17. Call to Order and Opening Prayer
The meeting of the Commission on Handbook (COH) was called to order by Chairman Dr. Dale Sattgast with other voting members Ms. Heidi Abegg, Rev. Roger Carlisle, Mr. David Hawk, and Rev. David Totsky present. Advisory members Dr. George Gude, chairman and representative of the Commission on Constitutional Matters (CCM), Dr. John Sias, Secretary of the Synod, and Mr. Frank Simek, Chief Administrative Officer of the Synod, were also in attendance. Chairman Sattgast called upon Rev. Totsky to open the meeting with devotions, which he did on the basis of John 2:13–22.

18. Review /Adoption of the Agenda
Chairman Sattgast introduced the proposed agenda, which had been distributed electronically prior to the meeting. The agenda was moved and adopted. Sattgast noted the prior, unanimous electronic approval of the minutes of the commission’s October 18, 2019, and January 27, 2021, meetings.

19. Unfinished Business
Chairman Sattgast reviewed the items previously assigned for evaluation and development of proposals:

a. COH Issue 19-001: “Graduate students” are not faculty (Bylaw 3.10.5.7 [a])
   Bylaw 3.10.5.7 (a) ostensibly includes “graduate assistants” as part of the “faculty” of the seminaries. Secretary Sias is evaluating with the seminaries the suggestion that this language be removed. The item will remain on the agenda for Rev. Totsky and Secretary Sias to present a concrete proposal to the next meeting of the commission.

b. COH Issue 19-002 (cont.): CCM review of 2019 Handbook draft (Bylaws 2.5.2–3, 2.5.6)
   In its review (Op. 19-2920), CCM recommended non-substantive wording changes to convention-amended Bylaws 2.5.2 and 2.5.3 (the addition of the words “as well as”), and to convention-amended Bylaw 2.5.6 (replacing the words “One serving” with “A pastor serving”). By email, COH reviewed and consented unanimously to the proposed changes on November 7, 2019. Chairman Sattgast noted that one intended insertion of “as well as,” in Bylaw 2.5.3, had been overlooked at the time these changes were incorporated; this change has been effected in the present Handbook master.

c. COH Issue 19-003 [formerly 16-015, 016]: Hearing facilitator (re)appointment timeline and removal for cause (Bylaws 1.10.12 [a], 1.10.12.4)
   Taken in concert with Bylaw 1.10.10, Bylaw 1.10.12 (a) presents an unworkable timeline for district appointment of reconcilers to replace those appointed as hearing facilitators. The Secretary’s proposal to the Council of Presidents that a committee be appointed to more generally address the problem was not taken up, resulting in the item being tabled in the previous triennium. The Secretary proposed modest changes to relieve the timeline and to make explicit the allowance for appointment of previously-trained reconcilers as hearing facilitators. It was also observed that Bylaw 1.10.10.4 provides for removal of reconcilers for cause, but no such bylaw exists for hearing facilitators; one was proposed. Changes proposed are as follow:
   1.10.12 After the training of the reconcilers and in consultation ... (a) Their term of service, monitored by the Secretary of the Synod, shall be six years, renewable without limit. Within three months after beginning six months before even-numbered conventions of the Synod (2010, 2016, etc.), the Secretary of the Synod shall contact all hearing facilitators to learn of their availability and
willingness to continue for an additional term. Resulting vacancies on the roster of hearing facilitators shall be filled by the Secretary of the Synod from the Synod roster of reconcilers (whether already serving, before the convention, or, being newly appointed, after their post-convention training) after consultation with the appropriate district presidents in time for resulting vacancies on district rosters of reconcilers to be filled by appointment by district boards of directors.

(b) Any vacancy in an unexpired term shall be filled in the same manner as described above.

1.10.12.4 A hearing facilitator may be removed for cause from Synod’s roster of hearing facilitators by Synod’s Board of Directors upon report of the administrator of the dispute resolution process after consultation with the President of the Synod.

The commission determined the proposed changes to be substantive and approved the proposal for inclusion in an overture to the 2023 Synod convention.

