

# **Constitution, Bylaws and Continuing Resolutions**

**Of the**

**Delaware-Maryland Synod, ELCA**

**Including updates through:  
the 2009 Synod Assembly amendments and  
the 2009 Churchwide Assembly.**

## CODIFICATION EXPLANATION

The 2003 Delaware-Maryland Synod Assembly reformatted the Constitution, Bylaws and Continuing Resolutions in order to place together provisions that pertain to the same matter. This format makes the document easier to use.

With this new format, the Constitution, Bylaws and Continuing Resolutions are identified by means other than physical separation. In this constitution the following devices identify the three types of provisions:

**All constitutional provisions are printed in bold face type.**

All bylaw provisions are printed in light face type.

*All continuing resolutions are printed in italic type.*

**A numerical codification indicates general subject, constitutional provisions, bylaw provisions, and continuing resolutions.**

**Major sections are designated as chapters. The chapters are numbered 1 through 22. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus provisions in "Chapter 14. Church Council" are preceded by "14."**

**General subjects normally are titled and designated by a number ending in zero. Thus, a subdivision of Chapter 16 that contains provisions regarding the divisions and commissions is codified and titled "16.10. Divisions." When subjects that are bylaw provisions only are titled, the same principles would apply within the third number sequence, e.g., 16.11.10. Division Boards.**

**Constitutional provisions are codified with two sets of numbers, the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to the presiding bishop of this church is 13.21.**

**Bylaw provisions are codified with three sets of numbers, the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to the secretary of this church is codified as 13.41.01.**

**Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered 16. to designate the chapter; 16.11. to designate the subject matter within the chapter; and the third set might be numbered A91. in the codification 16.11.A91. to indicate by the "A" that it is the first continuing resolution regarding that subject and by the "91" that it was adopted in 1991.**

**When many related provisions are parts of a unit that are considered inseparable, they are normally lettered "a," "b," "c," etc. When related provisions are part of a unit but considered separable, such as a list of duties, they are normally numbered in sequence. If the related provisions cannot be clearly judged to be separable or inseparable, preference will be given to a number sequence.**

If chapter numbers are considered the major sequence number, constitution numbers as a fraction of the chapter number, and bylaw numbers as a fraction of the constitution number, then the codification can be said to provide a progressive sequence. Thus, 8.31. will precede 8.33.01., and 9.21.01. will precede 9.22.

Provisions in the Constitution for Synods are prefaced with "S," and those in the Model Constitution for Congregations with "C."

In these governing documents, with the exception of the "Restated Articles of Incorporation," "Church" with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words "church" and "this church" in lower case letters are employed.

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## **Chapter 1. NAME AND INCORPORATION**

- +S1.01.** The name of this synod shall be the Delaware-Maryland Synod of the Evangelical Lutheran Church in America.
- +S1.02.** For the purposes of this constitution and the accompanying bylaws, the Delaware-Maryland Synod of the Evangelical Lutheran Church in America is hereafter designated as "this synod" or "the synod."
- +S1.11.** This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.
- +S1.21.** The design of the seal is an outer circle composed of the words "Evangelical Lutheran Church in America" to identify this synod's relationship to the ELCA; within the circle a cross symbolizing a common faith in Christ, with an orb intersecting the cross to symbolize the expression of that faith in the world; below the arms of the cross a symbolic mountain, trees, and buildings representing town, country, and urban ministries in the synod; beneath these symbols, two wavy lines symbolizing flowing water and our unity in baptism, and suggesting nearness to rivers, bay, and ocean; and underneath the wavy lines, the words "Delaware-Maryland Synod 1988."

## **Chapter 2. STATUS**

- +S2.01.** This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America (ELCA or "this church"), which are recognized as having governing force in the life of this synod.
- +S2.02.** No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

## **Chapter 3. TERRITORY**

- +S3.01.** The territory of this synod, as determined by the Churchwide Assembly, shall be: the state of DELAWARE; the city of Baltimore and the counties of Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Washington, Wicomico, and Worcester in the state of MARYLAND; the congregations of The Redeemer, Montgomery County, and Holy Trinity, Prince George's County, in the State of MARYLAND;

the congregation of Mt. Joy, Adams County, in the Commonwealth of PENNSYLVANIA; and the counties of Accomack and Northampton in the State of VIRGINIA.

