

# Proposed Changes to the Oregon Synod Constitution

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November 2020 Oregon Synod Assembly

# Types of Proposed Changes

- Non-mandatory changes to Constitutional Provisions and By-laws proposed by Churchwide.
- Changes to By-laws and Continuing Resolutions proposed by Synod Council.

# Non-mandatory Changes Proposed by Churchwide

The 2019 Churchwide Assembly made several mandatory changes to the Constitution for Synods, which automatically became part of our Synod Constitution.

The Churchwide Assembly also passed several non-mandatory provisions and by-laws which must be voted on by the Synod Assembly before becoming a part of the Synod Constitution. Once adopted the new provisions immediately go into effect.

The following Slides show the non-mandatory changes proposed by churchwide that are also being recommended for adoption by the Synod Council.

# Non-mandatory Changes Proposed by Churchwide

Deleted text is shown struck through and added text is highlighted in yellow.

**S7.22.** This synod may establish processes that permit retired rostered ministers, or those ~~designated as disabled~~ **granted disability status**, or on leave from call, on the roster of ~~this~~ **the** synod to serve as voting members of the Synod Assembly, consistent with †S7.21.c. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.

# Non-mandatory Changes Proposed by Churchwide

**S7.24.** ~~Rostered~~ Ministers under call on the rosters of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.

**S7.32.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly, ~~where not~~ unless otherwise ~~specified~~ ordered by the ~~Synod Assembly~~ assembly.

# Non-mandatory Changes Proposed by Churchwide

- S8.11.01.** When authorized by the Synod Council in order to address special circumstances, the synod bishop may be compensated as an employee or contractor for specified services to another expression of this church. Such an arrangement may be terminated by the Synod Assembly or Synod Council if determined to be detrimental to the function of the office or if the special circumstances no longer apply.
- S8.42.** d. Maintenance of a regular account with each congregation of this synod and informing the congregation ~~in writing~~, at least quarterly, of the status of this account.

# Non-mandatory Changes Proposed by Churchwide

- S9.03.** There shall be a Nominating Committee consisting of no fewer than five members to serve for each regular meeting of the Synod Assembly. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.
- S9.04.** The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. ... On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) ~~that~~ who receive the greatest number of legal votes on the previous ballot.

# Non-mandatory Changes Proposed by Churchwide

- S9.06.** The ~~Nominating Committee~~ **Synod Council** shall nominate at least one person for secretary; additional nominations may be made from the floor.
- S9.08.** In all elections, except for the bishop, the names of the persons receiving the highest number of **legal** votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the **legal** votes cast shall be necessary for election.

# Non-mandatory Changes Proposed by Churchwide

**S9.11.** The Synod Council shall elect or appoint representatives to the steering committee of its region.

**†S9.12.** Background checks and screening shall be required and completed for persons nominated as ~~synodical~~ **synod** officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Synod Council.

# Non-mandatory Changes Proposed by Churchwide

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

- d. Provide for an annual review of the roster of Ministers of Word and Sacrament and the roster of Ministers of Word and Service, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the ~~ELCA~~ **Evangelical Lutheran Church in America**, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
  - e. Issue letters of call to rostered ministers as authorized by Chapter 7 of the constitution and bylaws of the ~~ELCA~~ **Evangelical Lutheran Church in America**.

**S10.08.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of the Synod Council.

# Non-mandatory Changes Proposed by Churchwide

**S11.01.** There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be **as** set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.

# Non-mandatory Changes Proposed by Churchwide

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

# Non-mandatory Changes Proposed by Churchwide

**S13.12.** A congregation under financial obligation to its former rostered minister ~~of this church~~ shall make satisfactory settlement of the obligation before calling a successor.

**S13.25.** This synod may temporarily assume administration of a congregation upon its request or with its concurrence. Such synod administration shall continue only so long as necessary to complete the purposes for which it was requested by the congregation or until the congregation withdraws consent to continued administration.