In reviewing these bylaws it was suggested that the language regarding even- and odd-numbered conventions, particular because of the use of years in connection with the language, will be confusing now that the exceptional addition of one year to the present triennium will result in even-numbered conventions (e.g., the 68th regular convention) occurring in odd-numbered years (e.g., 2023). This was subsequently identified as COH Issue 19-020.

d. COH Issue 19-004 [formerly 16-023]: Surplus seminary funds (Bylaw 3.10.5.5[e][2])

Bylaws 3.10.5.5(e)(2) and 3.10.6.4 lack a clear definition of “surplus institutional funds.” This item was tabled during the last triennium to allow CAO Simek to pursue discussion with the Synod Board of Directors Governance Committee before further COH consideration, a discussion that has been continuing intermittently as that committee’s work dictates. Simek noted the governance committee continues to consider general, qualitative language to clarify “surplus funds,” rather than intending to propose a specific quantitative formula. Of the two bylaws involved, Bylaw 3.10.6.4 would be eliminated by the current proposal of the 2019 Res. 7-03 committee dealing with restructuring the governance of the Concordia University System. A proposal regarding Bylaw 3.10.5.5(e)(2) will be presented to the commission at its next meeting.

e. COH Issue 19-005: Regulations for non-member entities in membership section: meaning of call and be served by in regard to non-congregational calling entities (Bylaws 2.5.2–3)

Bylaws 2.5.2–3 were discussed, relative to changes adopted in 2019 Res. 10-02A(B) and the report of the 2016 RSO Task Force, concerning the meaning and extent of prohibition of “service of” non-LCMS-rostered ordained ministers in recognized service organizations. CCM has discussed COH Issue 19-005 and has forwarded its observations to COH (CCM Op. 20-2957). COH discussed CCM’s response (Op. 20-2957) regarding its observations on these bylaws, which noted that call requirements for entities other than member congregations could well be relocated for clarity (the rest of Chapter 2 deals with Synod membership). CCM addressed the meaning of “call and be served by,” but this too, might be further clarified in language specialized for the non-congregational calling entities.

It was also observed that RSOs and other entities involved may not know to look for requirements applicable to them in a remote section of the bylaws. Dr. Gude, with Secretary Sias assisting, was assigned to work on a specific proposal for relocation of these requirements.

f. COH Issue 19-006: Other professional church workers (Bylaws 3.6.6.1; 3.7.1.2[a]; and 3.10.1.3)

The Secretary noted that the language “other professional church workers,” while once historically justifiable, is now inconsistent with other bylaws, which treat of only ordained and commissioned ministers as categories of “professional church workers” dealt with by the Synod. It was recommended that the term be deleted in Bylaws 3.6.6.1, 3.7.1.2(a), and 3.10.1.3.
The commission found the three deletions to be a non-substantive change, their consisting exclusively of obsolete and anachronistic language, and directed the Secretary to effect the deletions in the language of the current Handbook.

g. COH Issue 19-007: Concordia University System Governance Proposal (2019 Res. 7-03)

The 2019 Synod Convention adopted Resolution 7-03 “To Direct a Collaborative Process to Propose a New Governance Plan” concerning the Concordia University System and the colleges and universities of the Synod. At its January 27, 2021, meeting, the COH reviewed the Res. 7-03 Committee Draft and provided input to that committee. The Board of Directors has now disseminated a draft to the Synod for a six-month comment period. The commission’s understanding is that the draft continues under development and that the commission will have the opportunity to review future iterations as the document moves toward convention.

21. New Business / Other Matters

a. COH Issue 19-008: Remaining reference to certified lay minister (Bylaw 4.9.1 [a])

Secretary Sias noted a need to update certified lay minister to director of church ministries in Bylaw 4.9.1 (a). This was inadvertently overlooked in implementation of 2019 Resolution 9-05.

The commission determined this to be a non-substantive item and directed the Secretary to effect the change in the language of the current Handbook.

b. COH Issue(s) 19-009 A–C: Dispute Resolution and Expulsion Clarifications (Bylaws 1.10.12.2, 1.10.8.2 [a], and 2.17.8 [e])

Secretary Sias forwarded to the commission certain questions and suggestions for clarification regarding Bylaws 1.10.12.2, 1.10.8.2 (a), and 2.17.8 (e), these having been offered by reconciler training partners in their review of the material related to dispute resolution and expulsion processes. Chairman Sattgast identified three sub-issues and appointed a committee consisting of Dr. Gude and Rev. Carlisle to review, in consultation with Secretary Sias, and make specific recommendations.

c. COH Issue 19-010: Integration of 2019 convention change in Bylaw 3.6.4.3 (Bylaw 3.6.4.3)

2019 Res. 9-09 changed the Board of Directors’ means of representation on Synodwide corporate entities’ boards of directors. The corresponding approved change was not included in the 2019 Handbook. The commission noted that the Secretary will effect the change in the present Handbook.

d. COH Issue 19-011: Correction to bylaw numbering (Bylaws 3.8.2.3–8 and 3.8.3.3–7)

The Secretary noted that a failure to renumber successive paragraphs resulted in duplicate bylaw numbers in the noted areas. The commission noted that the Secretary will effect the change in the present Handbook.

e. COH Issue 19-012: Add panel to list of CCM opinion requesters (Bylaw 3.9.2.2)

While dispute resolution and suspension review and appeal panels are authorized elsewhere in the bylaws to submit opinion requests to CCM, they are not listed in Bylaw 3.9.2.2; it was proposed to add them there.