- +S3.02.** "Determined by the Churchwide Assembly," as stipulated by +S3.01, is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.11 and 10.02.02.

#### **Chapter 4. CONFESSION OF FAITH**

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

**Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.**

- +S4.07. This synod confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.**

## **Chapter 5. NATURE OF THE CHURCH**

- +S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.**

- +S5.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.**

## **Chapter 6. STATEMENT OF PURPOSE**

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

- S6.01.01.** Synod Mission Statement Preamble: We are the people of God called by the Holy Spirit to be the Church. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.

The mission of the Delaware-Maryland Synod is to initiate, nurture, and celebrate partnerships in the Gospel of Jesus Christ. These partnerships, in their totality, will express, reflect, and embrace a balance of proclamation, education, service, fellowship, worship, and advocacy for justice and the environment.

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

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

**+S6.03.**

To fulfill these purposes, this synod, in partnership with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in the territory of this synod. In fulfillment of this role, this synod shall:

- a. Provide for the pastoral care of congregations, ordained ministers, associates in ministry, deaconesses, and diaconal ministers of this church in this synod, including:
  - 1) approving candidates for the ordained ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synodical committees;
  - 2) authorizing ordinations and ordaining on behalf of this church;
  - 3) approving associates in ministry, deaconesses, and diaconal ministers of this church, which may be done through multi-synodical committees;
  - 4) authorizing the commissioning of associates in ministry, the consecration of deaconesses, and the consecration of diaconal ministers of this church; and

- 5) consulting in the calling process for ordained ministers, associates in ministry, deaconesses, and diaconal ministers.
- b. Provide for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
  - 1) nurturing and supporting congregations and lay leaders;
  - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
  - 3) making provision for pastoral care, call or appointment review, and guidance;
  - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
  - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
- c. Provide for discipline of congregations, ordained ministers, and persons on the official lay roster; as well as for termination of call, appointment, adjudication, and appeals consistent with the procedures established by this church in Chapter 20 of the ELCA constitution and bylaws.
- d. Foster organizations for youth, women, and men, and organizations for language or ethnic communities.
- e. Plan for the mission of this church in this synod, initiating and developing policy and implementing programs, consistent with churchwide policy, including:
  - 1) ecumenical guidance and encouragement;
  - 2) development of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
  - 3) leadership and encouragement of congregations in their evangelism efforts;
  - 4) development of relationships to and participation in planning for mission of social ministry organizations and ministries;
  - 5) encouragement of financial support for the work of this church by individuals and congregations;
  - 6) provision for resources for congregational life;

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

of this synod which can best be done cooperatively with other synods and the churchwide organization.

- r. **Elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America and according to procedures specified in the bylaws of this constitution.**

**S6.03.A87.** *This synod should establish a membership relationship with a number of ecumenical organizations, particularly where, at the present time, such a membership relationship exists, or clearly would seem appropriate to the ecumenical commitment of the ELCA. Such membership should be sought in such organizations as:*

- a. *The Central Maryland Ecumenical Council*
- b. *The Christian Council of Delaware and Maryland's Eastern Shore*
- c. *The Washington County Council of Churches*
- d. *The Interfaith Consortium of Cumberland*

*Since constituent churches on the national and international level, and constituent synods or districts on the local level, have initiated and authorized theological dialogue or have special relationships with other Christian Churches, these dialogues or relationships should be reaffirmed, authorized, and/or initiated by this synod, or authorized and initiated by the bishop as the chief ecumenical officer. Such dialogues or relationships are:*

- a. *Roman Catholic-Lutheran in the Archdiocese of Baltimore*
- b. *Episcopal-Lutheran interim eucharistic fellowship*
- c. *Reformed-Lutheran*
- d. *Orthodox-Lutheran*
- e. *Methodist-Lutheran*

**S6.03.B87.** *This synod shall invite the Southeastern District of The Lutheran Church - Missouri Synod to a partnership in ministry. This partnership may be expressed by encouraging interaction between parishes and coalitions of both denominations and by encouraging representation by the Southeastern District at Synod Assemblies and on other appropriate occasions. Further, this synod shall encourage its bishop to meet periodically with the president of the Southeastern District in order to establish mutual understandings of the purpose and problems of cooperation between their jurisdictions and facilitate such cooperation.*

**+S6.04.** **Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, 50 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50 percent shall be male; and**

that, where possible, the representation of ordained ministers shall be both male and female. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

