent bishop, a special or regular meeting of the Synod Assembly shall be called. The voting members to a special assembly shall be the same members from the previous regular assembly. Congregation elections may be held to fill positions where the previous member is no longer available to serve. The first ballot shall be an ecclesiastical ballot. If no person receives three-fourths (3/4) of the votes cast on the first ballot, that ballot shall be considered the nominating ballot. The procedures for election shall be consistent with S8.51. and bylaw 10.31.01. of the Constitution, Bylaws, and Continuing Resolutions, of the Evangelical Lutheran Church in America. Election shall be for a six-year term.

- a. The second ballot shall be limited to the names of eligible nominees submitted on the first ballot. Three-fourths of the votes cast on the second ballot shall be necessary for election.
- b. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of votes on the second ballot. Before the casting of the third ballot, each nominee, or a representative of the nominee in the absence of the nominee, may address the assembly for up to five minutes. On the third ballot, two-thirds of the votes cast shall be necessary for election.
- c. 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 votes cast shall be necessary for election. Prior to the casting of the fourth ballot, a question-and-answer period, not to exceed fifteen minutes for each nominee on the fourth ballot, may be held. On the fourth ballot, 60 percent of the votes cast shall be necessary for election.
- d. On subsequent ballots a majority of the votes cast shall be necessary for election. Those ballots shall be limited to the two persons (plus ties) who receive the greatest number of votes on the previous ballot.

**S9.05.**

The Nominating Committee shall nominate at least two persons for vice-president; additional nominations may be made from the floor.

- S9.06.** The Nominating Committee shall nominate two persons for secretary; additional nominations may be made from the floor.
- S9.07.** The Nominating Committee 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 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 and included in the Minutes of the Assembly.
- S9.10.** The Nominating Committee shall nominate persons who are members of congregations of this synod to fill the voting member positions on the Churchwide Assembly allocated to this synod as provided in 12.41.11 of the constitution and bylaws of this church. The Synod Assembly shall elect the voting members of the Churchwide Assembly.
- S9.11.** The Synod Council shall elect or appoint representatives to the steering committee of its region. (See S10.07.10)

## **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 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 ordained ministers on the 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 three years.
- †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.

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

- a. Exercise trusteeship responsibilities on behalf of this 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 the 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 of the Evangelical Lutheran Church in America, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of the Evangelical Lutheran Church in America.
- f. Fill vacancies that occur up to January 1 until the next regular meeting of the Synod Assembly except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer or other member of the Synod Council of the synod. Vacancies occurring after January 1 will be filled at the next regular meeting of the Synod Assembly.
- 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.

**S10.04.** 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 prior approval of the Synod Council shall be immediately referred to the Synod Council for an opinion and report prior to any debate or action by the Synod Assembly. Any amendment(s) shall require a two-thirds vote by the Assembly.

**S10.05.** No elected member of the Synod Council shall receive compensation for such service.

**S10.06.** If an ordained minister who is a member of the Synod Council ceases to be a member in good standing on the roster of this synod, or to be a voting member of a congregation of this synod, such position held by such person shall at once become vacant. If a layperson who is a member of the Synod Council ceases to be a member of a congregation of this synod, the position held by such member shall at once become vacant. If a clergy or lay person moves from the conference they represent, such conference position held by this person shall at once become vacant.

**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** The Synod Council shall consist of the officers of the synod, sixteen additional members elected by the Synod Assembly (ten conference representatives, four lay-at-large and two clergy-at-large representatives) and one youth representative elected as provided in the bylaws.

**S10.07.02.** All geographic areas of the synod shall be represented on the Synod Council as provided herein. Ten Synod Council members, called "conference representatives," shall be elected by Synod Assembly members from geographic areas, called "conferences."

The conference representative from each conference shall be either an ordained minister affiliated with a congregation, agency, institution located within the conference or shall be a layperson who is a voting member of a congregation of this synod which is located within the conference. The Synod Council will establish a formula designating clergy/lay, male/female to each conference. In the event a conference representative to the Synod Council, if an ordained minister, ceases to be an ordained minister affiliated with a congregation, agency, institution located within the conference from which s/he was elected or, if a layperson, ceases to be a voting member of a congregation of this synod located within the conference from which s/he was elected, then the term of such a conference representative shall automatically terminate upon the termination of his/her status or affiliation.

**S10.07.03** If a position is vacated in the election process of the assembly, nominations to fill vacant conference representative positions on the Synod Council shall be accepted only from members of the Synod Assembly affiliated with congregations, agencies, institutions located within the territory of the conference. Qualifications of the nominees may also be prescribed by the Synod Council in order to seek to meet the goals of the synod for inclusivity set forth in S6.04. All members of the Synod Assembly shall be entitled to vote for all Synod Council positions. Nominations and voting shall be conducted separately with respect to each position to be filled.

