

MINUTES

COMMISSION ON HANDBOOK Crowne Plaza Airport Hotel, St. Louis January 25–26, 2013

59. Call to Order / Opening Devotion

Chairman Gordon Tresch called the meeting to order with all members present and called on Walter Rosin for an opening devotion. He noted the content of the agenda for the meeting and asked Raymond Hartwig and Ron Schultz to lead the commission's discussions of overtures ready for final consideration before their submission to the 2013 convention of the Synod.

60. Overture to the 2013 LCMS Convention (Expulsion Processes) – Omnibus I

Overture to the 2013 LCMS Convention

To Address *Handbook* Issues re Expulsion Processes (Bylaw Sections 2.14, 2.15, 2.16, 2.17)

Background

During the triennium, concerns related to Bylaw sections 2.14, 2.15, 2.16, and 2.17 (expulsion from Synod membership) were brought to the attention of the Commission on Handbook. This overture identifies those concerns and proposes the Commission on Handbook's bylaw amendment solutions to the 2013 convention of The Lutheran Church—Missouri Synod.

(A) Requests for CCM/CTCR Opinions (Bylaw 2.14.7.8 [k])

Rationale

It is important that all time requirements provided by bylaw in the Synod's expulsion processes be honored, including the 30-day requirement for the provision of Commission on Constitutional Matters and Commission on Theology and Church Relations opinions requested as part of the process. To underscore the need for these commissions to make such arrangements as are necessary to fulfill this requirement, the Commission on Handbook advocates the following bylaw changes.

PRESENT/PROPOSED WORDING

- 2.14.7.8 (k) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations (CTCR). If it involves questions of constitution or bylaw interpretation, each party shall have a right to an interpretation from the Commission on Constitutional Matters (CCM).
- (1) The request for an opinion must be made through the panel, which shall determine the wording of the question(s).
 - (2) The request for an opinion must be made within 30 days of the final formation of the panel. If a party does not request such an opinion within the designated time, such a request may still be made to the panel, which shall, at its discretion, determine whether the request shall be forwarded. The panel shall also have the right, at any time to request an opinion from the CCM or the CTCR.

(3) Any opinion so requested shall be rendered within 30 days or such greater time as the panel may allow. The CCM and the CTCR shall have in place procedures for responding within this 30-day time frame to such requests for opinions.

(4) When an opinion has been requested, the time limitations will not apply until the parties have received the opinion. The panel must follow any opinion received from either the CCM or the CTCR.

(B) Composition of Hearing and Final Hearing Panels
(Bylaws 2.14.7.2; 2.15.7.2; 2.17.7.2)

Rationale

In order to broaden district representation and to avoid the appearance of unfairness or the potential for undue influence, the Commission on Handbook proposes the following changes to the bylaws governing the composition of dispute resolution and appeal panels for adoption by the 2013 LCMS convention.

PRESENT/PROPOSED WORDING

2.14.7.2 A Hearing Panel ~~selected as follows~~, consisting of two district presidents (excluding the involved district president[s]) and one reconciler who is a layperson, ~~but excluding the involved district president(s)~~ selected as follows, shall conduct the hearing:

- (a) One district president shall be selected by the accused.
- (b) One district president shall be selected by the ecclesiastical supervisor who imposed the suspended status (a district president may not choose himself).
- (c) One reconciler who is a layperson shall be chosen by blind draw from the Synod's roster of reconcilers, with the blind draw administered by the Secretary of the Synod and audited by witnesses.
- (d) Each Hearing Panel shall be assisted by a nonvoting hearing facilitator selected according to Bylaw 2.14.2 (j).
- (e) No two members of the panel nor the hearing facilitator shall be from the same district.
- ~~(e)~~ The hearing facilitator shall administrate the hearing, shall serve as chairman of the panel, and may draw upon persons and resources ~~as that~~ he/she deems necessary for conducting a hearing in a fair and equitable manner.
- ~~(f)~~ The hearing facilitator shall serve as an advisor to the panel on the form but not the substance of the decision.

2.15.7.2 A Hearing Panel ~~selected as follows~~, consisting of two district presidents (excluding the involved district president[s]) and one reconciler who is a layperson, selected as follows, shall conduct the hearing:

- (a) One district president shall be selected by the accused (a district president, if he is the accused, may not choose himself).
- (b) One district president shall be selected by the President of the Synod.
- (c) One reconciler who is a layperson shall be chosen by blind draw from the Synod's roster of reconcilers, with the blind draw administered by the Secretary of the Synod and audited by witnesses.
- (d) Each Hearing Panel shall be assisted by a nonvoting hearing facilitator selected according to Bylaw 2.14.2 (j).
- (e) No two members of the panel nor the hearing facilitator shall be from the same district.

(ef) The hearing facilitator shall administrate the hearing and may draw upon persons and resources that he/she deems necessary for conducting a hearing in a fair and equitable manner.

(fg) The hearing facilitator shall serve as an advisor to the panel on the form but not the substance of the decision.

(gh) If a Referral Panel was formed, the three district presidents that served in that capacity are not eligible to serve on a Hearing Panel.

2.17.7.2 A Hearing Panel consisting of two district presidents (excluding the involved district president[s]) and one reconciler who is a layperson, selected as follows, shall conduct the hearing:

(a) One district president shall be selected by the accused.

(b) One district president shall be selected by the ecclesiastical supervisor who imposed the suspended status (a district president may not choose himself).

(c) One reconciler who is a layperson shall be chosen by blind draw from the Synod's roster of reconcilers, with the blind draw administered by the Secretary of the Synod and audited by witnesses.

(d) Each Hearing Panel shall be assisted by a nonvoting hearing facilitator selected according to Bylaw 2.14.2 (j).

(e) No two members of the panel nor the hearing facilitator shall be from the same district.

(ef) The hearing facilitator shall administrate the hearing, shall serve as chairman of the panel, and may draw upon persons and resources that he deems necessary for conducting a hearing in a fair and equitable manner.

(fg) The hearing facilitator shall serve as an advisor to the panel on the form but not the substance of the decision.

(C) Disqualification of Panel Members or Hearing Facilitators (Bylaw 2.14.7.8)

Rationale

Bylaw section 1.10 "Dispute Resolution of the Synod" contains subsection 1.10.16 "Disqualification," which provides guidance regarding the disqualification of reconcilers, panel members, and hearing facilitators from participation in the dispute resolution process due to "actual partiality or the appearance thereof." The absence of such provisions in the Synod's expulsion processes has been remedied in the *Standard Operating Procedures Manuals* accompanying the expulsion processes. Believing, however, that inclusion of such provision in the bylaws governing expulsion from membership in the Synod is important, the Commission on Handbook proposes the adoption of the following new paragraph (h) for Bylaw 2.14.7.8.

PRESENT/PROPOSED WORDING

2.14.7.8 (h) Any party and/or parties to a dispute shall have the right to request disqualification of a panel member or hearing facilitator. The standard for disqualification shall be actual partiality or the appearance thereof. If that individual does not agree to the disqualification, the decision shall be made by a separate three-member panel of district presidents not involved in the case, selected as follows.

(1) Nine names shall be selected by blind draw by the Secretary of the Synod or his representative, to be mailed to each party with the opportunity to strike up to three of

the names from the list, to be returned to the Secretary of the Synod within one (1) week after receipt.

(2) The Secretary of the Synod shall correct any problem with the list, using the blind draw process as necessary. No member of the panel shall be from the district in which the dispute arose or any district of any party to the dispute. No two (2) panel members shall be from the same district.

(3) In the event that additional names are needed, three (3) names shall again be selected in the manner set forth above, which names shall be submitted to each party with the right to strike one (1) name before returning the list to the Secretary of the Synod within one (1) week.

(4) In the event that a panel member or hearing facilitator is disqualified, another individual shall be selected in the same manner as the disqualified member was selected.

[Current paragraphs (h)–(k) will be re-lettered (i)–(l) or as appropriate.]

(D) Right of Certain Suspended Members to Request Hearing Before Final Hearing Panel (Bylaws 2.14.8; 2.15.8; 2.17.8)

Rationale

At times, suspended members (not unavoidably detained) fail to attend the hearing which they requested in order to appeal their suspension and expulsion from the Synod. According to current bylaws, they may nonetheless request and be granted a second hearing before a Final Hearing Panel. At question is whether such members should be provided opportunity to request a second hearing, given their failure to use their first opportunity to present their case and given the significant expenditures of time and resources required to call together a second panel. The Commission on Handbook proposes the following additions to current Bylaw sections 2.14, 2.15, and 2.17 to remove opportunity to request a second hearing (before a Final Hearing Panel) when the accused, unless unavoidably detained, has failed to appear before the earlier Hearing Panel.

~~PRESENT~~/PROPOSED WORDING

2.14.8 Within 15 days after receiving the decision of the Hearing Panel, the accused (if an active participant in the hearing before the Hearing Panel) or the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3) may request a final hearing.

2.15.8 Within 15 days after receiving the decision of the Hearing Panel, the accused (if an active participant in the hearing before the Hearing Panel), or the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1–3), may request a final hearing.

2.17.8 Within 15 days after receiving the decision of the panel, the accused (if an active participant in the hearing before the Hearing Panel) may request a final hearing.

(E) Addition of a Review/Appeal Process Between Hearing Panel and Final Hearing Panel (Bylaws 2.14.7.9; 2.15.7.9; 2.17.7.9)

Rationale

The Commission on Handbook proposes the following additions to Bylaws 2.14.7.9 and Bylaw 2.14.7.10 (to be renumbered 2.14.8) to provide for an Appeal Panel for determining whether, when requested by the

accused in a case already decided by a Hearing Panel, there will be a need for a second hearing by a Final Hearing Panel (these changes also be applied to the Bylaw sections 2.15 and 2.17 expulsion processes).

At present, following a decision of a Hearing Panel in current Bylaw sections 2.14, 2.15, and 2.17, opportunity for the accused to request a final hearing must be granted in every case. This provision effectually empties the work and the decision of the Hearing Panel of any value, since the decision of the Final Hearing Panel becomes the final and binding decision in the matter.

PRESENT/PROPOSED WORDING

2.14.7.9 Upon completion of the hearing, the Hearing Panel shall deliberate and then issue its written decision within 30 days.

(a) ~~Copies a copy of the decision which~~ shall be mailed to the accused, the district president who imposed the suspension, the accuser and his/her district president, the Secretary of the Synod, and the President of the Synod.

(ab) The decision of the Hearing Panel shall ~~behave no precedential value and shall be final and binding,~~ subject to appeal by the accused or the President of the Synod ~~as set forth in Bylaw 2.14.8 below.~~

(c) The President of the Synod may request an opinion from the Commission on Constitutional Matters (CCM) or Commission on Theology and Church Relations (CTCR).

(1) Any opinion so requested shall be rendered within 30 days or such greater time as the panel may allow.

(2) When an opinion has been requested, the time limitations will not apply until the parties have received the opinion.

(3) CCM and CTCR opinions must be followed if the matter is appealed.

(bd) ~~If not appealed, the decision of the Hearing Panel shall be carried out by the district president or the President of the Synod and shall be publicized as deemed appropriate under the circumstances by the district president or President of the Synod.~~ regarded as final and shall

(1) be binding upon the parties and not be subject to further appeal;

(2) have no precedential value;

(3) be carried out by the district president or the President of the Synod; and

(4) shall be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.

Appeal Panel

2.14.8 ~~Within 15 days after receiving the~~ The decision of the Hearing Panel may be appealed by the accused or by the President of the Synod if a question of doctrine or practice is involved (Constitution, Art. XI B 1-3) within 15 days after receiving the decision. ~~may request a final hearing.~~ (a) ~~The President of the Synod may also request that an opinion of the Commission on Constitutional Matters (CCM) or Commission on Theology and Church Relations (CTCR) be obtained.~~ (1) ~~Any opinion so requested shall be rendered within 30 days or such greater time as the panel may allow.~~ (2) ~~When an opinion has been requested, the time limitations will not apply until the parties have received the opinion.~~ ~~The panel must follow any opinion received from either the CCM or the CTCR.~~ (b) Such request for a final hearing shall be submitted to the Secretary of the Synod with copies provided supplied to the district president(s) of the accuser and the accused, the chairman of the Hearing Panel, the accuser, and the President of the Synod, and shall be accompanied by a written memorandum stating the basis for the request.

(a) Within 30 days after receipt of an appeal from the accused, an Appeal Panel shall be selected by the Secretary of the Synod. The Appeal Panel shall be made up of three district presidents who shall be trained for such service.

(1) One district president shall be selected by the accused, one by the ecclesiastical supervisor of the accused, and the third by the two Appeal Panel members so selected.