**+S6.04.A01.** *It is the goal of this synod that 10 percent of the membership of synod assemblies, councils, committees, boards and/or other organizational units be persons of color and/or persons whose primary language is other than English.*

**S6.04.B02.** *It shall be the responsibility of the Leadership Team (Mission through Leadership) to monitor the synod's progress toward the goal that 10 percent of the membership of synod assemblies, council, mission teams, committees, task forces and/or other organizational units be persons of color and/or persons whose primary language is other than English.*

**+S6.04.B09.** *It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term "youth" means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term "young adult" means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.*

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

## **Chapter 7. SYNOD ASSEMBLY**

**+S7.01.** **This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution and bylaws, the assembly's own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.**

- S7.01.01.** All appointments of speakers for services of worship or sessions of the assembly shall be subject to approval by the bishop.
- S7.01.02.** The Synod Council shall be responsible for the preparation of the proposed agenda and program for each assembly.
- S7.01.03.** A service of holy communion shall be offered each day of assemblies (regular and special).
- S7.01.04.** The Executive Committee shall appoint annually the following committees for each Synod Assembly:
- a. The Assembly Planning Committee shall arrange the agenda, program, and worship of the annual Synod Assembly and any special synod assemblies. This committee shall also be responsible for the physical arrangements.
  - b. The Committee on Memorials shall consider and report on: 1) memorials from conferences or petitions from congregations requesting that the synod take a specific action, or that it memorialize the ELCA to take such action; 2) memorials from voting members proposing that the synod memorialize the ELCA to take a specific action.
  - c. The Committee on Credentials shall have responsibility for registering and seating voting members to the Synod Assembly and shall report in detail the number of voting members and visitors to each session of the Synod Assembly.
  - d. The Committee on Pages shall enlist and supervise pages necessary for distributing materials, counting votes, and delivering messages.
  - e. The Committee on Elections shall distribute prepared ballots, collect ballots, count them, and report the results of each ballot in full detail to the Synod Assembly.
  - f. The Committee on Recording shall be responsible for making a verbatim transcript of the proceedings of the Synod Assembly, shall tape (video, if possible) the proceedings, take photographs for publication and for archival preservation, and shall procure and supervise any audio visual equipment needed in the program presentations.
  - g. The Committee of Reference and Counsel shall report to the Synod Assembly its recommendations concerning all resolutions of general character. Other duties of the committee shall be to: 1) recommend special orders for the hearing of representatives; 2) grant or deny permission to distribute printed matter not issuing from an officer of the synod; and 3) give such assistance to the bishop as may be desired in the course of the assembly.
- S7.01.05.** The minutes of each Synod Assembly shall be kept by the secretary and shall be approved by the bishop and the Synod Council before publication.

Two copies thus approved shall be certified by the assembly for deposit in the archives.

- +S7.11. A regular meeting of the Synod Assembly shall be held at least biennially.**
- S7.11.01.** The regular annual assembly shall be held between May 1 and June 30 at a time and place decided by the Synod Council.
- S7.11.02.** The secretary shall send a bulletin of reports to all ordained ministers, associates in ministry, deaconesses, diaconal ministers, lay voting members, and synodical presidents of the youth, women's, and men's organizations at least 30 days before each regular assembly.
- S7.12. Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council and shall be called by the bishop at the request of one-fifth of the voting members of the Synod Assembly.**
  - a. The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.**
  - b. If the special meeting of the Synod Assembly is for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the presiding bishop of the ELCA in cooperation with the Synod Council.**
- S7.13. Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.**
- S7.13.01.** Notice of time and place of meetings shall be mailed by the secretary to all ordained ministers, associates in ministry, deaconesses, diaconal ministers, and congregations and the youth, women's, and men's organizations at least 12 weeks in advance of regular assemblies and at least two weeks in advance of special assemblies.
- S7.14. One-third of the members of the Synod Assembly shall constitute a quorum.**
- S7.14.01.** In the event that the absence of a quorum should occur during the final session of a Synod Assembly, all remaining business shall be referred to the Synod Council for action, and all such actions of the Synod Council shall be included in the minutes of the Synod Assembly.
- +S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of lay persons, shall be constituted as follows:**

- a. All ordained ministers under call on the roster of this synod in attendance at the Synod Assembly shall be voting members.
- b. All associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers, under call, on the official lay rosters of this synod shall have both voice and vote as lay voting members in the Synod Assembly, in addition to the voting membership of lay members of congregations provided in item +S7.21.c.
- c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, normally one of whom shall be male and one of whom shall be female, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation normally shall be equally divided between male and female.
- d. Voting membership shall include the officers of this synod.