- S10.07.04** If a position is vacated in the election process of the assembly, the Synod Assembly shall fill, by election, any vacant at-large representative positions on the Synod Council. The Nominating Committee shall present at least two nominees for each vacant at-large representative position on the Synod Council. Additional nominations may be made by any member of the Synod Assembly. The qualifications of the nominees to the at-large representative positions on the Synod Council, whether made by the Nominating Committee or from the floor of the Synod Assembly, may be prescribed by the Synod Council in order to meet the inclusivity goals set forth in S6.04.
- S10.07.05** The conference representatives and the at-large representatives on the Synod Council, except the youth representative who serves a two-year term, shall serve terms of three years and shall not serve more than two consecutive terms as a conference representative or an at-large representative to the Synod Council. No one except the Bishop may serve on the Synod Council for more than 10 consecutive years.
- S10.07.06** The term of a conference representative or an at-large representative to the Synod Council shall begin immediately after the adjournment of the regular meeting of the Synod Assembly at which the member is elected to the Synod Council, and shall terminate at the adjournment of the regular meeting of the Synod Assembly held during the third calendar year following the member's election or until a successor is elected.
- S10.07.07** In the event the position of a conference representative or an at-large representative to the Synod Council is vacated prior to the natural expiration of the term, then the position shall be filled by election at the next regular meeting of the Synod Assembly. The successor elected by the Synod Assembly shall serve the remainder of the unexpired term. Prior to the Synod Assembly filling the vacant position by election, the Synod Council may appoint a person to temporarily fill the position, provided that such an appointee meets all the qualifications which were required as a condition of the election of the person who filled the position which is vacant. The period of time, during which such an appointee holds membership in the Synod Council, shall not reduce the length of term or the number of terms to which an appointee may be eligible for election.
- S10.07.08** The elected youth representative of the Synod Council shall be twenty years of age or younger at the time of her/his election and shall be nominated and elected according to the procedures provided herein. The Youth Committee of this synod, established pursuant to the bylaws of this synod, or if there is none, the Nominating Committee shall present to the Synod Assembly at least two nominees for the position. Except as otherwise provided herein, the nomination and election of the youth representative to the Synod Council shall be governed by the provisions of Chapter 9 of the constitution of this synod and the bylaws.

**S10.07.09** The Synod Council shall regularly convene at least three times annually at such times and places as the vice-president shall designate. One of such regular meetings shall be held in conjunction with the regular annual meeting of the Synod Assembly. Special meetings of the Synod Council may be called by the bishop, vice-president, or the written request of not less than ten members of the Synod Council.

**S10.07.A96** The Synod Council (the “Council”), as the Board of Directors of the Pacifica Synod of the Evangelical Lutheran Church in America (the “Synod”), adopts the following Continuing Resolutions pursuant to Section S18.31 of the Pacifica Synod Constitution and California Corporations Code Section 9211 (a) (6):

Any meeting of the Council or Executive Committee, whether regular or special (a “**Meeting**,”) may be held in whole or in part through the use by Council members (“**Members**”) of conference telephone, electronic video screen or other communications equipment (“**Electronic Participation**”), so long as the following conditions are met:

1. Each Member taking part in the Meeting can communicate with all of the other participating Members concurrently;
2. Each Member is provided the means of taking part in all matters before the Council, including the capacity to propose, or to interpose an objection, to a specific action to be taken by the Synod (and/or the Council); and
3. The Synod's procedures for verifying the authentic participation of Members in any Meeting (the “**Procedures**”) are met with respect to any such participation.
4. Each member is first given the opportunity to participate in a regular scheduled meeting of the Council.

With respect to Electronic Participation by any Member in a Meeting, the following Procedures are hereby adopted for the Synod as part of these Continuing Resolutions:

- A. In the instance of a Member's Electronic Participation via conference telephone, electronic video screen or other communication device or system with a voice and/or video (at least in-bound to the site of the Meeting, with or without the assistance of one or more other Members physically present at the Meeting, shall be able to ascertain (e.g., through voice or image recognition) the following regarding such Member's Electronic Participation:
  - i. The person attempting the Electronic Participation is a Member entitled to participate in the Meeting; and

ii. All statements, questions, actions or votes effected through such Electronic Participation are made by the Member and not by another person not permitted to participate in the Meeting as a Member.