(2) If the two Appeal Panel members cannot agree on a third panel member, the Secretary of the Synod shall select the third member by blind draw from the remaining eligible district presidents.

(b) The members of the Appeal Panel shall be provided with copies of the official record of the case, including the full report of the reconciler, the Hearing Panel minutes, the written decision and all documentary evidence considered by the Hearing Panel, and the written memorandum stating the basis for the appeal. The panel shall make its decision solely on the basis of the materials received.

(c) The only decision to be made by the Appeal Panel shall be whether to approve reconsideration of the Hearing Panel decision. The panel shall not approve a request for a new hearing on the basis of newly discovered evidence unless such evidence was clearly not available to the Hearing Panel and was not the fault of the party requesting the reopening of the case, and unless it is clear that the absence of such evidence resulted in a gross miscarriage of justice.

(d) The standards of review that shall define the Appeal Panel's considerations shall be limited to three (3) basic areas:

(1) Factual findings: The Appeal Panel shall review factual findings of the Hearing Panel only to determine if they are supported by evidence. The Appeal Panel shall not ordinarily sit in judgment of the Hearing Panel's conclusions regarding evidence, since the Hearing Panel was in the best position to judge factual issues. The Appeal Panel must be convinced that a mistake has been committed, that is, that the evidence is such that reasonable minds could not agree with the Hearing Panel's decision.

(2) Conclusions on authority: The Appeal Panel may approve an appeal if the Hearing Panel was clearly outside its authority, e.g., a decision was made that the panel had no authority to make under the Constitution and Bylaws of the Synod, or a decision was made on an issue not related to the sole issue to be decided, or a decision was made on a theological question that the panel had no authority to make.

(3) Discretionary acts: The Appeal Panel may approve an appeal if there was a clear abuse of discretion impacting the decision of the Hearing Panel, resulting in a gross miscarriage of justice, or that involves an obvious and inappropriate bias or prejudice.

(d) If the Appeal Panel denies the request for reconsideration of the decision of the Hearing Panel and upholds the suspension of the ecclesiastical supervisor, the decision of the Hearing Panel shall be regarded as final and shall

(1) be binding upon the parties and not be subject to further appeal;

(2) have no precedential value;

(3) be carried out by the district president or the President of the Synod; and

(4) shall be publicized as deemed appropriate under the circumstances by the district president or the President of the Synod.

(e) If the Appeal Panel grants the request for reconsideration of the decision of the Hearing Panel, a Final Hearing Panel shall be selected by the Secretary of the Synod.

Final Hearing Panel

2.14.98.1 Within 30 days after the receipt of the decision of the Appeal Panel granting the request for reconsideration of the decision of the Hearing Panel~~the request~~, a Final Hearing Panel shall be selected.

(a) The panel shall be constituted in the same prescribed manner as described in Bylaws 2.14.7.2–2.14.7.6, except that the two district presidents, the reconciler, the hearing facilitator that provided assistance to the Hearing Panel, and the involved district presidents are omitted from consideration for the Final Hearing Panel.

(b) The procedures for the final hearing shall be the same as prescribed in Bylaws 2.14.7.6–2.14.7.8.

(c) The chairman of the Hearing Panel shall provide the Final Hearing Panel with a written statement of the matter and the Hearing Panel’s report, minutes, records, and proceedings.

2.14.89.1–2 Upon completion of the hearing by the Final Hearing Panel....[*same as current wording of 2.14.8.2*]

[*Current Bylaws 2.14.9–2.14.9.3 will be renumbered 2.14.10–2.14.10.3.*]

(F) Additional Synod Expulsion Processes (Bylaw 2.17.3 [b])

Rationale

Bylaw 2.17.3 (b) neglects to mention other expulsion processes that should be given consideration when a district president discusses with an accuser the question of which section of the Synod’s Bylaws would be appropriate for use under the circumstances. The Commission on Handbook advocates the following amendment to add reference to other expulsion processes.

PRESENT/PROPOSED WORDING

Consultation

2.17.3 Prior to any formal written complaint or accusation, when any person is aware of information or facts that could lead to the expulsion of an individual member from the Synod, including a district president, an officer of the Synod, or the President of the Synod, under Article XIII of the Constitution for alleged sexual misconduct or criminal behavior, the person shall consult with the appropriate ecclesiastical supervisor, which would be a district president of the Synod or the President of the Synod, to seek advice, direction, and spiritual ministry as the needs and circumstances dictate. If the accused is the President of the Synod, the person shall consult with the chairman of the Council of Presidents. In regard to this consultation:

(a) The appropriate ecclesiastical supervisor may consult with any others as considered appropriate under the circumstances.

(b) If the accuser is a member of the LCMS or a member of an LCMS congregation, the ecclesiastical supervisor shall discuss with the accuser whether this bylaw provision or Bylaw section 1.10 or Bylaw sections 2.14, 2.15, or 2.16 ~~are is~~ appropriate under the circumstances.

(c) The ecclesiastical supervisor shall provide evangelical supervision, counsel, and care.

(d) The ecclesiastical supervisor shall advise the accuser that it is understood that he/she shall not be put under risk by requiring the accuser to meet face-to-face with the accused in the manner described in Matthew 18:15. However, the reputation of all parties, the accuser and the accused, is to be protected as commanded in the Eighth Commandment.

**(G) Commencing a Bylaw section 2.16 Expulsion Action
(Bylaw 2.16.4)**

Rationale

Bylaw 2.16.4 is inconsistent in its provisions that the chairman of the Council of Presidents is required to commence action when “he becomes aware of information or allegations” and when, on the other hand, “information or allegations [are] conveyed to him in a formal written complaint or accusation made by a district president of the Synod.” The Commission on Handbook proposes the following amendment to the bylaw.

PRESENT/PROPOSED WORDING

2.16.4 Under this bylaw (Bylaw section 2.16), the chairman of the Council of Presidents, acting on behalf of the district presidents, shall commence the following action when he officially receives ~~becomes aware of~~ information or allegations that could lead to expulsion of the President of the Synod from the Synod under the provisions of Article XIII of the Constitution by such information or allegations being conveyed to him in a formal written complaint or accusation made by a district president of the Synod who has carried out the above provisions (paragraph 2.16.3)....

**(H) Council of Presidents Composition in Bylaw 2.16.5.3 Role
(Bylaw 2.16.5.3)**

Rationale

Conflict of interest concerns could arise should the Praesidium of the Synod be included in Council of Presidents decision-making as part of the Bylaw section 2.16 expulsion process. The Commission on Handbook proposes the following amendment to Bylaw 2.16.5.3 to avoid such concerns.

PRESENT/PROPOSED WORDING

2.16.5.3 Whether made by the chairman of the Council of Presidents or the Referral Panel, in the recommendation whether or not to initiate formal proceedings, the chairman of the Council of Presidents shall bring the matter to the ~~full~~ Council of Presidents for hearing the recommendation, for discussion, and for vote.

(a) An affirmative vote to proceed, by written ballot of at least 51 percent of the total number of district presidents (the collective ecclesiastical supervisors elected by the districts), shall be required for the determination to initiate formal proceedings. Any district president that is a party to the matter shall be excluded from voting.

(b) If the result of the vote is not to initiate formal proceedings, the chairman shall in writing so inform the accuser and the President of the Synod, which shall terminate the matter.

(c) If the results of the vote require the case to proceed, the chairman shall proceed as hereafter required.

Commission on Handbook

61. Overture to the 2013 LCMS Convention (Dispute Resolution Process) – Omnibus II

Overture to the 2013 LCMS Convention

To Address *Handbook* Issues re Dispute Resolution Process (Bylaw Section 1.10)

Introduction

During the triennium, concerns related to Bylaw section 1.10 (dispute resolution) were brought to the attention of the Commission on Handbook. This overture identifies those concerns and advocates bylaw amendment solutions proposed by the commission to the 2013 convention of The Lutheran Church—Missouri Synod for adoption.

(A) Exceptional Use of Synod Dispute Resolution Process (Bylaw 1.10.3)

Rationale

Bylaw 1.10.3 identifies matters for which the Synod's dispute resolution process "does not provide an exclusive remedy." Lost in the current wording of the bylaw is the availability of the dispute resolution process even in the case of those disputes enumerated by paragraphs (a) and (b) of the bylaw if both parties agree to use and honor the outcome of the process. The Commission on Handbook proposes the addition of a final sentence to the paragraph, as follows.

PRESENT/PROPOSED WORDING

1.10.3 This chapter provides evangelical procedures to remedy disputes only and does not set forth procedures for expulsion from membership (Constitution, Art. XIII and Bylaw sections 2.14–2.17); nor does it set forth procedures for board of regents' supervision of faculty and administration as specified in Bylaws 3.10.4.7.5–3.10.4.7.9 and 3.10.5.6.5–3.10.5.6.9. While Christians are encouraged to seek to resolve all their disputes without resorting to secular courts, this chapter does not provide an exclusive remedy for the following matters, unless such matters involve theological, doctrinal, or ecclesiastical issues, including those arising under the divine call of a member of the Synod:

- (a) Disputes concerning property rights (e.g., real estate agreements, mortgages, fraud, or embezzlement)
- (b) Disputes arising under contractual arrangements of all kinds (e.g., contracts for goods, services, or employment benefits)

Even in the case of disputes concerning property rights or disputes arising under contractual arrangements, this dispute resolution process may be used if both parties sign written statements agreeing to use and honor the outcome of the process.

(B) Dispute Cases with Multiple Complainants or Respondents (Bylaw 1.10.5)

Rationale

In some dispute resolution cases, multiple complainants may bring accusations against a single respondent or a single complainant may bring accusations against multiple respondents. The spirit of the Matthew 18 principle requiring a face-to-face meeting "between you and him alone" is best served when

disputes are addressed by individuals meeting face-to-face. The Commission on Handbook therefore proposes the addition of a sentence to Bylaw 1.10.5, as follows.

PRESENT/PROPOSED WORDING

1.10.5 Before any matter is submitted to the formal reconciliation process, the parties involved in a dispute must meet together, face-to-face, in a good-faith attempt to settle their dispute in the manner described in Matthew 18:15 and may involve the informal use of a reconciler. And further, before any matter is submitted to the formal reconciliation process, the complainant(s) must meet and consult with his-~~or~~/her/their ecclesiastical supervisor(s) to seek advice and also so that it can be determined whether this is the appropriate bylaw procedure (Bylaw section 1.10) or whether the matter falls under Bylaw sections 1.8, 2.14, 2.15, 2.16, or 2.17, or Bylaws 3.10.4.7.9 ~~and/or~~ 3.10.5.6.9. In regard to this consultation:

(a) From this point forward in this process, in the case of multiple complainants or multiple respondents, each complainant and/or respondent shall proceed singly and individually.

(~~a~~b) The district president of the complainant shall inform the district president of the respondent that a consultation is underway. He may also seek advice from the vice-presidents of his own district or from the district president of the respondent. The district president may also ask for an opinion of the Commission on Constitutional Matters (CCM) and/or the Commission on Theology and Church Relations (CTCR). The district president must follow any opinion received from either the CCM or the CTCR, which shall be rendered within 30 days or such additional time as the district president may allow.

(~~b~~c) The district president shall require the complainant to follow the correct bylaw provision under the circumstance, if any, and shall provide evangelical supervision, counsel, and care to the party or parties.

(~~e~~d) If Bylaw section 1.10 applies, the district president shall require the complainant to meet face-to-face with the respondent in the manner described in Matthew 18:15, if the complainant has not already done so ~~as set forth above~~.

(e) The reputation of all parties is to be protected as commanded in the Eighth Commandment. The goal throughout is always one of reconciliation, of repentance and forgiveness, even if the following proceedings are carried out.

Formal Efforts toward Reconciliation

1.10.6 If ~~either~~ any party to the dispute is of the opinion that informal reconciliation efforts have failed, such party, in consultation with his-~~or~~/her/its ecclesiastical supervisor, shall submit a request to the administrator of the dispute resolution process, the secretary of the Synod or district, or an appointee, as appropriate, that a reconciler be appointed to assist in seeking reconciliation....

**(C) Content of Reconcilers' Reports
(Bylaw 1.10.6.5)**

Rationale

Current Bylaw 1.10.6.5, while it does currently list the components of the report of a reconciler in a dispute case, will benefit from an expansion of its content to clarify expectations regarding the content of a reconciler's report. The Commission on Handbook proposes the following changes to the bylaw.

PRESENT/PROPOSED WORDING

1.10.6.5 Upon conclusion of the formal reconciliation meeting or meetings, the reconciler shall prepare a written report which contains

(1) the actions of the reconciler;

(2) the issues that were resolved;

(3) the issues that remain unresolved;

(4) ~~and a statement~~ whether reconciliation was achieved;

(5) ~~Attached to the report shall be~~ (a) the statement of the complainant as to informal reconciliation efforts;

(b) the statement of the matter in dispute; and

(c) any reply by the respondent.