**S7.21.01.** All elected members of the Synod Assembly shall serve from the beginning of one regular Synod Assembly until the beginning of the next regular Synod Assembly. (See S7.24.)

**S7.21.02.** Congregations may elect alternates to voting members who, when properly registered, may exercise the privileges and duties of the regular voting member in the latter's absence from the floor of the assembly.

**S7.21.03.** Representatives of congregations under development and authorized worshiping communities of the synod, under ELCA bylaw 10.02.03, shall have voice and vote in the Synod Assembly, consistent with +S7.21. Such congregations under development and authorized worshiping communities, acknowledged under criteria and procedures of the ELCA Division for Outreach and the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

**S7.21.A01** *This synod expects its congregations to pay for the necessary expenses of their voting members to attend both regular and special meetings of the Delaware-Maryland Synod Assembly. The secretary of the synod shall include this expectation as part of the notice for assemblies as provided for in S7.13 and S7.11.02.*

- S7.22.** This synod may establish processes that permit retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the roster of this synod to serve as voting members of the Synod Assembly, consistent with +S7.21.c. above.
- S7.22.01.** Retired ordained ministers and ordained ministers on leave from call who are on the roster of this synod in attendance at the Synod Assembly shall have voice and vote in the assembly.
- S7.22.02.** Associates in ministry, members of the Deaconess Community of the ELCA, and diaconal ministers who are retired or on leave from call who are on the roster of this synod in attendance at the Synod Assembly shall have voice and vote in the assembly.
- S7.23.** The privilege of voice but not vote shall be granted to:
- a.** The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council;
  - b.** The chairpersons of synodical mission teams and task forces who are not voting members of the Synod Assembly; and
  - c.** The president or the president's appointee of the synodical youth, women's, and men's organizations, and those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.
- S7.24.** Ordained ministers under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the roster of ordained ministers of this synod. Associates in ministry under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the official lay roster of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations will hold elections prior to each regular meeting of the Synod Assembly.
- +S7.25.** Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church In America* each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.
- S7.27.** Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under +S7.21. shall be granted the privilege of both voice and vote as members of the Synod Assembly.

- +S7.31.** Proxy and absentee voting shall not be permitted in the transaction of any business of this synod.
- S7.32.** Robert's Rules of Order, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.
- S7.33.** "Ex-officio" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

## **Chapter 8. OFFICERS**

- +S8.01.** The officers of this synod shall be a bishop, a vice-president, a secretary, and a treasurer.
- S8.10.** Bishop
- +S8.11.** The bishop shall be elected by the Synod Assembly. The bishop shall be a pastor who is an ordained minister of the Evangelical Lutheran Church in America.
- +S8.12.** As this synod's pastor, the bishop shall be an ordained minister of Word and Sacrament who shall:
  - a.** Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
  - b.** Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ordained ministers, and its other rostered leaders.
  - c.** Exercise solely this church's power to ordain (or provide for the ordination by another synodical bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ordained ministry (and as provided in the bylaws of the Evangelical Lutheran Church in America).
  - d.** Commission (or provide for the commissioning of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as associates in ministry; consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as deaconesses of the ELCA; and consecrate (or provide for the consecration of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as diaconal ministers of this church.

- e. **Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.**
- f. **Install (or provide for the installation of):**
  - 1) **the pastors of all congregations of this synod;**
  - 2) **ordained ministers called to extra parish service within this church; and**
  - 3) **persons serving in the other rostered ministries within this synod.**
- g. **Exercise leadership in the mission of this church and in so doing:**
  - 1) **Interpret and advocate the mission and theology of the whole church;**
  - 2) **Lead in fostering support for and commitment to the mission of this church within this synod;**
  - 3) **Coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;**
  - 4) **Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and**
  - 5) **Advise and counsel this synod's related institutions and organizations.**
- h. **Practice leadership in strengthening the unity of the Church and in so doing:**
  - 1) **Exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;**
  - 2) **Be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of ordained ministers, other rostered leaders, and congregations of this synod;**
  - 3) **Be the chief ecumenical officer of this synod;**
  - 4) **Consult regularly with other synodical bishops and the Conference of Bishops;**
  - 5) **Foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;**