The commission determined this to be a non-substantive change, simply harmonizing bylaw sections, and directed the Secretary to effect the change in the current Handbook.
f. COH Issue 19-013A: Language relating the Synod President and Chief Mission Officer (Bylaw 3.3.1.3 [g])

This issue and the two subsequent the commission identified as sub-issues of a collection of questions suggested by conversation between the Chief Mission Officer and Secretary.

Bylaw 3.3.1.3 (g) begins “as ecclesiastical supervisor” but belongs to the ecclesiastical and administrative category of Bylaw 3.3.1.3; the term “supervise,” presumably in the definition of Bylaw 1.2.1 (u) instead of that of Bylaw 1.2.1 (j) is used subsequently in the same subparagraph. After discussion suggesting that a simple division of the two sentences of Bylaw 3.3.1.3 (g) into two subparagraphs might eliminate any potential confusion, Chairman Sattgast asked Secretary Sias to request a CCM opinion as to whether this would be a non-substantive change, upon which advice COH would consider the proposal further.

g. COH Issue 19-013B–C: Language relating the Synod President and Chief Mission Officer, and Pastoral Formation Committee (Bylaws 3.4.3.5–8; 3.4.3.8; 3.10.4–3.10.4.7)

The commission compared “at the direction of” in Bylaw 3.4.3.5 and “on behalf of” in Bylaws 3.4.3.6–8 (Issue 19-013B) and, while discussion noted the potential for a reader to distinguish a possible shade of meaning between these terms, declined to undertake either a harmonization or a further differentiation of the language. The commission also reviewed the language of Bylaw 3.4.3.8 in light of Bylaws 3.10.4–3.10.4.7 (Issue 19-013C) and here, too, identified nothing requiring clarification. The items will be removed from the commission’s docket.

h. COH Issue 19-013D: RSOs and “programs of boards of the Synod” (Bylaw 6.2.1)

Language reflecting the pre-2010 structure of the Synod, namely, “programs of boards of the Synod,” has persisted in sections dealing with auxiliaries and recognized service organizations.

The commission determined, as a non-substantive change (removing anachronistic language and harmonizing this passage with outcomes of the 2010 restructuring elsewhere in the Bylaws) to remove the words “of the boards” and directed the Secretary to effect the change in the current Handbook.

i. COH Issue 19-013E: Auxiliaries and “programs of boards of the Synod” (Bylaws 6.1.2.1 [d] and 6.1.3 [b])

Language reflecting the pre-2010 structure of the Synod, namely, “programs of boards of the Synod,” has persisted also in the section dealing with auxiliaries. These references to boards of the Synod in Bylaws 6.1.2.1 (d) and 6.1.3 (b), similar to those in Bylaw 6.2.1 but requiring slightly different approaches, were left to be treated at a future date.

j. COH Issue 19-014A: Change delegate to voter (Bylaw 3.12.2.3 [c])

In Bylaw 3.12.2.3 (c), the word delegate should read voter. The old reading reflects a time when district convention delegates served as voters; today, voters are directly registered.

The commission determined as a non-substantive change to change delegates to voters and directed the Secretary to effect the change in the current Handbook.

k. COH Issue 19-014B: Regional Vice-President Election Procedure (Bylaw 3.12.3.7)

The convention’s intention to allow secure and verifiable methods for numerical, congregational nomination processes is reflected explicitly in bylaws for nomination of the President and First Vice-President, but not explicitly in bylaws for the nomination of regional vice-presidents. CCM Op. 20-2930 has allowed for the use of the same electronic processes in all cases, based on an analysis of the historical changes made in response to convention directives between 2010 and
2016. It has been proposed that the text of Bylaw 3.12.3.7 be brought into line with this understanding.

Noting that the change will result only in making explicit the sense of Bylaw 3.12.3.7 already determined by CCM, the commission determined nonetheless that the language should be proposed to the 2023 convention for adoption. The commission adopted the proposed language as a substantive change and directed the Secretary to prepare the item for inclusion in an omnibus.