All communication that takes place during the reconciliation process shall be considered strictly confidential, including all oral and written communications of the parties. The report, therefore, shall not contain any such ~~No information shared in confidence shall be included in the report.~~ nor shall it contain any opinion of the reconciler regarding the dispute. The report and the attachments shall be ~~forwarded~~ provided only to the parties to the dispute and the secretary of the Synod or district as appropriate.

(D) Clarification of Eligibility of District Reconcilers (Bylaw 1.10.10)

Rationale

Regarding the service of district reconcilers, current Bylaw 1.10.10 limits the selection of ministers of religion—ordained to “pastors,” (parish pastors actively serving congregations of the Synod), thereby removing from consideration all other ordained ministers. The same concern exists in Bylaws 1.10.13.1 and 1.10.15.1. The Commission on Handbook proposes the following bylaw changes.

PRESENT/PROPOSED WORDING

1.10.10 Within three months after conventions of the Synod, each district board of directors shall appoint a district roster of four reconcilers (ministers of religion—ordained, ministers of religion—commissioned, and laypersons), no more than two of whom shall be ~~pastors~~ ordained ministers, from a list supplied by the circuit counselors of the district.

1.10.13.1 Each Dispute Resolution Panel shall consist of three voting members, at least one of whom shall be a ~~pastor~~ minister of religion—ordained and one a layperson.

1.10.15.1 Each Review Panel shall consist of three voting members, at least one of whom shall be a ~~pastor~~ minister of religion—ordained, and at least one a layperson.

(E) Reappointment of Hearing Facilitators (Bylaw 1.10.12)

Rationale

Current Bylaws 1.10.12 – 1.10.12.3, which speak of the appointment and service of hearing facilitators, do not address the question of reappointment after terms of service of six years. The Commission on Handbook proposes the following addition to Bylaw 1.10.12 to address this issue.

PRESENT/PROPOSED WORDING

1.10.12 After the training of the reconcilers and in consultation with the appropriate district presidents, the Secretary of the Synod shall identify 25 of the reconcilers who exhibit skills in the proper conduct of a fair and impartial hearing to comprise the Synod's roster of hearing facilitators, who shall be trained for such purpose.

(a) The term of service shall be six years, renewable without limit. Within three months after conventions of the Synod, the Secretary of the Synod shall contact those hearing facilitators whose terms have been completed to learn of their availability and willingness to continue for an additional term.

(b) Any vacancies for an unexpired term or resulting from a decision not to continue at the end of a term of service shall be filled in the same manner as described above as needed and as requested by the Secretary of the Synod.

(F) Removal of Reconcilers from Office (New Bylaw 1.10.10.4)

Rationale

The administrator of the dispute resolution process surfaced the issue of the absence of a provision in the Bylaws for the removal of district-appointed dispute resolution process reconcilers (Bylaw section 1.10). Strict adherence by reconcilers to the instructions provided in the Bylaws and *Standard Operating Procedures Manual* is essential for uniformity and good order as reconcilers do their important work. Given the absence of any bylaw provision to allow a reconciler to be removed for cause, the Commission on Handbook proposes the following bylaw addition for adoption by the 2013 convention of The Lutheran Church—Missouri Synod.

PRESENT/PROPOSED WORDING

1.10.10.4 A reconciler may be removed for cause from a district's roster of reconcilers by that district's board of directors upon report of the administrator of the dispute resolution process after consultation with the president of the district.

(G) Composition of Dispute Resolution and Appeal Panels (Bylaws 1.10.13.1, 1.10.13.2, 1.10.15.1, 1.10.15.2)

Rationale

In order to broaden district representation and to avoid the appearance of unfairness or the potential for undue influence, the Commission on Handbook proposes the following changes to the bylaws governing the composition of dispute resolution and appeal panels, for adoption by the 2013 convention of The Lutheran Church—Missouri Synod.

PRESENT/PROPOSED WORDING

1.10.13.1 Each Dispute Resolution Panel shall consist of three voting members, at least one of whom shall be a pastor and one a layperson.

(a) Nine names shall be selected by a blind draw from the dispute resolution roster.

(b) No member of a panel shall be from the district in which the dispute arose or, if it is a Synod question, from any district in which a party holds membership. No two members of a panel shall be from the same district.

(c) The list....

1.10.13.2 The hearing facilitator shall be selected as follows:

(a) Three names shall be selected by a blind draw according to the *SOPM* from the hearing facilitator roster.

(b) No hearing facilitator shall be from the district in which the dispute arose or from any district in which a party holds membership or from any of the panel members' districts.

(c) The list....

1.10.15.1 Each Review Panel shall consist of three voting members, at least one of whom shall be a pastor, and at least one layperson.

(a) Nine names shall be selected by a blind draw according to the *SOPM* from the roster of reconcilers of the Synod.

(b) No member of a panel shall be from the district in which the dispute arose or, if it is a Synod question, from any district in which a party holds membership. No two members of a panel shall be from the same district.

(c) The list....

1.10.15.2 The hearing facilitator shall be selected as follows:

(a) Three names shall be selected by a blind draw according to the *SOPM* from the hearing facilitator roster.

(b) No hearing facilitator shall be from the district in which the dispute arose or from any district in which a party holds membership or from any of the panel members' districts.

(c) The list....

(H) Responsibilities of an Appeal Panel (Bylaw 1.10.8.2)

Rationale

Current Bylaw 1.10.8.2 provides no detail regarding the responsibilities of an Appeal Panel. Such responsibilities and accompanying guidelines are currently provided in detail in the Bylaw section 1.10 *Standard Operating Procedures Manual (SOPM)*. The Commission on Handbook proposes the following bylaw additions to include these *SOPM* provisions in the *Handbook* of the Synod.

PRESENT/PROPOSED WORDING

1.10.8.2 Within 30 days after receipt, an Appeal Panel shall be selected in the prescribed manner, and the Secretary of the Synod shall send the appeal to each member.

(a) Copies of the entire official record of the case, including the full report of the reconciler, the decision and all documentary evidence considered by the Dispute Resolution Panel, and the written appeal request shall be provided to the members of the panel. The panel shall make its decision on the basis of the minutes and written decision of the Dispute Resolution Panel and the documentary evidence received and reviewed.

(b) The panel shall concern itself only with those issues originally addressed by the Dispute Resolution Panel, unless issues were identified by the Dispute Resolution Panel for which it did not make a decision.

(c) The panel shall decide only whether to approve reconsideration of the decision of the Dispute Resolution Panel. The panel shall not approve a request for a new hearing on the basis of newly discovered evidence unless such evidence was clearly not available to the

Dispute Resolution Panel and was not the fault of the party requesting the reopening of the case, and unless it is clear that the absence of such evidence resulted in a gross miscarriage of justice.

(d) The standards of review, which define the parameters for the panel's consideration of an appeal, limit the panel's review to three (3) basic areas:

(1) Factual findings: The Appeal Panel shall review factual findings of the Dispute Resolution Panel only to determine if they are supported by evidence. The Appeal Panel shall not ordinarily sit in judgment of the Dispute Resolution Panel's conclusions regarding evidence, since that panel was in the best position to judge factual issues. The Appeal Panel must be convinced that a mistake has been committed, that is, that the evidence is such that reasonable minds could not disagree.

(2) Conclusions on authority: The Appeal Panel may approve an appeal if the Dispute Resolution Panel was clearly outside its authority, e.g., a decision that the panel had no authority to make under the Constitution and Bylaws, or a decision on an issue not identified by the Dispute Resolution Panel, or a decision on a theological question that the panel had no authority to make.

(3) Discretionary acts: The Appeal Panel may approve an appeal if there was a clear abuse of discretion impacting the decision of the Dispute Resolution Panel, resulting in a gross miscarriage of justice, or that involves an obvious and inappropriate bias or prejudice.

(I) Responsibilities of the Review Panel (Bylaw 1.10.8.4)

Rationale

If an Appeal Panel grants a request for reconsideration of the decision of a Dispute Resolution Panel and the matter goes before a Review Panel, current bylaws advocate that the panel "shall generally decide the issue on the record without further formal hearing," though they also allow the panel to "follow the procedure used by a Dispute Resolution Panel if deemed necessary." In practice, this bylaw has been found to be less than realistic in its advocacy of deciding disputed matters solely on the record of the Dispute Resolution Panel. In most cases, a serious error by the earlier panel is the reason for granting a request for reconsideration by Review Panel. In addition, the written record cannot convey the oral testimony and conversation that necessarily takes place during a hearing. For these reasons, the Commission on Handbook advocates the following bylaw changes.

PRESENT/PROPOSED WORDING

Procedure of a Review Panel

1.10.8.4 If an appeal is granted, the Secretary of the Synod, or his representative, shall, within 21 days, select a Review Panel in the prescribed manner (Bylaws 1.10.15ff.). The Review Panel shall generally decide the issue by following the procedure used by a Dispute Resolution Panel (Bylaws 1.10.7ff.) ~~on the record without further formal hearing but may follow the procedure used by a Dispute Resolution Panel~~ decide the issue on the record without further formal hearing if deemed necessary sufficient and appropriate.

(J) Special Three-Member Panel (Bylaw 1.10.16.1–1.10.16.2)

Rationale

From time to time the need arises for a decision by the “separate three-member panel of reconcilers” referred to in Bylaw 1.10.16.1. The current bylaw offers no instruction regarding this panel other than that it shall be “drawn for that purpose according to the *SOPM*.” Questions have resulted regarding the selection and performance of this panel. The Commission on Handbook proposes the following changes to the bylaw.

~~PRESENT~~/PROPOSED WORDING

- 1.10.16.1 Any party and/or parties to a dispute shall have the right to request disqualification of a reconciler, panel member, or hearing facilitator. If that individual does not agree to the disqualification, the decision shall be made by a separate three-member panel of reconcilers drawn for that purpose ~~according to the *SOPM*.~~
- (a) Nine (9) names shall be selected by blind draw from the Synod’s roster of reconcilers.
 - (b) The list shall be mailed simultaneously to each party, who shall be entitled to strike up to three (3) names. The list shall be returned to the Secretary of the Synod within one (1) week after receipt.
 - (c) The Secretary of the Synod shall correct any problem with the list. No member of the panel shall be from the district in which the dispute arose or any district of any party to the dispute. No two (2) panel members shall be from the same district. If more names remain than are needed, the final selection shall be made by blind draw.
 - (d) In the event that additional names are needed, three (3) names will be selected in the manner set forth above, which names shall be submitted to each party, who shall have the right to strike one (1) name before returning the list to the Secretary of the Synod within one week.
- 1.10.16.2 In the event that a reconciler, panel member, or hearing facilitator is disqualified, another individual shall be chosen by blind draw ~~according to the *SOPM*.~~
- (a) Three (3) names shall be selected by blind draw from the Synod’s roster of reconcilers or hearing facilitators as appropriate.
 - (b) The list shall be mailed simultaneously to each party, which shall be entitled to strike one of the names. The list shall be returned to the Secretary of the Synod within one (1) week after receipt.
 - (c) The Secretary of the Synod shall correct any problem with the list. No member of the panel shall be from the district in which the dispute arose or any district of any party to the dispute. No two (2) panel members shall be from the same district. If more names remain than are needed, the final selection shall be made by blind draw.
 - (d) In the event that additional names are needed, three (3) names shall again be selected in the manner set forth above, which names shall be submitted to each party, with the right to strike one (1) name before returning the list to the Secretary of the Synod within one (1) week.

(K) Requests for CCM/CTCR Opinions (Bylaw 1.10.18.1 [h])

Rationale

In order to keep a dispute resolution process moving forward, it is important that time requirements be honored throughout the process, including the 30-day requirement for the provision of Commission on

Constitutional Matters and Commission on Theology and Church Relations opinions requested by Dispute Resolution or Review Panels. To underscore the need for these commissions to make such arrangements as are necessary to fulfill this requirement, the Commission on Handbook advocates the following bylaw change.

PRESENT/PROPOSED WORDING

- 1.10.18.1 (h) If any part of the dispute involves a specific question of doctrine or doctrinal application, each party shall have the right to an opinion from the Commission on Theology and Church Relations. If it involves questions of constitution or bylaw interpretation, each party shall have the right to an interpretation from the Commission on Constitutional Matters. The request for an opinion must be made through the Dispute Resolution Panel or Review Panel, which shall determine the wording of the question(s).

The request for an opinion must be made within four (4) weeks of the final formation of the Dispute Resolution Panel or Review Panel. If a party does not request such an opinion within the designated time, such a request may still be made to the Dispute Resolution Panel or Review Panel that shall, at its discretion, determine whether the request shall be forwarded. The Dispute Resolution Panel or Review Panel shall also have the right, at any time, to request an opinion from the Commission on Theology and Church Relations or the Commission on Constitutional Matters.