- 6) **Cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and**
- 7) **Be ex-officio a member of the Churchwide Assembly.**
- i. **Oversee and administer the work of this synod and in so doing:**
  - 1) **Serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;**
  - 2) **Preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;**
  - 3) **Ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;**
  - 4) **Exercise supervision over the work of the other officers;**
  - 5) **Coordinate the work of all synodical staff members;**
  - 6) **Appoint all committees for which provision is not otherwise made;**
  - 7) **Be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;**
  - 8) **Provide for preparation and maintenance of synodical rosters containing:**
    - a. **the names and addresses of all ordained ministers of this synod and a record of the calls under which they are serving or the date on which they become retired or disabled; and**
    - b. **the names and addresses of all other rostered persons of this synod and a record of the positions to which they have been called or the date on which they become retired or disabled;**
  - 9) **Annually bring to the attention of the Synod Council the names of all rostered persons on leave from call or engaged in approved graduate study in conformity with the constitution and bylaws of this church and pursuant to prior action of this synod through the Synod Council;**
  - 10) **Provide for prompt reporting to the secretary of this church of:**

- a. additions to and subtractions from the rosters of this synod and the register of congregations;
- b. the issuance of certificates of transfer for rostered persons in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and
- c. the entrance of the names of such persons for whom proper certificates of transfer have been received;

**11) Provide for preparation and maintenance of a register of the congregations of this synod and the names of the laypersons who have been elected to represent them; and**

**12) Appoint a statistician of the synod who shall secure the parochial reports of the congregations, and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.**

**S8.12.01.** The bishop, after consultation with the dean of the conference and the congregation involved shall appoint a pastor who shall be responsible for that congregation during its pastoral vacancy.

**S8.12.02.** The installation of pastors of congregations of the synod shall ordinarily be assigned by the bishop to the deans of the respective conferences.

**S8.12.03.** In order to fulfill the functions of the office, the bishop shall have responsibilities in the following three specific areas:

- a. The Executive function of the office of the bishop shall include the supervision of staff, statistical record keeping for the synod, development of resources for congregations, the Synod Assembly, and communication within the synod.
- b. The Pastoral function of the office of bishop shall include responsibility for calls, vacancies, placement, Candidacy Committee, interim ministries, coordination and networking within the synod, spiritual development, consultation, discipline, and conflict resolution.
- c. The Visioning function of the office of the bishop shall include responsibility for strategic planning for the synod, giving leadership to the synod's ministry, and ecumenical leadership.

**S8.12.04.** The bishop shall appoint persons to the Candidacy Committee in compliance with the ELCA Candidacy Manual.

**S8.12.05.** The Committee of Deans shall advise and assist the bishop in the discharge of the duties of the office and confer with the bishop as to the needs of the church in the territory of the several conferences. The committee shall report annually to the Synod Assembly. The committee shall review the

roster of ordained ministers, diaconal ministers, and associates in ministry and make appropriate recommendations to the synod regarding those whose status is subject to reconsideration and action under the terms of the constitution and bylaws of this church.

- S8.12.06.** The bishop shall engage such support staff in accord with budgetary guidelines as is required to assist the officers and mission teams of the synod in fulfilling the duties assigned to them. The terms of the position(s) shall be reviewed by the Synod Council.
- S8.12.07.** The bishop shall appoint a Committee for Ecumenical Relations to coordinate ecumenical, inter-Lutheran, and interfaith activities of this synod; to monitor the programs, policies, and budgets of all ecumenical agencies on the territory of this synod with which this synod works and cooperates; to recommend to the Budget Development Committee the financial support of this synod to the work of such ecumenical agencies; and, to initiate programs which will encourage the pastors and congregations of this synod to be actively involved in ecumenical activities both in study and action.
- S8.14. The bishop may have such assistants as provided for in the bylaws.**
- S8.14.01.** The bishop shall nominate assistants to the bishop who shall be elected by the Synod Council and, if clergy or rostered lay persons, called by the Synod Council. Their terms shall run concurrently with that of the bishop. They shall have those duties assigned by the bishop and shall be supervised by the bishop or the bishop's designee.
- S8.14.02.** At the discretion of the bishop, the assistants to the bishop may be delegated as representatives of the Office of the Bishop to perform any particular function of the bishop's office except those that must be carried out by the bishop under this constitution and the constitution and bylaws of the Evangelical Lutheran Church in America.
- +S8.15. The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected synodical bishop.**
- +S8.16 Conflicts of Interest**
- +S8.16.01. The following procedures shall govern matters of potential conflicts of interest for synodical bishops:**
- a. Whenever a synodical bishop determines that a matter of the kind described in +S8.16.01.b. may require his or her determination or action with respect to a related individual as defined in +S8.16.01.c. the synodical bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synodical bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and**

authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.