**S13.40.** ~~Synodically Authorized~~ Synod-authorized Worshiping Communities

# Non-mandatory Changes Proposed by Churchwide

- S14.14.** Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a ~~Lutheran~~ congregation nearer to their place of residence.
- S14.17.** No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. ~~An~~ **A** minister of Word and Sacrament shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the ~~chair~~ **president** of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

# Non-mandatory Changes Proposed by Churchwide

**S14.42.** No minister of Word and Service shall accept a call without first conferring with the bishop of this synod. A minister of Word and Service shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the ~~chair~~ **president** of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.

# Non-mandatory Changes Proposed by Churchwide

**S15.14.** Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to ~~synodical~~ **synod** causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.

**S15.21.** No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.

# Changes Proposed by Synod Council

The following proposed changes are revisions or additions made to Bylaws and Continuing Resolutions. These changes become effective when adopted.

Bylaws are numbered with a three number sequence. The first sequence begins with S and is followed by the chapter number. The second sequence is the provision number in the chapter. The third sequence is the bylaw number. An Example is S7.22.01. Bylaw changes or additions require a vote by the Assembly.

Continuing Resolutions are numbered with a three or four sequence number. The first three sequences follow the outline for bylaws. The last sequence begins with a letter and ends with a two digit year of adoption. Continuing Resolutions can follow a Provision or a Bylaw. Examples are S7.22.A20. or S10.07.01.A20. Continuing Resolutions were previously adopted by Synod Council and do not require a vote by the Assembly and are shown here for information only.

# Changes Proposed by Synod Council

Chapter S7. pertains to Synod Assembly.

Provision †S7.21. is a mandatory Provision that defines the membership of the Synod Assembly. The underlined words in the first sentence of †S7.21. is added to emphasize the requirement. The wording has not been changed.

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

The following Continuing Resolutions are proposed to be added to mandatory Provision †S7.21.

# Changes Proposed by Synod Council

- S7.21.A20** In addition to those voting members provided, each congregation will be allowed additional lay voting members who are persons of color and/or a person whose primary language is other than English.
- S7.21.B20** In addition to those voting members provided, each congregation will be allowed additional lay voting members who are young adults or youth.
- S7.21.C20** In addition to those voting members provided, each congregation will be allowed additional lay voting members who define themselves as LGBTQIA+.
- S7.21.D20** The Rules for the Synod Assembly, developed by the Synod Council for adoption by each Synod Assembly in accordance with S7.01.01., shall describe the number of additional lay voting members that each congregation is allowed.

# Changes Proposed by Synod Council

Reason for proposed change: The rules for the Assembly allow for additional lay voting members for the three classes described in continuing resolutions A, B and C. Two of these classes are currently identified as Bylaws S7.23.02. and S7.23.03. Provision †S7.23. pertains to attendees who are allowed voice but not vote at the Assembly, which is not the correct Provision for the Bylaws to appear under. Continuing resolution D refers to the Rules of the Assembly for determining additional voting members for the classes.

# Changes Proposed by Synod Council

- S7.22.A20. The Rules for the Synod Assembly, developed by the Synod Council for adoption by each Synod assembly in accordance with S7.01.01., shall describe how a retired rostered minister or an on leave from call minister can become a voting member of the Synod Assembly.
- S7.22.01. Retired rostered ministers on the roster of this synod in attendance at the Synod Assembly ~~shall~~ **may** be voting members of the Synod Assembly, consistent with **†S6.04.**, ~~†S7.21.e~~ and S7.22.
- S7.22.02. On leave from call ministers on the roster of this synod in attendance at the Synod Assembly ~~shall~~ **may** be voting members of the Synod Assembly, consistent with **†S6.04.**, ~~†S7.21.e~~ and S7.22.