The Commission on Constitutional Matters and the Commission on Theology and Church Relations shall have in place a procedure for responding within this 30-day time frame to such requests for opinions. Any opinion so requested shall be rendered within 30 days or such greater time as the Dispute Resolution Panel may allow. When an opinion has been requested, the time limitations governing the dispute resolution process will not apply until the opinion has been received by the parties. Any opinion received ~~from the Commission on Theology and Church Relations and the Commission on Constitutional Matters~~ must be followed by the Dispute Resolution Panel or Review Panel.

Commission on Handbook

62. Overture to the 2013 LCMS Convention (Bylaws Pertaining to Districts) – Omnibus III

Overture to the 2013 LCMS Convention

To Address *Handbook* Issues re Bylaws Pertaining to Districts

Background

During the triennium, concerns related to bylaws governing district operations were brought to the attention of the Commission on Handbook. This overture identifies those concerns and advocates bylaw amendment solutions proposed by the commission for adoption by the 2013 convention of The Lutheran Church—Missouri Synod.

**(A) Circuit Counselor Nominations and Elections
(Bylaw 5.2.3.2)**

Rationale

The chairman of the Commission on Handbook requested input from the Council of President regarding the current circuit counselor nominations and elections process and reported that the Council apparently is happy with the current bylaw process, including its provision of an opportunity to select circuit counselors from outside the circuit. After discussion of Bylaw 5.2.3.2 (a) and its reference to “fellow pastors,” the commission advocates a minor change to delete the word “fellow” to make clear that a circuit counselor may be selected from outside the circuit, as follows.

PRESENT/PROPOSED WORDING

5.2.3.2 The circuit counselor shall serve the pastors of the circuit as a collegial and brotherly adviser, reminding them of the joy of the ministry and of its great responsibilities.

(a) He shall encourage the ~~fellow~~ pastors of the circuit in their preaching and teaching, in the exercise of church discipline in an evangelical manner, and in the proper supervision of Christian education and training in the parish.

(b) He shall encourage, in a brotherly manner, the pastors of the circuit in their spiritual and family life.

(c) He shall encourage the pastors of the circuit to continue both formal and informal continuing professional education.

**(B) Circuit Counselor Selection Process When No Candidate Is Available
(Bylaw 5.2.2)**

Rationale

A difficulty develops in the Bylaw 5.2.2 circuit counselor selection process when, prior to convention election action, no candidate has been selected by a circuit forum or a properly selected candidate no longer is available to serve. Current bylaws provide no direction for making a selection under these circumstances. The commission proposes the following bylaw amendment to provide such direction.

PRESENT/PROPOSED WORDING

5.2.2 The circuit counselor shall hold his position by virtue of his selection by the circuit forum and ratification by the district convention.

(a) Circuit forums shall meet at the call of their circuit counselors to select their circuit counselors no later than the time established by the district.

(b) Nominations for candidates for the office of circuit counselor may be submitted by a voting congregation of the circuit and suggested by the district president, in consultation with the praesidium of the district.

(c) Selection of the circuit counselor shall be by election by written ballot. The privilege of voting shall be exercised by the representatives from each member congregation of the circuit, who shall have been selected in the manner prescribed by the congregation (Bylaw 5.3.2).

(d) All nominated pastors serving congregations and emeriti pastors shall be eligible for election in accordance with section 4.3 of these Bylaws.

(1) Following presentations of pertinent information regarding each pastor as listed in Bylaw 3.12.3.6 (c) and circuit counselor responsibilities as provided hereafter in this bylaw, each voter shall write in the names of two pastors on the initial ballot.

- (2) The three pastors (or more in case of a tie vote) who receive the highest number of votes in this preliminary ballot shall be placed on the next ballot. Each voter shall vote for only one candidate.
- (3) Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, who shall be declared the nominee.
- (e) Immediately following the circuit forum, the circuit counselor shall report in writing the results of the selection process to the secretary of the district in preparation for ratification by the district convention.
- (f) In the event that a circuit counselor has not been selected by a circuit forum or has been selected but is no longer available to serve, thus resulting in no circuit counselor selection being included on the convention slate of circuit counselors for a circuit, the district president shall make the selection, which selection shall then be included on the convention slate of circuit counselors.
- (fg) The convention shall have the right to alter the slate by amendment.
- (gh) The convention shall then ratify the slate of circuit counselors, which ratification shall constitute election.

(C) Process for Regional District Elections (Bylaws 4.7.1–4.7.3)

Rationale

An increase on the district level in regional representation by district vice-presidents and board of directors members has prompted the question whether such elections, if conducted within regions, should be ratified by district conventions in the same manner as is the case with circuit counselor elections. While Bylaw 4.7.1 allows districts to adopt their own nomination and election regulations, it is silent regarding regional elections. In keeping with the principle that final determinations in elections to all district positions rightly belong to the district convention, the Commission on Handbook proposes the following amendments to Bylaws 4.7.1–4.7.3.

PRESENT/PROPOSED WORDING

- 4.7.1 Each district may adopt regulations for the nomination and election of its president; the nomination, selection, election, ~~and ranking of its vice-presidents;~~ and the succession in case of vacancies of its vice-presidents; and the nomination or selection of any regional officers or regional board of directors members, as long as these provisions do not conflict with the Bylaws of the Synod.
- 4.7.2 A nominating committee of each district shall be elected by the district convention. Nominating committees may not be employed in the election of the president, ~~and vice-presidents,~~ and regional board of director positions.
- 4.7.3 A majority of all votes cast by a district convention shall be required in every election to all elective offices and elective board positions....

(D) Revision of Congregations' Constitutions and Bylaws (Bylaw 2.4.1)

Rationale

Confusion exists regarding the implementation of Bylaw 2.4.1 (d) after congregations have submitted their constitutions and bylaws to district constitution committees for review. Some congregations formally adopt new or revised documents before receiving approval by the district board of directors, while others only do so after receiving approval. Still others adopt new or revised documents with the understanding that they will not be effective until approval is received from the district board of directors. The Commission on Handbook proposes the following bylaw changes to provide clarification and consistency of practice.

PRESENT/PROPOSED WORDING

2.4.1 A congregation desiring to retain membership in The Lutheran Church—Missouri Synod shall continue to have a constitution and bylaws approved by the Synod.

(a) A member congregation which desires to ~~revises~~ its constitution and/or bylaws ~~or adopts a new constitution or bylaws~~ shall, as a condition ~~to~~ of continued eligibility as a member of the Synod, submit ~~such a~~ proposed, revised ~~or new~~ constitution and/or revised bylaws to the district president.

(b) The district president shall refer such to the district's constitution committee for review, to ascertain that the provisions are in harmony with the Holy Scripture, the Confessions, and the teachings and practices of the Synod.

(c) Upon advice of the constitution committee and recommendation by the district president, the district board of directors shall determine if the changes are acceptable to the Synod.

(d) Upon favorable action by the district board of directors, the congregation shall be notified that the changes are acceptable to the Synod, ~~and that the congregation may proceed with formal adoption of the revised constitution and/or bylaws, and remain is entitled to continue to function as a member of the Synod in good standing of the Synod under the new or changed constitution or bylaws.~~

(e) Upon formal adoption of the revised proposed constitution and/or bylaws, the congregation shall provide to the district a dated copy of the action taken accompanied by a copy of the dated revised constitution and bylaws.

(f) Until a congregation formally adopts a revised constitution and/or bylaws using this process, the existing constitution and bylaws shall remain in effect for all purposes.

(E) District Stewardship Board/Committee Requirement (Bylaw 4.6.1)

Rationale

As a result of structural changes adopted by the 2010 convention, the Synod Bylaw 4.6 requirement that each district must elect or appoint a committee or board for stewardship to relate to the Synod's "Department of Stewardship" begs attention, there no longer being such a department on the Synod level and very likely no longer such boards or committees in some districts. At the same time, it is beneficial for the Synod and its districts to continue their interest and cooperation in the development and promotion of stewardship programs on the district level. The Commission on Handbook proposes the following amendments to Synod Bylaw 4.6.1 to advocate the continuance of such a presence on the district level.

PRESENT/PROPOSED WORDING

4.6 District ~~Committees or Boards for~~ Stewardship Promotion

4.6.1 Each district shall elect or appoint a committee~~or~~, board, or individual responsible for stewardship.

(a) This committee, board, or individual shall cooperate with the Synod's ~~Department of Stewardship~~selected or appointed person/persons responsible for stewardship and shall assist and advise local congregations in the development and promotion of an adequate stewardship program.

(b) Districts are advised to provide for the systematic supervision and qualified guidance and promotion of stewardship education, ~~where possible establishing and maintaining the office of a stewardship counselor or secretary, who shall be responsible to the district stewardship board.~~

(c) Each district may invite a representative of the Synod to meet for mutual assistance in budget planning for mission and ministry.

(d) Each district shall arrange for adequate time at its convention for a report on the mission and ministry program of the Synod, made by a representative of the Synod assigned by the President of the Synod.

(F) Formation of Electoral Circuits **(Bylaw 3.1.2)**

Rationale

Current Bylaw 3.1.2 calls upon each district to determine the composition of its electoral circuits prior to each Synod convention. The bylaw is unclear as to how districts are to go about combining adjacent visitation circuits to create electoral circuits when necessary. It is noted that action on this issue may not be needed, depending upon the convention's decision regarding the commission's response to 2010 Res. 8-05B. The commission offers the following proposed action to amend Bylaw 3.1.2 for consideration by the 2013 convention if needed.

PRESENT/PROPOSED WORDING

3.1.2 Voting delegates shall consist of one pastor and one layperson from each electoral circuit.

(a) An electoral circuit shall consist either of one or two adjacent visitation circuits, as shall be determined by ~~each~~the district board of directors on the basis of the following requirements: each pair of delegates shall represent from 7 to 20 member congregations, involving an aggregate communicant membership ranging from 1,500 to 10,000.

(b) Exceptions to these requirements may be made only by the President of the Synod upon request of a district board of directors.

Commission on Handbook

63. Overture to the 2013 LCMS Convention (Bylaws re Synod Conventions) – Omnibus IV

Overture to the 2013 LCMS Convention

To Address *Handbook* Issues re Synod Conventions

Background

During the triennium, concerns related to bylaws governing the Synod's conventions were brought to the attention of the Commission on Handbook. This overture identifies those concerns and advocates bylaw amendment solutions proposed by the commission for adoption by the 2013 convention of The Lutheran Church—Missouri Synod.

**(A) Solicitation of Names for Committee for Convention Nominations
(Bylaw 3.12.3.4)**

Rationale

The Secretary of the Synod plays an important role in assisting the Committee for Convention Nominations by gathering and presenting to the committee names and biographical information of individuals to be considered for election to office in the Synod. Bylaw 3.12.3.4 sets forth the Secretary's duties in the nomination process, but limits the agencies and individuals with whom he works in carrying out his work. This limitation might inadvertently exclude qualified individuals from nominations for elected office. Greater involvement of the agencies and members of the Synod in the nominations process would increase confidence in it. For these reasons, the Commission on Handbook proposes the following changes to Bylaw 3.12.3.4.

PRESENT/PROPOSED WORDING

3.12.3.4 The Secretary of the Synod shall handle the preliminary work for the Committee for Convention Nominations.

(a) He shall begin to solicit names of potential nominees from ~~officers, boards, commissions, and agencies of the Synod and its districts~~the agencies and officers of the Synod at least 24 months prior to the convention.

(b) Approximately 24 months before a regular meeting of the Synod in convention, he shall solicit from ~~the mission boards and the synodwide corporate entity boards~~those agencies with positions to be filled descriptions of criteria of qualified candidates to serve in those positions~~on those boards~~.

(c) With such criteria in view, the Secretary shall issue the first call for nominations through a publication of the Synod and on the Synod Web site 18 months before the convention, soliciting names from the agencies and officers of the Synod and the congregational and individual members of the Synod~~mission boards and synodwide corporate entity boards, as well as congregations, district presidents, district boards of directors, circuit counselors, and other likely sources~~.

(d) All incumbents eligible for reelection shall be considered for nomination.

(e) ~~Qualifications~~The qualifications of each nominee shall be submitted together with the names on forms made available on the Synod's Web site.

(f) All suggested names and information for consideration by the Committee for Convention Nominations shall be submitted to the Secretary of the Synod no later than nine months prior to the convention of the Synod.

(g) The Secretary shall present the names and information gathered to the Committee for Convention Nominations at its first meeting.