- b. Matters include any proceedings under Chapter 20, proceedings under provision 7.46. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (+S14.13.), candidacy, reinstatement, and similar matters where determinations or actions by the synodical bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- c. A related individual is one who, with respect to the synodical bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, or in-law (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

**S8.20. Vice-president**

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

**S8.22. The vice-president shall chair the Synod Council and its Executive Committee.**

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

**S8.30. Secretary**

**+S8.31. The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a lay person or an ordained minister.**

**+S8.32. The secretary shall:**

- a. **Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for the printing and distribution of such minutes, and perform such other duties as this synod may from time to time direct.**
- b. **Be authorized and empowered, in the name of this synod, to attest all instruments which require the same and which are signed and sealed by the bishop.**

- c. In consultation with the bishop, classify, and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the regular and alternate voting members elected by the Synod Assembly.

**S8.40. Treasurer**

**+S8.41.** The treasurer shall be elected by the Synod Assembly. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or an ordained minister.

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

- a. Managing the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.
- b. Investing of funds upon the authorization of the Synod Council.
- c. Receiving and acknowledging offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church.
- d. Maintaining a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.
- e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.
- f. Giving of corporate surety in the amount determined by the Synod Council, which shall be in the custody of the secretary, and the premium therefore shall be paid by this synod. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

**S8.50. General Provisions**

**S8.50.01.** The remuneration of the officers, assistants to the bishop, and support staff personnel shall be determined by the Synod Council.

- S8.50.02.** The expenses of officers and staff incurred in the exercise of their duties shall be paid by the synod, and any contribution thereto or honorarium offered for services performed in an official capacity may be received and acknowledged only as a contribution to the synod.
- S8.50.03.** The synod shall bond its officers and may, at the discretion of the Synod Council, extend this bond to cover personnel, employees or individuals charged with the handling of funds in which the synod has an interest. Fidelity coverage provided by the ELCA shall be deemed a fulfillment of this requirement.
- S8.50.04.** The assistants to the officers as provided herein may be recalled or dismissed on proper notice by action of the Synod Council.
- S8.50.05.** No person in the employ of this synod except the bishop shall be eligible for membership on the Synod Council or any of the mission teams, committees, or task forces of this synod.
- +S8.51.** **The terms of office of the officers of this synod shall be:**
- a. The bishop of this synod shall be elected to a term of six years and may be reelected.**
  - b. The vice-president, secretary, and treasurer of this synod shall be elected to a term of four years and may be reelected.**
- S8.52.** **The terms of the officers shall begin on the first day of the third month following election.**
- +S8.53.** **Each officer shall be a voting member in a congregation of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.**
- +S8.54.** **Should the bishop die, resign, or be unable to serve, the vice-president shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop who, during the vacancy or period of disability, shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.**
- S8.55.** **Should the vice-president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care**

of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be four years.

- +S8.56.** The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least ten calendar days prior to the meeting.
- +S8.57.** The recall or dismissal of an officer may be affected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America.
- +S8.58** If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period an ordained minister of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

## **Chapter 9. NOMINATIONS AND ELECTIONS**

- +S9.01.** The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to the procedures set forth in the bylaws.
- S9.02.** In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.
- S9.02.01.** All elections shall be by ballot, and except in the election of a bishop, a majority of the legal votes cast on any ballot shall elect.
- S9.03.** There shall be a Nominating Committee consisting of no fewer than six members who shall be appointed annually by the Synod Council and who shall present the required number of nominations for all positions designated in this constitution and its bylaws, except that no nominations shall be made for the election of a bishop of this synod. Additional nominations may be made from the floor for at-large positions only (S9.03.02).