# Changes Proposed by Synod Council

Reason for the change: †S6.04. and †S7.21. require that “at least 60 percent of the voting membership shall be composed of laypersons”. The Oregon Synod has as many retired pastors on the roster as active pastors. If all retired pastors are automatically given the right to vote, the 60% ratio cannot be obtained. The wording of the bylaws is modified to say retirees and on leave from call ministers may be allowed to vote, not shall, contingent upon the Rules for the Synod Assembly, which is referenced in the continuing resolution S7.22.A20. Additionally, constitution provision †S18.21. states “This synod may adopt bylaws not in conflict with this constitution or with the constitution and bylaws of the churchwide organization”. The bylaws as currently stated are in conflict with the 60% lay mandate.

# Changes Proposed by Synod Council

- ~~S7.23.01. Pastors on leave from call and on the roster of this synod, who are serving as interim pastors in a congregation at the time of the Synod Assembly shall be voting members.~~
- ~~S7.23.02. In addition to those voting members provided, each congregation will be allowed voting members who are persons of color and/or a person whose primary language is other than English.~~
- ~~S7.23.03 In addition to those voting members provided, each congregation will be allowed voting members who define themselves as LGBTQIA.~~

# Changes Proposed by Synod Council

Reason for the Change: Interim Pastors serving in a congregation are not on leave from call and therefore are already covered by †S7.21.c. making bylaw S7.23.01 unnecessary. Bylaws S7.23.02 and S7.23.03 have been moved to †S7.21. as continuing resolutions.

# Changes Proposed by Synod Council

## **S10 Synod Council**

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

- f. Fill vacancies until the next regular meeting of the Synod Assembly, except as may otherwise be provided in the constitution or bylaws of this synod ~~and determine the fact of the incapacity of an officer of the synod.~~

Reason for change: This appears to be in conflict with †S8.56, which gives this duty to the Executive Council.

# Changes Proposed by Synod Council

**S10.03.A20** Vacancies for Cluster Representatives shall have a candidate proposed by the Cluster having the vacancy. If the Cluster Representative position has gone un-filled for 6 months the Synod Council may propose a candidate. Vacancies for Member-at-Large, Young Adult Representative and Youth Representative may have candidates proposed by the Synod Council or by one of the Clusters.

Reason: This continuing resolution just establishes who may submit names for consideration by appointment.

# Changes Proposed by Synod Council

S10.03.B20

In unusual circumstances when Synod Assembly occurs after August 1<sup>st</sup>, expiring terms for Synod Council members may be extended until the Assembly is held. If a Council Member who is not eligible for re-election chooses to not extend their term, the remaining Synod Council Members may appoint a replacement who must stand for election at the next Synod Assembly. Alternately, the position on Council may stay vacant until the Assembly meets and elects a new representative. Newly elected council members shall begin their terms immediately following election and will serve out the balance of the term as if it had begun on the previous August 1<sup>st</sup>.

# Changes Proposed by Synod Council

Reason for change: Synod Council has proposed that the Assembly change Bylaw S10.07.02. to read “The term of office of members shall begin on August 1<sup>st</sup> following election”. Synod Assembly has typically been in late April, May or early June. In the unusual circumstance of the Assembly occurring after August 1<sup>st</sup> (Such as this year because of the delay due to the pandemic), the newly elected representatives would not be able to take office until August 1<sup>st</sup> of the following year. This continuing resolution allows them to begin their term immediately after the late Assembly, but makes the start date retroactive to the previous August 1<sup>st</sup> in order to keep the rotation of members terms constant.

# Changes Proposed by Synod Council

**S10.03.01** Vacancies may be filled for the remainder of the term without having to be voted on at the next regular meeting of the Synod Assembly. (This is to preserve the orderly transition of seats that are up for election in any given year.)

Reason for change: This is what Council has been doing, but it is in conflict with S10.03.f. The same section gives an out by using the term “except as may otherwise be provided in the constitution or bylaws”. This adds the exception through a bylaw.