1. COH Issue 19-015: Articles of Incorporation Address on File (Art. of Inc. I)

In the Synod’s Articles of Incorporation, the Secretary noted a discrepancy between Article I (c) in the Handbook and the Article on file with the Missouri Secretary of State’s office, with regard to the corporation’s registered address.

The commission adopted the proposal for correction as a non-substantive change and directed the Secretary to incorporate the change in the present Handbook.

m. COH Issue 19-016: Usage of comprise vs. be comprised of (Bylaws 3.8.2.3; 3.8.3.3; 3.10.4.6; 6.2.2)

During the work of the 2019 Res. 7-03 committee, it was pointed out that the Handbook does not use the word comprise consistently as it speaks of the makeup of various boards and committees. Some contend that because comprise already means “to be made up of,” it should not be used passively, as occurs in noted bylaws.

The commission adopted the proposal to standardize passive instances of comprise to the active voice as a non-substantive change and directed the Secretary to incorporate the change in the present Handbook.

n. COH Issue 19-017: Specific Ministry Pastor Program Noncompletion (Bylaw 2.13.1)

2007 Convention-approved Resolution 5-01B included the provision that if a SMP pastor refused to complete the SMP requirements, he would be removed from Synod’s roster. The bylaws do not adequately (explicitly) address the matter of ecclesiastical supervision and the removal from the roster and from an active call if a SMP pastor fails to complete the requirements.

The commission resolved to refer the matter to the Secretary to commend the issue and proposal to the Pastoral Formation Committee for its consideration, together with the seminaries, and submission of an overture to the 2023 convention of the Synod.

o. COH Issue 19-018: Circuit Forum Suggestion Procedure (Bylaw 5.2.2 [b])

2010 Convention-approved Resolution 8-03B included the provision that a district president may suggest (rather than nominate) candidates for circuit visitor to be considered during a circuit forum in which a circuit visitor is to be selected. In the event no nominations have been received from congregations, a new (substantive) bylaw addition would allow the forum to formalize the district president’s suggestion as a nomination. This is the standard practice today but could be helpfully included in the otherwise detailed process in the bylaws.

The commission determined this to be a substantive change and directed the Secretary to prepare the language as proposed for inclusion in an overture to the 2023 convention.

p. COH Issue 19-019: Multi-congregation parishes involving multiple circuits or districts (Bylaw 2.5.5, etc.)

“The total number of congregations regularly cared for (served) by a pastor or pastors constitutes a parish as it applies to bylaws dealing with representation at circuit forums (Bylaws 3.1.2.1 [c]; 5.3.2) and district conventions (Bylaw 4.2.2; Const. Art. XII 10 A), and in voting for the Synod President (Bylaw 3.12.2.3).” (Bylaw 2.5.5) While the several congregations of a multi-
congregation parish reside ideally within one visitation circuit and district, this is not necessarily the case. Congregations of one parish may belong to distinct visitation/electoral circuits and even different districts. (At present this involves approximately 13 parishes having congregations that are members of different districts and another 63 parishes having congregations that are members of different circuits—not an insubstantial number.) Bylaws are silent as to implications for representation at circuits and district conventions, a lacuna CCM has from time to time been called upon to address. The number of these parishes is probably significant enough that at least a notice of the situation and the need to address it should be included in the bylaws.

Chairman Sattgast appointed a committee of Atty. Hawk, Secretary Sias, and Dr. Gude to bring an initial proposal, with the Secretary to convene the committee.

q. COH Issue 19-020: Even- and odd-numbered conventions (Various)

In the commission’s review of COH Issue 19-003, it was suggested that the language regarding “even” and “odd” conventions, particular because of the use of years in connection with the language, will be confusing now that the exceptional addition of one year to the present triennium will leave even-numbered conventions (e.g. the 68th regular convention) to occur in odd-numbered years (e.g., 2023). This was identified as an issue for further evaluation and was placed on the commission’s docket.

22. Upcoming Agenda and Meeting(s)

A successive internet conference meeting date will be scheduled as business develops. The commission tentatively planned an electronic meeting for the morning of October 14, 2021, 8:30 am to 11:00 am Central Time.

23. Adjournment and Closing Prayer

The commission’s scheduled work having been completed, Rev. Totsky having had to depart to conduct a funeral, Chairman Sattgast offered closing prayer and the meeting was adjourned.

John W. Sias

Secretary