B. In the instance of a Member's Electronic Participation via a communication device or system which lacks a voice and/or video (in-bound) element, the Secretary for the Meeting shall be able to ascertain, to the Secretary's reasonable satisfaction, that the conditions specified in the immediately preceding clauses (i) and (ii) are met (e.g., through the use of a pre-arranged password or code phrase in the instance of clause (i) and through the use of a secure communications network in the instance of clause (ii).

C. If the Secretary for the Meeting is not able to ascertain that the specified conditions regarding a Member's Electronic Participation are met, the means of communication used in the attempted Electronic Participation shall be terminated by the Secretary and the Member shall be deemed to be absent from the Meeting.

Any Member taking part in a Meeting through Electronic Participation shall be deemed to be present in person at the Meeting. (i) These Continuing Resolutions shall be and remain in effect unless and until the Council shall modify or terminate them, or applicable law shall render them void, and (ii) the adoption and text of these Continuing Resolutions shall be reported to the Secretary of the Evangelical Lutheran Church in America.

**S10.07.10** The Bishop of this synod or the Bishop's designee will serve on the Region 2 Council. The Synod Council will designate an additional person from its membership to serve on the Region 2 Council according to the representative guidelines established by the Region. (See S9.11).

**S10.07.11** Except as otherwise provided by the constitution or bylaws of this synod, the Synod Council shall have the power to appoint all the representatives of this synod to the governing boards of institutions and agencies with which this synod is related.

**S10.07.12** In order to facilitate a relationship with the Synodical Women's Organization, an independent entity, the synod shall permit the president of the Synodical Women's Organization, or her designated representative, to be a liaison representative to the Synod Council with the right of voice at meetings of the Synod Council, but without the right to vote on matters before the Synod Council.

## Chapter 11.

## COMMITTEES, BOARDS AND COMMISSIONS

- †S11.01. There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this 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 There shall be an Executive Committee of the Synod Council which will have such powers and responsibilities as are prescribed by the constitution and bylaws and as further delegated to it by the Synod Council. The Executive Committee shall consist of the four officers of this synod and three other members of the Synod Council as elected by the Synod Council. The terms of the three elected members to the Executive Committee shall expire two years after their election, or upon the expiration of their terms on the Synod Council, whichever occurs first. (See S11.01.02).
- S11.01.02 The Synod Assembly shall elect the members of the Consultation Committee and the members of the Committee on Discipline as required by the constitution and bylaws of the ELCA. The Nominating Committee shall nominate at least one candidate for each position on the Consultation Committee and the Committee on Discipline. The nominations and elections shall comply with the constitution and bylaws of this synod.
- S11.01.03 The Synod Council, in consultation with the synod Bishop and staff, shall appoint and oversee such committee structures as are deemed helpful to the furtherance of the ministry within and by the synod as a whole.
- †S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be ordained ministers 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.
- S11.02.01 Members of the Consultation Committee shall be elected at Synod Assembly with elections occurring every two years for two ordained ministers and two laypersons of the Committee. If a position on the Consultation Committee becomes vacant, an election at the next regular Synod Assembly will be held to fill the unexpired term. If the unexpired term is two years or less, the

person filling the vacancy is eligible for election to a full six-year term following completion of the unexpired term.

- †S11.03.** The Committee on Discipline of this synod shall consist of 12 persons of whom six shall be ordained ministers and six 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 terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.
  - c. The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term. (During the 1999-2001 biennium, in order to implement such staggered terms for a 12-member committee, the Synod Council may designate terms and may transfer members from the Consultation Committee to the Committee on Discipline consistent with models prepared by the secretary of this church. This parenthetical implementation sentence shall expire at the conclusion of the 2001 Churchwide Assembly.

**S11.03.01** Members of the Committee on Discipline shall be elected at Synod Assembly with elections occurring every two years for two ordained ministers and two laypersons of the Committee. If a position on the Committee for Discipline becomes vacant, an election at the next regular Synod Assembly will be held to fill the unexpired term. If the unexpired term is two years or less, the person filling the vacancy is eligible for election to a full six-year term following completion of the 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.

**S11.04.01** The Synod Council shall appoint a synod constitution committee to annually review the constitution of this synod.

**S11.10      GENERAL PROVISIONS**

**S11.11.** This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees 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.

## Chapter 12.

### CONFERENCES, CLUSTERS, COALITIONS OR OTHER AREA SUBDIVISIONS

†S12.01. This synod shall establish conferences, clusters, coalitions or other area subdivisions within its territory as specified in the bylaws. The purpose of such groupings shall be to foster interdependent relationships among congregations, institutions, and synodical and churchwide units for mission purposes.