**(B) Staggered Terms for Members of Certain Boards and Commissions
(Bylaws 3.8.2.2; 3.8.3.2; 3.9.4.1–3.9.4.2)**

Rationale

The 2010 convention of the Synod created new boards for international and national mission and changed the composition and appointment process of the Commission on Handbook. However, the convention failed to give thought to the advisability of creating staggered terms for these new board and commission positions, resulting in the election or appointment of all members for six-year terms. This failure to create staggered terms has created the possibility of a total turnover of board and commission membership each six years, potentially resulting in a corresponding loss of continuity. In order to enable the 2016 convention to create a staggering of terms by electing one-half of all mission board members and appointing some of the commission members to three-year terms, the Commission on Handbook proposes the following changes to Bylaws 3.8.2.2 and 3.8.3.2.

In addition, the terms of those board and commission members elected or appointed to three-year terms will not be counted as full terms in this case, allowing those who will have served one six-year and one three-year term to be eligible for an additional six-year term at the time of the 2019 convention. In order to accommodate this change, the Commission on Handbook proposes that Bylaw 3.2.4.2 (b) also be amended, as follows.

PRESENT/PROPOSED WORDING

3.8.2.2 The Board for National Mission shall be comprised of eleven members:

1. Five laypersons and five individual members of the Synod (one of each from each region of the Synod) elected in the same manner as are all other regional elections (Bylaws 3.12.1 and 3.12.2.5)
2. The President of the Synod or his representative

In 2016, the laypersons elected from the Great Plains and East/Southeast regions and the individual members of the Synod elected from the West/Southwest, Central, and Great Lakes regions shall be elected for three-year terms.

3.8.3.2 The Board for International Mission shall be comprised of eleven members:

1. Five laypersons and five individual members of the Synod (one of each from each region of the Synod) elected in the same manner as are all other regional elections (Bylaws 3.12.1 and 3.12.2.5)
2. The President of the Synod or his representative

In 2016, the individual members of the Synod elected from the Great Plains and East/Southeast regions and the laypersons elected from the West/Southwest, Central, and Great Lakes regions shall be elected for three-year terms.

3.9.4.1 The Commission on Handbook shall consist of eight members, five voting and three nonvoting. Of the five appointed members, three shall be individual members of the Synod and two shall be attorneys. In 2016, one of the individual members and one of the attorneys shall be appointed for three-year terms. The remaining individual members and attorney shall be appointed for six-year terms:

1. The Secretary and the Chief Administrative Officer of the Synod and a voting member of the Commission on Constitutional Matters shall serve as advisory members.
2. The five voting members (~~whose terms shall be for six years renewable once~~) shall be appointed in the following manner....

3.2.4.2 All members of all boards and commissions of the Synod shall be ineligible for reelection or reappointment to the same board or commission after serving a total of two successive six-year elected terms or three successive appointed or elected three-year terms, unless otherwise provided in the Bylaws.

- (a) Such persons may become eligible again for election or appointment to the same office, board, or commission after an interval of three or more years.
- (b) ~~One-half or more~~ More than one-half of a term shall be regarded as a full term under limited tenure rules.
- (c) Any member of a board or commission who is ineligible for reelection or reappointment may be elected or appointed to another position.

**(C) COH and CTCR Convention Expenses
(Bylaw 3.1.9)**

Rationale

Although Bylaw 3.1.4.1 (b) requires convention attendance by members of the Commission on Handbook and the Commission on Theology and Church Relations, they are not included in the Bylaw 3.1.9 (e) listing of those whose expenses are to be included in the operating cost of the convention. The Commission on Handbook proposes the following bylaw amendment for adoption by the 2013 LCMS convention.

PRESENT/PROPOSED WORDING

- 3.1.9 ... (e) All travel and convention expenses of the Synod's Praesidium, Secretary, Chief Administrative Officer, Chief Financial Officer, Chief Mission Officer, Board of Directors, district presidents, Commission on Constitutional Matters, Commission on Handbook, Commission on Theology and Church Relations, and legal counsel are included in the operating cost of the convention and as such are included in the district levy.

**(D) Appointed Officers as Advisory Representatives
(Bylaw 3.1.4)**

Rationale

Current Bylaw 3.1.4 speaks only of "elected officers" serving as advisory representatives to conventions of the Synod. As a result of 2010 convention actions, the Synod is now served by three officers who are appointed to their positions: the Chief Administrative Officer, the Chief Financial Officer, and the Chief Mission Officer. In order for Bylaw 3.1.4 to include all officers in attendance at Synod conventions, elected and appointed, the Commission on Handbook proposes the following bylaw amendment for adoption by the 2013 convention.

PRESENT/PROPOSED WORDING

Other Advisory Representatives

- 3.1.4 ~~Elected officers~~ Officers of the Synod, including district presidents, and representatives of the Synod's boards, commissions, educational institutions, mission areas, chaplains, and district boards of directors shall also serve as advisory representatives to the conventions of the Synod.

Commission on Handbook

64. Overture to the 2013 LCMS Convention (Bylaws re Synodwide Corporations) – Omnibus V

Overture to the 2013 LCMS Convention

To Address *Handbook* Issues re Synodwide Corporate Entities

Background

During the triennium, concerns related to bylaws governing synodwide corporate entities were brought to the attention of the Commission on Handbook. This overture identifies those concerns and advocates bylaw amendment solutions proposed by the commission for adoption by the 2013 convention of The Lutheran Church—Missouri Synod.

(A) Synodwide Corporate Entity Governing Documents (Bylaw 3.6.1.7)

Rationale

Current Bylaw 3.6.1.7 as currently worded requires synodwide corporate entities to provide specific provisions in each of their governing documents, a requirement which, taken literally, would be burdensome to these corporations, given the fact that “each governing instrument” can refer to many documents including policy manuals. The Commission on Handbook proposes the following amendments to clarify the expectation of the bylaw.

PRESENT/PROPOSED WORDING

3.6.1.7 Each synodwide corporate entity shall provide the following in its governing instruments:

- (a) ~~Each governing instrument shall include the~~ a provision that every member of the governing board shall be a member of a congregation that is a member of the Synod;
- (b) ~~Each governing instrument shall include the~~ a provision that it is a component part of the Synod, is subject to the Constitution, Bylaws, and resolutions of the Synod, and its governing instruments are subordinate to the Constitution and Bylaws of the Synod;
- (c) ~~Each governing instrument shall include the~~ a provision that any amendment to a provision of its governing instruments which relate to its objects and purposes, the designating of its members, or the procedure for amending its governing instruments shall require a two-thirds affirmative vote of its members, if any, who are appointed by the Board of Directors of the Synod; and
- (d) ~~Each governing instrument shall include the~~ a provision that upon dissolution of a synodwide corporate entity, its remaining assets shall be transferred to the Synod. Any amendment to this provision shall require the affirmative vote of the Synod in convention.

(B) Required Background Checks for Board Candidates (Bylaw 3.12.4.2)

Rationale

The nominations/elections process during the 2010 convention was complicated by the requirement of background checks for candidates for positions on the Board of Directors of the Lutheran Church Extension Fund—Missouri Synod. While the nominations process provided by Synod Bylaws 3.12.3.6ff was followed and background checks were completed for the candidates for the offices, floor nominations

prompted questions regarding how the background check requirement was to be satisfied in their regard. The Commission on Handbook proposes the following bylaw changes to the 2013 convention to resolve the matter.

PRESENT/PROPOSED WORDING

3.12.4.2 The President shall determine and announce a period of time during the convention for the election of the members of all elective boards and commissions.

(a) After the election of the President, the First Vice-President, and the other vice-presidents in that order, the election by ballot of the Secretary shall next be conducted.

(b) The election by ballot of the members of the Board of Directors shall next follow. Each category (ordained, commissioned, and lay) shall be elected separately, the order of the elections to be rotated to allow each category to be the first elected at every third convention, as monitored by the Secretary of the Synod.

(c) The election by ballot of the members of all elective boards and commissions shall follow next.

(d) A majority of all votes shall be required for election to all elective offices and elective board positions. Candidates receiving a majority on the first ballot shall be declared elected.

(e) Persons elected to positions requiring a background check shall not assume office until an appropriate background check has been completed. If a person is elected and subsequently fails to pass a required background check, the position will be deemed vacant and will be filled according to Bylaw 3.2.5.

(~~f~~e) Except in the elections of president and vice-presidents, when a second or succeeding ballot is required for a majority, the candidate receiving the fewest votes and all candidates receiving less than 15 percent of the votes cast shall be dropped from the ballot, unless fewer than two candidates receive 15 percent or more of the votes cast, in which case the three highest candidates shall constitute the ballot.

(~~g~~f) The tally of the votes cast for each candidate shall be announced after each ballot in all elections.

Commission on Handbook

65. Overture to the 2013 LCMS Convention (Remaining Restructuring Issues)

Overture to 2013 Convention

To Resolve Bylaw Issues Remaining from 2010 Convention Restructuring Decisions

Background

Following the 2010 LCMS convention, it was recognized that restructuring decisions had resulted in lack of clarity and even contradictions in the *Handbook* of the Synod that would require additional attention by the 2013 convention. These concerns were discussed during a day-long November 2, 2012 joint meeting of the Commission on Constitutional Matters, Commission on Handbook, the Chief Mission Officer, the Chief Administrative Officer, and a member of the president's office staff. The commission offers the following proposed amendments to satisfy a number of these concerns in the 2010 *Handbook* of the Synod.

(A) Board for National Mission

Rationale

The intention and meaning of current wording of Bylaws 3.8.2 and 3.8.2.1 (“directed toward”) is vague and unclear. Removing that wording does not affect the overall intention and meaning of these bylaws. In addition, in order for Bylaw 3.8.2.1 to mirror its counterpart for the Board for International Mission (Bylaw 3.8.3.1), the reference to the “supervision” of the President of the Synod is changed to “ecclesiastical supervision,” consistent with the President’s responsibility under Constitution Art. XI B 1–4 (also Art. XI B 7; Bylaws 3.3.1.1–3.3.1.3).

PRESENT/PROPOSED WORDING

Board for National Mission

3.8.2 The Board for National Mission is charged with developing and determining policies for the coordination of and in support of district ministries which support ~~that are directed toward the ministry functions of the national office and district ministries that are directed toward the ministries of~~ congregations and schools (Bylaw 1.2.1 [I]). These policies shall embrace and apply the mission and ministry emphases adopted by the national convention. Under the leadership of the President of the Synod, pursuant to Bylaw 3.3.1.1.1, the board shall assist in identifying the specific goals for the Office of National Mission. Policies determined by the board (implemented by staff) may include but not be limited to:

- strong national mission leadership
- Lutheran school ministries and accreditation
- human care and domestic mercy efforts
- stewardship
- evangelism
- church planting and revitalization
- youth ministry

3.8.2.1 The Board for National Mission shall have oversight of the implementation of policies adopted by the board and implemented by the Office of National Mission for the coordination of and in support of district ministries which support ~~that are directed toward the ministry functions of the national office and district ministries that are directed toward the ministries of~~ congregations and schools. The board shall be under the ecclesiastical supervision of the President of the Synod regarding doctrine and administration consistent with the President’s responsibility under Constitution Art. XI B 1–4 (also Art. XI B 7; Bylaws 3.3.1.1–3.3.1.3) between conventions of the Synod and ultimately shall be responsible to the Synod in convention (Art. XI A 1–2).

(B) Office of National Mission

Rationale

The current bylaw terminology (“relates to”) is unclear, as are the roles of the President and Chief Mission Officer of the Synod. Removing unclear terminology and incorporating additional wording regarding the responsibility of the Chief Mission Officer provides necessary clarity.

PRESENT/PROPOSED WORDING

Office of National Mission

- 3.8.2.3 The Office of National Mission; implements the policies of which relates to the Board for National Mission and implements its policies under the supervision of the Chief Mission Officer and shall be responsible to the President of the Synod through the Chief Mission Officer shall be responsible for domestic ministries that especially serve congregations and schools through the districts of the Synod. Such district ministries may include but not be limited to:
- Lutheran school ministries and accreditation
 - human care and domestic mercy efforts
 - stewardship
 - evangelism
 - church planting and revitalization
 - youth ministry

(C) Office International Mission

Rationale

Here also the current bylaw terminology (“relates to”) is unclear, as are the roles of the President and Chief Mission Officer of the Synod. Removing unclear terminology and incorporating additional wording regarding the responsibility of the Chief Mission Officer provides necessary clarity.