# Changes Proposed by Synod Council

*S10.06.A20 Vacancies can occur before the end of an elected term of a Council Member due to death, resignation, moving out of the Cluster or changing membership to a congregation out of the Cluster that the Member represents, being elected an officer of the Synod, or for reasons otherwise described in this Constitution.*

Reason for change: This continuing resolution defines reasons for a vacancy.

# Changes Proposed by Synod Council

S10.07.01. In addition to the four officers of this synod, the Synod Council shall be composed of one representative from each cluster, up to ~~seven~~ five members-at-large, one young adult representative and one youth representative under the following conditions:

- c. ~~The nominee for the youth representative (a two year term) shall be nominated by the Oregon Lutheran Youth Organization.~~ The youth representative shall serve a two year term.

Reasons for changes: The Council stopped filling 7 at-large seats many years ago. OLYO no longer exists. Synod Council motion SC2019.02.23-2 was passed by Council but was not brought before the 2019 Assembly.

# Changes Proposed by Synod Council

**S10.07.01.A20.** It is suggested that when a Cluster Representative can no longer run for their seat due to term limits that the Cluster recommend a candidate from a congregation within the Cluster other than the current Representative's congregation when possible. Synod Council will advise the Cluster on the categories the candidate should meet, i.e. female or male and lay or rostered so as to stay in compliance with +S6.04. Candidates who self identify as being neither female nor male will not be included in the criteria of +S6.04 for determining percentages.

Reason for change: This is a resolution that is intended to provide rotation of the Cluster seat among the congregations of the Cluster.

# Changes Proposed by Synod Council

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Reason for change: This is a resolution that is intended to provide rotation of the Cluster seat among the congregations of the Cluster.

# Changes Proposed by Synod Council

**S10.07.01.B20.** Synod Council Members, other than officers, appointed to fill vacancies shall not serve more than 7 years. (If appointed with more than one year remaining in the previous elected member's term, appointees can only run for the seat on Synod Council for one additional full term. If appointed with one year or less remaining in the previous elected member's term, appointees may run for the seat for two full terms.) Terms beyond the initial appointment are voted on by the Assembly in compliance with †S10.01.

Reason for change: There does not seem to be anything spelled out as to how many terms an appointed seat can have. Elected members are limited to two 3 year terms (6 years). This caps the number of years in a seat at 7 for appointed seats, assuming they are re-elected by the Assembly. The other approach would be to serve out the remainder of the appointed term and run for one more term.

# Changes Proposed by Synod Council

S10.07.02. The term of office of members shall begin on ~~the first day of the third month~~ August 1st following election.

S10.07.02.A20. The term of office of appointed Synod Council Members shall begin on the date of the first Council Meeting they participate in after being appointed. Length of the appointed term will end on the last day of July following the Synod Assembly held prior to the end of the appointed term.

Reason for change: August 1st is the start of the Synod's third quarter. The continuing resolution is only necessary if the preceding resolution (S10.07.01.B20.) is adopted.

# Changes Proposed by Synod Council

S10.07.03.A20. Any meeting of the Synod Council, whether an in-person gathering or as otherwise allowed in S10.07.04, shall require a quorum to do business. A quorum shall be a majority (more than half) of the currently designated Council seats, whether all seats are filled or not.

S10.07.03.B20. Any motions brought before the Synod Council shall require an affirmative vote of a majority of the members present to pass, unless *Robert's Rules* requires a  $\frac{2}{3}$  vote for certain parliamentary motions.

Reason for change: There is currently no definition of a quorum to do business. There is currently no definition of the number of affirmative votes required to pass a motion.

# Changes Proposed by Synod Council

S11.01.01. Executive Committee

S11.01.01.A20. The Executive Committee shall require a Quorum of 2/3 of the members to conduct business.

S11.01.01.B20. Any motions brought before the Executive Committee shall require an affirmative vote of 2/3 of the members present to pass.

Reason for change: There is currently no definition of a quorum for the Executive Committee or of the number of affirmative votes required to pass a motion. Since the Executive Committee is a small subset of the full Council a higher quorum and affirmative vote count are deemed appropriate.