S12.01.01 This synod shall be subdivided into ten conferences. Three conferences shall consist of congregations in San Bernardino and Riverside Counties. Three conferences shall consist of congregations in Orange County. Three conferences shall consist of congregations in San Diego and Imperial Counties. The tenth conference shall consist of the State of Hawaii. A congregation which is affiliated with this synod, but not located within the territory of this synod, shall, for all purposes, be deemed to be a part of the conference to which it is geographically closest as determined by the Synod Council. (See S3.01.02). The conferences shall be organized and function pursuant to these guidelines:

- a. The congregations, institutions, agencies affiliated with this church, and located within a particular conference, shall organize themselves and function pursuant to organizational guidelines prepared and adopted by the congregations, institutions, agencies within a particular conference, subject only to the requirement that said organizational guidelines shall not be inconsistent with the organizational principles governing this church and synod. The organizational guidelines adopted by a particular conference may include the creation of sub-groupings of congregations, and the sub-groupings may be designated as clusters. The organizational guidelines of the conferences shall be initially submitted to the Synod Council, and, thereafter, as they are amended to determine their consistency with the organizational principles of this church and synod.
- b. The conferences shall foster mutually supportive interdependent relationships among congregations, institutions, agencies and synodical and churchwide units of this church for mission purposes. The organizational structure and activities of the conferences shall reflect the mission orientation of the conferences and take into account the unique characteristics of each conference.
- c. Each conference shall, at least annually, conduct a general meeting with members of all congregations within the conference. All ordained ministers under call to congregations, institutions, agencies within the conference shall attend the annual general meeting. The scheduling of the annual general meeting shall be done in consultation with the bishop, and shall include as one of its items of business a

presentation by the bishop, or the bishop's representative, as well as an opportunity for attendees to communicate with the presenter.

- d. Each conference shall have a chairperson elected who shall be a layperson. The conference chairperson shall be responsible for administering the affairs of the conference, and shall work closely with the dean of the conference.
- e. Each conference shall have a dean who shall be an ordained minister under call on the roster of this synod with his/her principle place of ministry within the conference. The dean shall be elected by the conference according to its organizational documents and may serve as the conference clergy representative on synod council. In addition to such other responsibilities as may be delegated to the dean by the conference, the dean shall:
  - 1) assist the bishop in providing pastoral care and leadership to the congregations, institutions, agencies within the conference, the ordained ministers within the conference, the associates in ministry, and diaconal ministers within the conference;
  - 2) confer regularly with the bishop of this synod regarding the pastoral care and leadership being provided to the conference, its congregations, institutions, agencies, its ordained ministers, its associates in ministry, and its diaconal ministers.
  - 3) facilitate the interpretation of the mission and ministry of this synod and this church to the congregations, institutions, agencies within the conference, and similarly facilitate the interpretation of the mission and ministry of the conference to this synod and the ELCA; and
  - 4) facilitate the regular convening of groups of ordained ministers under call and serving in this conference, groups of active associates in ministry serving in the conference, and groups of active diaconal ministers for the purpose of peer support, working together in ministry, and continuing theological education.

## **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 the 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, and 18 in the Model Constitution for Congregations consistent with requirements of this constitution and the constitution 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, 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 of the Evangelical Lutheran Church in America, or diaconal minister of this church 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 of the Evangelical Lutheran Church in America, or diaconal minister of this church shall make satisfactory settlement of the obligation before calling a successor.

**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 without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

9.71. ELCA Constitutional Provision: (proposed and approved to be inserted verbatim into Synod IIc constitution and bylaws) "Subject to the provisions of 9.52 (governing documents of congregations), the following shall govern the ownership of property by congregations of this church:

- a. Title to property shall reside in the congregation. The congregation may dispose of its property as it determines, subject to any self-accepted indebtedness or other self-accepted restrictions.
- b. Title to the property of a congregation that ceases to exist shall pass to the synod of this church to which the congregation is related.
- c. Title to the property of a congregation that is no longer recognized by this church as a result of discipline shall continue to reside in the congregation.

- d. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62 (congregation termination of relationship with the ELCA) to relate to another Lutheran church body shall continue to reside in the congregation.
- e. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. to become independent or to relate to a non-Lutheran church body shall continue to reside in the congregation only with consent of the Synod Council. The Synod Council, after consultation with the congregation by an established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of this church."

**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 and Chapter 15 of the Model Constitution for Congregations.

**Chapter 14.**

**ORDAINED MINISTERS AND LAY ROSTERED MINISTERS**

**†S14.01.** The time and place of the ordination of those persons properly called to congregations or extra-parish service of this synod shall be authorized by the bishop of this synod.