PRESENT/PROPOSED WORDING

Office of International Mission

- 3.8.3.3 The Office of International Mission; implements the policies of which relates to the Board for International Mission and implements its policies, under the supervision of the Chief Mission Officer shall be responsible to the President of the Synod through the Chief Mission Officer and shall be responsible for the work of the Synod in foreign countries. Such responsibilities may include but not be limited to:
- placement and support of foreign missionaries
 - establishment and maintenance of international schools
 - coordination of international relief efforts
 - policy recommendations to the Board for International Mission
 - support and encouragement of international partner churches in conjunction with the Office of the President

(D) Duties of Chief Mission Officer

Rationale

The current wording of Bylaw 3.4.3.1, which speaks of the Chief Mission Officer along with others serving as staff resources, is confusing regarding his role. Removing the reference to “executive directors (if any) who report to the Chief Mission Officer” will help to clarify his responsibility to the mission boards.

In addition, the current wording of Bylaw 3.4.3.4, which speaks of the Chief Mission Officer meeting with “chief executives” of the commissions and synodwide corporate entities inaccurately suggests the

top staff position of a commission is titled a “chief executive.” That person holds the title of “executive director.” The change recommended below will correct this reference.

PRESENT/PROPOSED WORDING

Chief Mission Officer

3.4.3.1 The Chief Mission Officer shall provide ~~and executive directors (if any) who report to the Chief Mission Officer shall serve as~~ staff and other resource(s) to the Board for National Mission and the Board for International Mission.

3.4.3.4 The Chief Mission Officer shall meet regularly with the ~~chief executives~~ executive directors of the commissions (if any) and the chief executives of synodwide corporate entities as the liaison for and at the direction of the President of the Synod. He shall work together closely with the Chief Financial Officer and the Chief Administrative Officer in carrying out the programmatic, administrative, and financial functions of the national Synod.

(E) Fund-Raising Activities/Fund Allocation

Rationale

Current bylaws are contradictory regarding supervisory responsibilities for the fund-raising activities of the Synod. Bylaw 3.4.3.6 reads: “The Chief Mission Officer shall, on behalf of the President, supervise fund-raising activity of the national office according to policies established by the Board of Directors of the Synod.” Bylaw 3.3.1.3 (f) (2), on the other hand, currently reads: “[Through the Chief Mission Officer, the President shall] coordinate and supervise all fund-raising and planned giving activity by the national Synod and its agencies.” The following proposed deletion of a major portion of Bylaw 3.3.1.3 (f) will remove the existing contradictions and allow current Bylaws 3.4.3.6, 3.4.3.7, and 3.4.3.8 to govern the role of the Chief Mission Officer in the areas currently addressed by Bylaw 3.3.1.3 (f).

PRESENT/PROPOSED WORDING

President

Responsibilities and Duties—Ecclesiastical and Administrative

3.3.1.3 The President shall have responsibilities and duties that are both ecclesiastical and administrative....

(f) As ecclesiastical supervisor, he shall provide leadership to all officers, agencies, and national office staff of the Synod. ~~Through the Chief Mission Officer, he shall~~

~~(1) coordinate the content of communications, public relations, and news and information provided by the Synod.;~~

~~(2) oversee and coordinate (consulting with the Board of Directors of the Synod when necessary) and supervise all fund raising and planned giving activity by the national Synod and its agencies.;~~ and

~~(3) serve the Synod by providing leadership, coordination, and oversight for pre-seminary education programs, seminary education, and post-seminary continuing education, and by providing advocacy for pastoral education and health within the Synod.~~

(F) Role of Commission on Handbook When Bylaws are Amended

Rationale

When the 2010 LCMS convention created the Commission on Handbook (Bylaw 3.9.4ff.) and assigned duties to the commission relating to proposed amendments to the Bylaws of the Synod (Bylaw 3.9.4.2 [a]), mention of those duties was not made in Bylaws 7.1.1 and 7.1.2. To eliminate confusion regarding the differing duties of the Commission on Handbook and the Commission on Constitutional Matters with respect to bylaw amendments, the Commission on Handbook proposes that Bylaws 7.1.1 and 7.1.2 be amended as follows:

PRESENT/PROPOSED WORDING

- 7.1 Amendments to the Bylaws may be made using one of two procedures, provided they are not contrary to the Constitution of the Synod.
- 7.1.1 Amendments may be made by conventions of the Synod.
- (a) They shall be presented in writing to a convention of the Synod.
 - (b) They shall be specified as bylaw amendments and considered by a convention floor committee.
 - (c) They shall be examined by the Commission on Constitutional Matters prior to presentation to the convention to determine that they are not in conflict as to content with the Constitution and Bylaws of the Synod.
 - (d) They shall be examined by the Commission on Handbook prior to the convention to determine that they are in agreement in language (terminology) with the current *Handbook*.
 - (e) They shall be adopted by the affirmative vote of a majority of the delegates present and voting.
- 7.1.2 In exceptional circumstances and upon the express direction of a convention of the Synod, amendments may be made by a two-thirds majority of the Board of Directors.
- (a) Such amendments to the Bylaws shall be necessary to implement resolutions adopted by a convention of the Synod.
 - (b) Such amendments shall be drafted by the Secretary of the Synod and shall be reviewed by the Commission on Constitutional Matters and the Commission on Handbook.

Commission on Handbook

66. Overture to the 2013 LCMS Convention (District Membership/Ecclesiastical Supervision)

Overture to the 2013 Convention

To Address District Membership/Ecclesiastical Supervision Issues (Bylaw Section 2.12 *et al.*)

Introduction

Extensive discussions involving the Commission on Handbook, the Council of Presidents, and Synod officers and staff in an effort to address ongoing and newly surfacing district membership and ecclesiastical supervision issues, especially as pertaining to Bylaw section 2.12 “District Membership and

Ecclesiastical Supervision,” has culminated in the submission of this overture to the 2013 LCMS convention.

The primary goals of these discussions were two-fold: (1) the provision of proper ecclesiastical supervision of church workers (missionaries, commissioned ministers, etc.) living outside the United States; and (2) the provision of a means whereby interested international congregations could be received into membership in the Synod.

It was agreed that the solution to (1) above would depend upon the involved district presidents (with the assistance of the Office of International Mission) providing more intentional ecclesiastical supervision through regular contact with the foreign workers. It was agreed that the best approach to (2) above, at least for the present, would be to request the Missouri District to create an additional international circuit to admit these congregations into membership in the Synod and to provide ecclesiastical supervision (with the assistance of the Office of International Mission).

To accomplish these objectives, the Commission on Handbook offers the following proposed bylaw amendments and provisions to the 2013 convention for adoption.

Resolved, That in order to accomplish the objectives described above regarding district membership and ecclesiastical supervision of individual members of the Synod, the 2013 LCMS convention adopt the following bylaw changes:

PRESENT/PROPOSED WORDING

2.12 District Membership and Ecclesiastical Supervision and District Membership

2.12.1 ~~Except as otherwise provided in this section, a member shall be under the ecclesiastical supervision of the president of the district through which membership in the Synod is held. Each individual member of the Synod shall hold membership through a district. 2.12.1.1 The district through which an individual holds membership and the district through which a member is ecclesiastically supervised will not be determined in any case on the basis of district membership of the congregation to which the individual belongs.~~

2.12.2 ~~2.12.1.2~~ An individual member of the Synod ~~who is serving a congregation~~ shall hold membership in the Synod through the district ~~of~~in which his/her calling body is located or headquartered, except the following: the congregation is a member.

~~(a) 2.12.1.3 An individual member of the Synod who is serving a district shall hold membership in the Synod through that district.~~ 2.12.1.4 A missionary or chaplain serving under a call by a mission board of the Synod shall hold membership in the Synod through the district designated by the missionary or chaplain if approved by the president of that district after consultation with the Office of International Mission and the president of the district through which membership is currently held.

~~(b) 2.12.1.5 An individual member of the Synod other than a missionary or chaplain serving under call by a mission board of the Synod and who is serving an agency other than a congregation or district and other than a missionary or chaplain serving under call by the Synod shall hold membership through the district designated by that person if approved by both the president of that district and the president of the district in which the agency is located, but shall be subject to the ecclesiastical supervision of the president of the geographical district in which the agency is located. When all voting members of the agency are members of a non-geographical district, membership shall be held through that district.~~

~~(c) 2.12.1.6~~ An individual member of the Synod who is an executive or ~~professional~~ staff member called or appointed by an auxiliary or other recognized service organization shall hold membership in the geographical district in which the member ~~resides~~ is employed ~~or the non-geographical district in which he or she holds membership.~~ ~~2.12.1.7~~ An emeritus member shall continue to hold membership through the district through which membership was held at the inception of emeritus status unless a transfer is approved by both the president of that district and the president of the district to which membership would be transferred.

~~(d) 2.12.1.8~~ An inactive member having emeritus, candidate, or non-candidate status shall continue to hold membership in the Synod through the district through which membership was held at the inception of the emeritus, candidate, or non-candidate status except when a transfer is approved by both the president of that district and the president of the district to which membership would be transferred.

~~(e) 2.12.1.9~~ A member having restricted status ~~while not serving a congregation or other eligible agency~~ shall continue to hold membership through the district through which membership was held at the inception of restricted status unless a transfer is approved by both the president of that district and the president of the district to which membership would be transferred. ~~2.12.1.10~~ A member having suspended status shall continue to hold membership through the district through which membership was held at the time of the suspension.

2.12.3 A member shall be under the ecclesiastical supervision of the president of the district through which membership in the Synod is held. The district through which an individual holds membership and the district through which a member is ecclesiastically supervised will not be determined in any case on the basis of the district membership of the congregation to which that individual belongs.

And be it further

Resolved, That in order to accomplish the objectives described above regarding district membership and ecclesiastical supervision of congregations that are members of the Synod, the 2013 LCMS convention adopt the following bylaw changes:

PRESENT/PROPOSED WORDING

Rites of Ordination or Commissioning

- 2.10.3 The president of the district of which the calling congregation is a member or in which the eligible calling agency is located or with which it is otherwise identified shall be responsible for the rites of ordination and commissioning of candidates for the ministry called to that congregation or agency.
- (a) The rite of ordination or commissioning should normally take place in the presence of the congregation or other agency to which the candidate has been called.
 - (b) In the case of missionaries called by the Synod, ordained or commissioned ministers called by international congregations, members of a faculty of an institution of the Synod, or institutional chaplains, the rite shall take place in a setting approved by the district president of the calling body.
 - (c) If an unusual circumstance warrants it, ~~the appropriate~~ district president may authorize that the rite take place in the home congregation of the candidate, or other appropriate congregation, with the permission of the calling congregation or other agency.
 - (d) A service of celebration on the part of the candidate's home congregation is encouraged.
 - (e) The district president shall issue a diploma of ordination or commissioning.

Regional Elections

- 3.12.1 For all elections requiring regional representation, the Board of Directors of the Synod and the Council of Presidents acting jointly shall designate five geographical regions.
- (a) Regions shall be designated 24 months prior to conventions of the Synod and shall take into consideration geographical and number-of-congregations information in the interest of fair representation.
 - (b) For the purposes of regional elections, individuals will be considered a part of the geographical region where their congregational membership is held. Canadian congregations will be placed as a whole into the region which the Board of Directors and the Council of Presidents deem appropriate. International congregations will be placed as a whole into the region to which their district has been assigned.
 - (c) This information shall be shared immediately with all districts of the Synod.

4.4 District President

- 4.4.3 The district president shall represent the Synod in connection with all ordinations, commissionings, and installations.
- (a) *First Calls:* Ordinations, commissionings, and initial installations shall be conducted by or at the direction of the ~~district president~~ of the calling body's district when the requirements of Bylaw 2.10.2 (a) have been satisfied.
 - (b) *Missionaries and Ministers of International Congregations:* The authorization for the ordination or commissioning and the installation of a missionary called into the foreign fields or an ordained or commissioned minister called by an international congregation, whether as a first or subsequent call, shall be issued ~~upon the request of the Board for International Mission~~ by the president of the district of the calling body in which the missionary resides...

And be it further

Resolved, That the Missouri District of The Lutheran Church—Missouri Synod add to its existing circuits an additional circuit consisting solely of international congregations of the Synod; and be it further

Resolved, That Bylaw 5.1.2 be amended to allow circuits to meet as via electronic means when geographical considerations make face-to-face meetings of congregational representatives impractical, to read as follows:

PRESENT/PROPOSED WORDING

- 5.1.2 Districts shall establish circuits according to geographical criteria. When face-to-face meetings of congregational representatives are deemed impractical, as in the case of a circuit of international congregations, electronic means for communication may be used upon approval of the President of the district.

And be it finally

Resolved, That the Office of International Mission provide assistance as necessary to enable this circuit to function properly and to enable the district president to provide ecclesiastical supervision to its congregations and called church workers.

67. Overture to the 2013 LCMS Convention (Response to 2010 Res. 8-05B)

Overture to the 2013 Convention

To Respond to 2010 Res. 8-05B

The 2010 convention of the Synod referred Res. 8-05B “To Elect Delegates to the Synod Convention” to the Commission on Handbook for further attention. After discussion of the resolution by the commission during earlier meetings, a committee was asked to return with a recommendation for submission to the 2013 convention. After extensive discussion of the committee’s recommendation during this August 2012 meeting, it was adopted for submission as two overtures to the 2013 convention, as follows.