- S9.03.01.** The Nominating Committee shall nominate two persons for each position for which an election will be held by the Synod Assembly and for which a nominating procedure has not otherwise been designated in the constitution and bylaws of this synod. It shall consider suggestions of candidates from sources such as conferences, congregations, and members thereof. It shall design a system to solicit such recommendations from the appropriate sources.
- S9.03.02.** Additional nominations may be presented from the floor for at-large positions only.
- S9.04.** **The bishop shall be elected by the Synod Assembly. There shall be no oral nominations. On the first ballot, three-fourths of the legal votes cast shall be necessary for election. If no one is elected, the first ballot shall be considered a nominating ballot. Three-fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of legal votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots, a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.**
- S9.04.01.** Should a nominee for bishop be elected and decline to serve, the Synod Assembly shall conduct a new election following the procedure outlined in S8.54. and S9.04. of the constitution of this synod.
- S9.05.** **The vice-president, secretary, and treasurer shall be elected by the Synod Assembly according to the procedures set forth in the bylaws.**
- S9.05.01.** The Nominating Committee shall nominate at least two persons for vice-president; additional nominations may be made from the floor.
- S9.05.02.** The Synod Council shall nominate two persons for secretary; additional nominations may be made from the floor.
- S9.05.03.** The Synod Council shall nominate two persons for treasurer; additional nominations may be made from the floor.
- S9.06.** **The Synod Council shall be elected by the Synod Assembly according to the procedures set forth in the bylaws.**
- S9.06.01.** The Mission Team Leaders shall be nominated by the Bishop, approved by the Synod Council, and elected by the Synod Assembly to terms on the Synod Council. There shall be no nominations from the floor.

- S9.06.02.** Upon recommendation of the Committee of Deans, the names of two deans shall be submitted to the Nominating Committee for the Synod Council. There shall be no nominations from the floor. Election shall be by the Synod Assembly.
- S9.06.03.** The nomination of Conference-cluster members (S12.01.11) of the Synod Council shall be by the Conferences-clusters. Their election shall be by the Synod Assembly.
- S9.06.04.** Upon formal notice by the secretary of the synod that an ordained minister or a lay person of the Conference-cluster is to be elected to the Synod Council at the next Synod Assembly, the Conference-cluster shall by written ballot choose two eligible nominees.
- S9.06.05.** In the election of member-at-large to the Synod Council, the Nominating Committee shall present to the Synod Assembly two names. Nominations made from the floor must be in the same category as those already nominated (see S10.07.01). Election shall be by the Synod Assembly.
- S9.06.06.** Upon recommendation of the youth ministry committee or task force, the Nominating Committee shall present to the Synod Assembly two names for the youth member of the Synod Council. There shall be no nominations from the floor. Election shall be by the Synod Assembly.
- S9.07.     **Voting Members to the ELCA Churchwide Assembly shall be elected by the Synod Assembly according to the procedures set forth in the bylaws.****
- S9.07.10.** Election of Voting Members to the ELCA Churchwide Assembly
- S9.07.11.** General Provisions
- a. The bishop of the synod and the vice-president of the synod shall by virtue of their offices be declared as elected voting members to the Churchwide Assembly.
  - b. The total number of voting members permitted from the Delaware-Maryland Synod is currently 19 persons including the bishop. Should a change in number occur, adjustment shall be made in the at-large category of the delegation.
  - c. Voting members shall be chosen on the basis of 60 percent for lay persons of whom at least two shall be persons of color or whose primary language is other than English, and the remainder clergy. Therefore, of the 19 persons, 12 shall be lay persons and seven shall be clergy, including the bishop. One half of the lay persons shall be female, and the other half shall be male. In the event of an uneven number, the remaining person may be either male or female.

- d. The 11 conferences of the synod shall each have one voting member. The number of at-large voting members shall be determined on the basis of positions remaining after the conference quotas are met.
- e. Each conference shall nominate two persons for each position to which it is entitled, and there shall be no further nominations from the floor. The Nominating Committee shall present three nominees for each at-large position to be filled. Previous attendance as a voting member to a Churchwide Assembly shall not affect eligibility for nomination or election. Nominations from the floor of the assembly shall be permitted for the positions in the at-large category.
- f. In event of death or removal from the conference of any nominee of the conference, the Nominating Committee, on recommendation of the dean of the conference involved, shall present a substitute nomination. In event of the death or removal from this synod of any nominee of the Nominating Committee, that committee shall present a substitute nomination.
- g. Nominees not elected by the synod shall be designated as the alternate voting member for the position for which they were nominated, and in the order of number of votes received. Should an alternate be unable to accept the position, the bishop shall appoint a voting member to fill the vacancy.
- h. Clergy in general ministries, retired clergy, clergy on leave from call, associates in ministry, deaconesses, and diaconal ministers shall be given consideration for selection as voting member nominees by the conference in which they hold membership and/or by the Nominating Committee.
- i. Election of voting members to the Churchwide Assembly shall occur during synod assemblies held in even-numbered years.
- j. The Nominating Committee shall include the name of at least one youth (defined by the constitution of the synod's youth organization) as a voting member nominee in the at-large category.