**+S14.02.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every ordained minister shall:
  - 1) preach the Word;
  - 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care; and
  - 5) 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 ordained minister with a congregational call shall, within the congregation:
  - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
  - 2) supervise all schools and organizations of the congregation;
  - 3) install regularly elected members of the Congregation Council; and
  - 4) with the council, administer discipline.
  
- c. Every pastor shall:
  - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
  - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
  - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
  - 4) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this ELCA 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 roll 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.

**†S14.11.** When a congregation of this church desires to call a pastor or a candidate for the pastoral office in the ordained ministry 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 pastoral candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds majority ballot 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 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 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

**†S14.13.** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only 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, without reflection on the competence or the moral and spiritual character of the pastor;
  - 4) the physical or mental incapacity of the pastor;
  - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
  - 6) the dissolution of the congregation; or
  - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of this synod, the bishop in his or her sole discretion may, or when such allegations have been brought to this 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 shall investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of this synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of this synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of this synod together with the committee described in †S14.13.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by this synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority 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 simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- e. If, in the course of proceedings described in †S14.13.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. If, following the appointment of the committee described in †S14.13.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of this synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

**†S14.14.** Ordained ministers 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.

**†S14.15.** The parochial records of each congregation shall be kept in a separate book which shall remain its property. 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 field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

**†S14.16.** The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

**†S14.17.** 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 the synod. The interim pastor and any ordained ministers 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.

**S14.17.01** Pastors who are serving as interim pastors in congregations at the time of the assembly do not have vote at the Synod Assembly unless they have

privilege of vote by reason of call to specialized ministry or have been elected as a voting member representing the retired clergy. (S7.24).

**†S14.18.** 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 +S14.13., 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 †S14.13.

**S14.21.** All ordained ministers under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

**S14.30      Official Rosters of Laypersons**

**†S14.31.** The provisions in the churchwide documents and such provisions as may be developed by the Division for Ministry governing associates in ministry, deaconesses, and diaconal ministers of this church shall apply in this synod.

a. When a congregation of this synod desires to call an associate in ministry, deaconess, or diaconal minister or a candidate for these official rosters of laypersons of this church:

- 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
- 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
- 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.

b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.

c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the

case of death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.

- e. Associates in Ministry, deaconesses, and diaconal ministers on the roster of this synod who are serving under call shall attend meetings of the Synod Assembly.

## **Chapter 15.**

### **FINANCIAL MATTERS**

**†S15.01.** The fiscal year of this synod shall be February 1 to 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 part'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 of each congregation's mission support as determined by the Churchwide Assembly to the treasurer of the Evangelical Lutheran Church in America.

**†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. Unless an exception is granted upon the request of this synod by the Church Council, each budget shall include the percentage of congregational mission support assigned to it by the Churchwide Assembly.

**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 percent 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 for 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 statements shall be in the format approved from time to time by the 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.** Except as otherwise provided in this constitution, indemnification of any person who is or was made or threatened to be made a party to any proceeding is prohibited. For purposes of this chapter, the term, "proceeding," means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding, including a proceeding in the right of this synod or any other organization. Except as otherwise required by law, (a) the term "proceeding," does not include a proceeding by this synod and (b) indemnification for expenses incurred in a disciplinary hearing or other proceeding described in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America shall be permitted only as provided in †S16.05. For purposes of this chapter, the term, "indemnification," includes advances of expenses.

**†16.02.** To the full extent permitted from time to time 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, or committee member of this synod shall be indemnified against judgments, penalties, fines, settlements, excise taxes, and reasonable attorney's fees and disbursements 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 +S16.03.

**†16.03.** 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 not be entitled to indemnification unless (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.

**†S16.04.** This synod may purchase and maintain insurance on behalf of any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in section +16.02. or section +16.03.

**†S16.05** When in proceedings under Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America written charges against an ordained minister or a layperson on an official roster of this church are made by the synodical bishop or written charges against a congregation are made by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, and such determination is not reversed or set aside if any appeal is taken, then 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 ordained ministers, associates in ministry or other persons on the official lay rosters 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 an ordained minister or a person on the official lay roster 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 a 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 this church, 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 the Evangelical Lutheran Church in America.

**†S18.12.** Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the Constitution for Synods, this constitution may be amended to reflect any such amendment by a simple 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 presented in writing at the previous regular meeting of the Synod Assembly over the signatures of at least 20 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 this church. This 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 and bylaws of this church. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.

## **Chapter 19.**

### **PARLIAMENTARY AUTHORITY**

**19.01** Robert's Rules of Order, latest edition, is the parliamentary authority which is to be used at all meetings of the Synod Assembly, Synod Council and other subunits of this synod.