(A) To Establish Number of Delegates to Synod Conventions

WHEREAS, The Synod convention is the “...principal legislative assembly, which amends the Constitution and Bylaws, considers and takes action on reports and overtures, and handles appropriate appeals”...“and establishes general positions and policies of the Synod, provides overall program direction and priorities, and evaluates all such positions, programs, policies, directions, and priorities in order to provide responsible service for and on behalf of its members...” (Bylaw 3.1.1); and

WHEREAS, Conventions of the Synod “afford an opportunity for worship, nurture, inspiration, fellowship, and communication...” (Bylaw 3.1.1); and

WHEREAS, Voting membership in the Synod is held by all member congregations of the Synod and exercised through their elected representatives to Synod and district conventions; and

WHEREAS, The current system for determining the number of delegates to the national convention is based upon a process that includes variables which result in electoral circuits that vary widely in their size (Bylaw 3.1.2), including the number of congregations (7 to 20) and the number of communicant members (1,500 to 10,000); and

WHEREAS, A process to determine district representation at the national convention ideally should be based upon objective criteria designed to promote fairness and equity across the Synod, eliminating the need to grant approval for exceptional circuits (Bylaw 3.1.2 [b]); and

WHEREAS, The number of delegates to a Synod convention should

- enable greater engagement of the delegates in the discussion and the proceedings of mission and business;
- facilitate opportunity for deep and continuing discourse among delegates as they discuss, debate, worship with, and inspire one another;
- ensure equity in the number of delegates each district is apportioned; and
- allow for greater stewardship of the gifts of God’s people for the work of mission and ministry by opening up less expensive venues; and
- enable districts to select delegates and not be restricted to the configuration of visitation circuits, fairly representing the district; therefore be it

Resolved, That the number of voting delegates to the Synod convention be fixed based upon ten percent (10%) of the number of member congregations in the Synod six months prior to the first district convention; and be it further

Resolved, That Bylaws 3.1.2ff. be amended as follows:

PRESENT/PROPOSED WORDING

3.1.2 ~~Voting delegates shall consist of one pastor and one layperson from each electoral circuit.~~

~~(a) An electoral circuit shall consist either of one or two adjacent visitation circuits, as shall be determined by each district on the basis of the following requirements: each pair of delegates shall represent from 7 to 20 member congregations, involving an aggregate communicant membership ranging from 1,500 to 10,000.~~

~~(b) Exceptions to these requirements may be made only by the President of the Synod upon request of a district board of directors.~~

The Office of the Secretary shall facilitate the election of voting delegates to the next following national convention. These delegates shall be elected for three-year terms during the conventions of the districts of the Synod.

(a) The total number of voting delegates shall be set at ten percent (10%) of the number of member congregations of the Synod six (6) months prior to the start of the first district convention. Such number shall be rounded to the higher even number to enable delegate pairs (one layperson and one minister of religion—ordained).

(b) Two factors shall be averaged to determine the number of delegates from each district:

(1) The percentage of the district's member congregations compared to the number of member congregations of the Synod; and

(2) The percentage of the number of confirmed members of a district's congregations compared to the number of confirmed members of the member congregations of the Synod.

(c) The most recent roster statistics available six months prior to the convention shall be used to determine all matters related to delegate representation.

(d) One-half of the district's total allotment of delegates shall be laity from member congregations of the district and one-half shall be ministers of religion—ordained with membership in the congregations of the district.

(B) To Change Process for Electing Delegates to Synod Conventions

WHEREAS, The Synod convention is the "...principal legislative assembly, which amends the Constitution and Bylaws, considers and takes action on reports and overtures, and handles appropriate appeals"...“and establishes general positions and policies of the Synod, provides overall program direction and priorities, and evaluates all such positions, programs, policies, directions, and priorities in order to provide responsible service for and on behalf of its members...” (Bylaw 3.1.1); and

WHEREAS, It is important that representatives of member congregations understand in advance of the election of delegates for Synod conventions that an orderly process will be followed; and

WHEREAS, Such orderly process for the election of delegates to the Synod convention should include

- an apportioning of congregations in light of a district's prescribed number of delegates;
- a selection of delegates in a manner that takes into consideration reasonable and equitable representation;

- a process for creating electoral caucuses; and
- an election by those electoral caucuses at a district convention; therefore be it

Resolved, That voting delegates for Synod conventions be elected by electoral caucuses; and be it further

Resolved, That each district shall select advisory delegates (ministers of religion—ordained and ministers of religion—commissioned) retaining the proportionate representation to voting delegates as is currently followed; and be it finally

Resolved, That Bylaws 3.1.2.1–3.1.3.1 be amended as follows:

PRESENT/PROPOSED WORDING

3.1.2.1 Elections of voting delegates to the national convention shall take place ~~in accordance with established policy and procedures as follows:~~

(a) ~~Each electoral circuit shall meet at the call of the counselor(s) to elect its delegates not later than nine months prior to the opening day of the convention.~~ The district board of directors shall determine how its electoral caucuses will meet in light of its prescribed number of delegates to the next national convention. Such groupings shall take into consideration geographical factors, visitation circuits, and such other factors as will provide reasonable and equitable congregational representation in and as a result of the delegate selection process to occur not later than nine months prior to the opening day of the Synod convention.

(b) Elections shall be by written ballot. Candidates for election as delegates to the national convention shall be delegates attending the district convention, except for those unwilling or unable to serve.

(c) ~~The privilege of voting shall be exercised by one pastor and one layperson from each member congregation of the circuit, both of whom shall have been selected in the manner prescribed by the congregation. Multiple parishes shall be entitled to a lay vote from each member congregation. Time shall be allotted on the district convention agenda to allow the delegates from each electoral caucus to select its delegates to the following national convention.~~

(d) ~~All pastors who are not advisory members under Article V-B of the Constitution shall be eligible for election. A circuit counselor appointed by the president of the district shall chair the caucus. Nominations shall be received and delegates elected in the following order: (1) minister of religion—ordained delegate; (2) lay delegate; (3) alternate minister of religion—ordained delegate; and (4) alternate lay delegate.~~

(1) ~~Each voter may write in the names of two pastors on the initial ballot. The three pastors (or more, in case of a tie vote) who receive the highest number of votes in this preliminary ballot shall be placed on the next ballot.~~

(2) ~~Each voter shall now vote for only one candidate. Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, whereupon he shall be declared the pastoral delegate.~~

(3) ~~The congregation or congregations served by the elected pastoral delegate shall be removed from consideration for supplying any other voting delegate or alternate for that particular convention.~~

(e) A majority ballot vote shall be required for the election of each delegate. Prior to the meeting of the electoral circuit, each congregation may nominate one layperson, either from

~~its congregation or from the circuit. These names must be submitted to the circuit counselor prior to the day of the circuit meeting and shall constitute the slate of candidates. All congregational nominees, except those who have been eliminated through the election of the pastoral delegate, shall be eligible for election.~~

~~(1) Each voter may write in the name of two of the remaining lay nominees on the initial ballot. The three laypersons (or more, in case of a tie vote) who received the highest number of votes in this preliminary ballot shall be placed on the next ballot.~~

~~(2) Each voter shall now vote for only one candidate. Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one layperson shall have received a simple majority of all votes cast, whereupon he or she shall be declared the lay delegate.~~

~~(3) The congregation from which the lay delegate has been elected shall then be removed from consideration for supplying any alternates to that particular convention.~~

~~(f) All other pastors who received votes in the initial write in ballot, except those who were eliminated through the election of the lay delegate, shall be eligible for election as the alternate.~~

~~(1) Each voter shall now vote for only one candidate.~~

~~(2) Balloting shall continue with the lowest candidate being removed from each succeeding ballot until one pastor shall have received a simple majority of all votes cast, whereupon he shall be declared the alternate pastoral delegate.~~

~~(3) The congregation or congregations served by him shall be removed from consideration for supplying the remaining lay alternate.~~

~~(g) All lay nominees except those who have been disqualified through the procedures listed above shall be eligible for election as the alternate lay delegate. The election of the alternate shall follow the same procedure as in paragraph (f) above.~~

~~(hf) All four persons Delegates elected shall come from four different member congregations.~~

~~(ig) The circuit counselor(s) selected to chair the caucus shall report the results of the election to the secretary of the district in writing immediately after said election.~~

~~(jh) If neither the delegate nor the alternate (pastoral minister of religion--ordained or lay) canis able to serve, the vacancy shall be filled by an appointment made by the district president in consultation with the respective circuit counselor(s).~~

3.1.2.2 ~~Voting delegates~~Delegates shall serve from the time of election until the next district--a three-year term beginning with the convention, shall-functioning as advisory members of the circuit forum, shall serve as resource persons in the circuit to the congregations they represent and to the district and national Synod, and shall-assisting in the dissemination and implementation of reports and resolutions of the Synod in the circuitnational convention.

~~(a) Delegates are responsible to the circuitscongregations they represent and shall attempt to discover the sentiment of the members thereof, but the congregations (b) Congregations shall not require their delegates-them to vote in accordance with specific instructions, but every delegate shall be permitted to vote according to his or her own conviction.~~

~~(eb) Delegates are expected to be faithful in attendance atshall attend all sessions of the convention. All duly elected voting delegates shall attend all sessions regularly until the close of the convention. Delegates who arrive late or leave early or who do not attend at all shall and present a written excuses to their district presidents for all absences, late arrivals, and early departures.~~

~~(d) Delegates shall report the actions of the Synod to their circuits after each convention, preferably appearing before each of the congregations they represent.~~

Nonvoting Advisory Delegates

- 3.1.3 Advisory members of the Synod shall attend district conventions, but they shall not be elected by any congregation or by any group of congregations as lay delegates to a national convention of the Synod.
- 3.1.3.1 Each district shall select one advisory delegate for every ~~60~~120 advisory ordained ministers and specific ministry pastors, and one advisory delegate for every ~~60~~120 commissioned ministers on the roster of the Synod. Fractional groupings shall be disregarded except that each district shall be entitled to at least one advisory delegate in each category.
- (a) Selection of district advisory delegates to conventions of the Synod shall be made by the respective groups meeting at the call of the district secretary either during the district convention or at official district conferences of ordained and/or commissioned ministers.
 - (b) Such selections must be completed at least nine months prior to the opening day of the convention.
 - (c) Individuals who are eligible for selection in any category under Bylaw 3.1.4 shall not be counted in determining the number of advisory delegates from each district, shall not be eligible to be selected as delegates from the groups defined in this bylaw, and shall not participate in the election process.

Commission on Handbook

68. Overture to the 2013 Convention (Revision of Definitions)

Overture to the 2013 Convention

To Revise Definitions in the *Handbook* (Bylaw Section 1.2.1 *et al.*)

Introduction

Subsequent to the 2010 Synod convention, the Commission on Constitutional Matters and the Commission on Handbook were tasked with identifying and updating all bylaws related to the adopted resolutions. In the course of that assignment, some bylaw clarifications were overlooked and some were incorrectly updated.

Additionally, during the course of the triennium, a number of questions arose which suggested that clarification of certain definitions would be appropriate and helpful.

Resolved, That the 2013 LCMS convention adopts the following bylaw changes to Bylaw 1.2.1:

PRESENT/PROPOSED WORDING

1.2 Definition of Terms

- 1.2.1 The following definitions ~~apply to~~ are for use in understanding the terms as used in the entire Bylaws of The Lutheran Church—Missouri Synod:

- (a) **Agency**: An instrumentality other than a congregation or corporate Synod, whether or not separately incorporated, which the Synod in convention or its Board of Directors has caused or authorized to be formed to further the Synod's ~~objectives~~ Objectives (Article III of the

Constitution).

(1) Agencies include each board, commission, council, seminary, university, college, district, Concordia Plan Services, and each synodwide corporate entity.

(2) The term “agency of the Synod” does not describe or imply the existence of principal and agency arrangements as defined under civil law.

(b) **Chief Executive:** The top staff administrator of ~~an~~ a separately incorporated agency of the Synod, who may be referred to as president, ~~other than a mission board or commission.~~

(c) **Commission:** A group of persons, elected or appointed as prescribed in the Bylaws, rendering a precisely defined ~~service~~ function of the Synod and responsible, as the case may be, to the Synod in convention, to the President of the Synod, or to the Board of Directors of the Synod. The commissions of the Synod are:

(1) Commission on Constitutional Matters

(2) Commission on Doctrinal Review

(3) Commission on Handbook

(4) Commission on Theology and Church Relations

(d) **Concordia Plans:** Concordia Plan Services is a controlled entity of The Lutheran Church—Missouri Synod created to manage the Concordia Plans. The Concordia Plans, while operating under the supervision of the Synod Board of Directors, are trust agencies whose assets are not the property of corporate Synod.

~~(e) Corporate Synod:~~ The Lutheran Church—Missouri Synod, the Missouri nonprofit corporation, including its offices, boards, commissions and the departments operating under the supervision of the Board of Directors of the Synod and its mission boards and commissions.

(1) “Corporate Synod” is not an agency of the Synod.

~~(2) Concordia Plan Services is a controlled entity of The Lutheran Church—Missouri Synod created to manage the Concordia Plans.~~

~~(3) The Concordia Plans, while operating under the supervision of the Synod Board of Directors, are trust agencies whose assets are not the property of corporate Synod.~~

(24) The Lutheran Church—Missouri Synod, in referencing the laws of the State of Missouri in these Bylaws and in the Synod’s Articles of Incorporation, intends to acknowledge its responsibility to be subject to civil authority. In all such references, however, the Synod intends to retain all authority and autonomy allowed a church under the laws and Constitution of the United States and the State of Missouri.

~~(f) Council:~~ An officially established group elected or appointed as an advisory body. The council of the Synod is the Council of Presidents.

~~(g) District:~~ A division of the Synod as determined by a national convention of the Synod.

(h) Ecclesiastical supervision: The responsibility, primarily of the President of the Synod and district presidents, to supervise on behalf of the Synod the doctrine, life, and administration of its members, officers, and agencies. Such supervision, subject to the provisions of the Synod’s Constitution, Bylaws, and resolutions, includes visitation, evangelical encouragement and support, care, protection, counsel, advice, admonition, and, when necessary, appropriate disciplinary measures to assure that the Constitution, Bylaws, and resolutions of the Synod are followed and implemented. Thus, ecclesiastical supervision is also the presenting, interpreting, and applying of the collective will of the Synod’s congregations. Ecclesiastical supervision does not include the responsibility to observe, monitor, control, or direct the day-to-day activities of individual members of the Synod, whether in the conduct of their work or in their private lives (cf. Bylaw 2.14.1 [a]). Further,

those constitutional articles and bylaws pertaining to ecclesiastical supervision shall determine the full definition of ecclesiastical supervision.

~~(i)~~ **Executive Director:** The top staff administrator of a mission board or commission of corporate Synod. (Note: the use of the title executive director in these bylaws applies only to the executives of mission boards and commissions, if any such positions exist. This title is used in other instances within corporate Synod that are not necessarily subject to the provisions contained herein.)

~~(j)~~ **Governing Board:** A board that directs a separately incorporated agency of the Synod. Governing boards are such as a board of directors, a board of trustees, a board of regents, a board of managers, or a board of governors.

~~(k)~~ **May:** Permissive, expressing ability, liberty, or the possibility to act.

~~(l)~~ **Member of the Synod:** See Article V of the Constitution. Members of the Synod are of two classes: corporate members (congregations that have joined the Synod) and individual members (ministers of religion—ordained and ministers of religion—commissioned on the roster of the Synod).

~~(m)~~ **Mission Board:** An officially established group of persons elected as prescribed in the Bylaws, charged with developing and determining policies for ~~an operating~~ a ministry function of the Synod as prescribed in the Bylaws. These policies shall establish boundaries, parameters, and principles that guide the respective mission office in determining present and future activities and programs. The mission board shall have oversight of the implementation of these policies. The President of the Synod shall be responsible for supervising the implementation of mission board policies in accordance with his responsibilities under Constitution Art. XI and Bylaws 3.3.1.1.1–3.3.1.3. The mission boards of the Synod are:

(1) Board for National Mission

(2) Board for International Mission

~~(n)~~ **Officer:** Those positions identified in Constitution Art. X A or Art. XII 3 or Bylaw sections 3.3 and 3.4 unless qualified by a modifier.

~~(o)~~ **Operating Board:** ~~The Board of Directors and mission boards of the Synod, the Board of Directors of Concordia Plan Services, and the governing boards of the synodwide corporate entities.~~

(o) **Oversight:** For the purpose of these Bylaws, to monitor; to make inquiry and receive a response thereto; to make suggestions; to bring concerns to the attention of a higher authority.

(p) **Praesidium:** The President and the vice-presidents of the Synod.

(q) **Property of the Synod:** All assets, real or personal, tangible or intangible, whether situated in the United States or elsewhere, titled or held in the name of the Synod, its nominee, or an agency of the Synod. “Property of the Synod” does not include any assets held by the Lutheran Church Extension Fund—Missouri Synod or by an agency of the Synod in a fiduciary capacity (including, for purposes of example, the funds managed for the Concordia Plans by Concordia Plan Services and certain funds held by the Lutheran Church—Missouri Synod Foundation).

(r) **Region:** A division of the Synod for the purpose of regional elections.

(s) **Shall:** A word of command that must always be given an imperative or compulsory meaning.

~~(t)~~ **Subcommittee:** ~~Persons who are voting or advisory members of a board or commission who perform a specific function and are in a reporting relationship to the parent group. Subcommittees may be standing or ad hoc.~~

(~~tt~~) **Supervision:** For the purpose of these Bylaws (other than those pertaining to ecclesiastical supervision), to have authority over, to direct actions, to control activities.

(~~uu~~) **Synod:** Refers collectively to the association of self-governing Lutheran congregations and all its agencies on the national and district levels. The Synod, as defined herein, is not a civil law entity.

(~~vv~~) **Synodwide Corporate Entity:** A separate corporation established by the Synod for business and legal reasons. For the purposes of these Bylaws, the “synodwide corporate entities” of the Synod are the following corporations:

- (1) Concordia Historical Institute
- (2) Concordia Publishing House
- (3) Lutheran Church Extension Fund—Missouri Synod
- (4) Lutheran Church—Missouri Synod Foundation
- (5) Concordia University System

The term “synodwide corporate entity” is not used in these Bylaws to include foreign corporations created by the Synod in order to undertake foreign missions.

(~~ww~~) **Task Force:** An appointed group that has an *ad hoc* assignment to accomplish a specific task and whose duties have a definite expiration date.

(~~xy~~) **Voting Member:** A member congregation of the Synod. (See Article V A of the Constitution.)

Commission on Handbook

69. Overture to the 2013 Convention (Board of Directors Responsibilities)

Overture to the 2013 Convention

To Address Board of Directors Budget and Management Responsibilities (Bylaw Section 3.3.4.5.)

Rationale

Following the 2010 LCMS convention, it was recognized that restructuring decisions had resulted in lack of clarity and even contradictions in the *Handbook* of the Synod that would require additional attention by the 2013 convention. These concerns were discussed during a day-long November 2, 2012 joint meeting of the Commission on Constitutional Matters, Commission on Handbook, the Chief Administrative Officer, the Chief Mission Officer, and a member of the President’s Office staff. The commission offers the following proposed amendments to the 2013 convention of the Synod to satisfy a number of these concerns in the 2010 *Handbook* of the Synod.

Questions have been raised during the triennium related to distribution of budget dollars from the corporate Synod budget. The questions arise due to the wording change from “program board” to “mission board” in Bylaw 3.3.4.5 as a result of the structure changes made at the 2010 convention. The additional changes to Bylaw 3.3.4 recommended below are intended to reorganize the content of this section and provide clarity.

Resolved, That in order to clarify the role of the Board of Directors regarding the corporate Synod budget and Board of Directors management, the 2013 LCMS convention adopt the following bylaw changes:

PRESENT/PROPOSED WORDING

3.3.4.5 ~~(e)~~ The Board of Directors shall be responsible for providing operating and capital funds to carry out the work of the Synod.

~~3.3.4.5(a) The Board of Directors shall allocate available funds to the mission boards, commissions, councils, offices, and departments of corporate Synod and hold them responsible therefor.(a) To the extent of its responsibilities relative to the general management and supervision of the business and legal affairs of the Synod:~~

~~(1) It shall receive such reports as it requests on the operations and policies of the mission boards, commissions, offices, and councils.~~

~~(2) It shall have the right to request review of any action or policy of a mission board, commission, office, or council which primarily relates to business, property, and/or legal matters and, after consultation with the agency involved and when deemed necessary, require modification or revocation thereof, except opinions of the Commission on Constitutional Matters.~~

~~(b) The Corporate Synod's budgeting process and the budget itself shall be designed to support the worldwide mission and ministry of the Synod.~~

~~(1) The board shall establish policies and guidelines relating to the preparation of the annual budget of the Synod.~~

~~(2) The board shall adopt the annual budget of the corporate Synod.~~

3.3.4.6 ~~(d)~~ Regarding the Synod's seminaries, the board shall, together with national fund-raising operations, establish policy guidelines for the distribution of grants of the Synod (restricted and unrestricted) and efforts for securing additional financial support from other sources.

3.3.4.7 ~~(e)~~ Regarding the Synod's colleges, universities, and seminaries, the board shall approve capital projects in relation to campus property management agreements and institutional master plans, and shall establish and monitor criteria for determining institutional viability, fiscal and otherwise.

3.3.4.8 To the extent of its responsibilities relative to the general management and supervision of the business and legal affairs of the Synod:

(a) It shall receive such reports as it requests on the operations and policies of the boards, commissions, offices, and councils.

(b) It shall have the right to request review of any action or policy of a board, commission, office, or council which primarily relates to business, property, and/or legal matters and, after consultation with the agency involved and when deemed necessary, require modification or revocation thereof, except opinions of the Commission on Constitutional Matters.

3.3.4.69 The Board of Directors shall exercise general oversight over the operations and activities of the synodwide corporate entities, the Concordia Plans, and Concordia Plan Services as required of it in the Constitution of the Synod and specified in these Bylaws.

(a) It shall assure itself that their accounting, budgeting, and financial policies comply with generally accepted accounting standards.

(b) It shall assure itself that audits are performed by internal auditors or independent certified public accountants for the Synod's

(1) synodwide corporate entities;

(2) colleges, universities, and seminaries;

- (3) districts;
 - (4) Concordia Plan Services; and
 - (5) the Concordia Plans.
- (c) It shall be furnished with copies of these and any interim financial reports it requests.

3.3.4.710 The Board of Directors shall serve as the custodian of all the property of the Synod as defined in Bylaw 1.2.1 (q). Except as otherwise provided in these Bylaws, it shall have the authority and responsibility with respect to the property of the Synod as is generally vested in and imposed upon a board of directors of a corporation.

(a) It shall, however, delegate to district boards of directors the authority to buy, sell, and encumber real and personal property in the ordinary course of performing the functions which the district carries on for the Synod in accord with general policies (which shall be applicable to all districts) established from time to time by itself or the Synod in convention.

(b) It may, however, delegate to any agency of the Synod powers and duties with respect to property of the Synod for which such agency of the Synod has direct supervisory responsibility.

(c) Such delegation shall be in writing and shall be subject to change at any time by the Synod's Board of Directors, provided that reasonable deliberations, as determined by the Board of Directors, take place with such agency prior to the change.

3.3.4.811 The Board of Directors shall be empowered to authorize the Chief Financial Officer of the Synod to borrow capital funds after the board has determined the amounts and the conditions under which these capital funds shall be borrowed, for capital-fund outlay, for site acquisition, or for construction projects that are authorized by conventions of the Synod.

(a) It and the responsible officers of the Synod are empowered to do all things necessary to effect such capital-fund borrowings if and when required, including the pledging of real and other property belonging to the Synod in order to secure loans to obtain the necessary funds.

(b) The borrowed capital funds shall not be used for any operating expenditures and shall be subject to provision for amortization.

3.3.4.912 The Board of Directors of the Synod may appoint other officers, subject to the approval of the President of the Synod, ~~may appoint other officers~~ and staff required from time to time to carry out the business and legal affairs of the Synod.

Commission on Handbook

70. Other Matters

During the remainder of the meeting the commission addressed the following additional items:

- Commission members are now receiving early copies of overtures that are being received for consideration by the 2013 Synod convention to provide ample time to become familiar with convention business that may impact the *Handbook* of the Synod.
- Commission members were given assignments for service as resource persons for convention floor committees during Floor Committee Weekend, May 17–20, 2013, in St. Louis.
- The commission identified matters to be addressed during its February meeting, including Bylaw 1.5.5ff. and 3.8.3 (final paragraph) issues.

- Wilbert Sohns provided a brief report from the Res. 8-07 Task Force and its overtures to the 2013 Synod convention.

71. Adjournment

After noting that the commission will next meet February 23 – 24, 2013 in St. Louis, the meeting was closed with words of benediction.

A handwritten signature in black ink, appearing to read "Raymond L. Hartwig".

Raymond L. Hartwig, Secretary