**S9.07.12. Election Procedures**

To ensure in each biennium the election of six ordained ministers and 11 lay persons as voting members in accordance with the provisions set forth in S9.07.11., the synod shall elect the voting members from among the nominees presented by the conferences, by the Nominating Committee, and by the Synod Assembly, in these categories and in the following sequence:

<u>Conference</u>	<u>2002</u>	<u>2004</u>	<u>2006</u>	<u>2008</u>
Allegheny	C	L-M	C	L-F
Washington County	L-F	C	L-M	C
Frederick	C	L-F	C	L-M



- 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 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.

## **Chapter 10. SYNOD COUNCIL**

- +S10.01.** The Synod Council consisting of the four officers of the synod, 10 to 24 other members, and at least one youth and at least one young adult, shall be elected by the Synod Assembly.
- a.** Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.
  - b.** The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be three years.
- +S10.02.** The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between the meetings of the Synod Assembly. It may make decisions which are not in conflict with actions taken by the Synod Assembly or which are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.
- S10.03.** The functions of the Synod Council shall be to:
- a.** Exercise trusteeship responsibilities on behalf of this synod.
  - b.** Recommend program goals and budgets to the regular meetings of the Synod Assembly.
  - c.** Carry out the resolutions of the Synod Assembly.
  - d.** Provide for an annual review of the roster of ordained ministers and of other official rosters, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of

the ELCA, and make a report to the Synod Assembly of the Synod Council's actions in this regard.

- e. Issue letters of call to ordained ministers and letters of call to associates in ministry, members of the Deaconess Community of the Evangelical Lutheran Church in America, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of the ELCA.
- f. Fill vacancies until the next regular meeting of the Synod Assembly except as may otherwise be provided in the constitution and bylaws of this synod.
- g. Report its actions to the regular meeting of the Synod Assembly.
- h. Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.
- i. Provide for long-range planning and evaluation.

**S10.03.01.** The Synod Council shall have power to borrow money on such property as the synod may own or may hereafter acquire, and to authorize the execution of mortgages, bonds, warrants, and other instruments of indebtedness.

**S10.03.02** The Synod Council may authorize the sale, assignment, or transfer of any property belonging to the synod.

**S10.03.03** The Synod Council may acquire such property as it may deem necessary to the work of the synod or its ultimate welfare.

**S10.03.04** The Synod Council shall periodically cause a study to be made of the investments of this synod to determine whether such investments are prudent and are consistent with Christian commitment to justice and business practice.

**S10.03.A87.** *This synod shall maintain a Synod Mission Fund. The guidelines governing the use of this fund shall be those adopted by the Delaware-Maryland Synod Council.*

**S10.03.B00.** *The Synod Council shall engage in a Strategic Planning Process that will enable it to:*

- a. *develop long-term goals for its work and the ministry within this synod;*
- b. *articulate priorities for the synod and its Mission Teams;*
- c. *give guidance to the budget planning process in regards to its stated priorities for ministry; and,*
- d. *offer a measuring tool for evaluating the ministry of this synod, the Synod Council, and the Mission Teams.*

**S10.03.C00** *The Synod Council shall encourage each Mission Team, committee, or task force of this synod to develop guidelines for the particular ministry for which it is charged. Those guidelines should be approved by the Synod Council,*

*reviewed regularly by the Mission Team, committee, or task force and the Synod Council, and added to the Addendum to the Constitution as Guidelines for Committees/Task Forces.*

- S10.04.** Any proposal to appropriate funds presented to a meeting of the Synod Assembly, whether by amendment to the budget or otherwise, shall be immediately referred to the Synod Council. If the Synod Council approves, it may be adopted by a majority vote and, if it disapproves, a two-thirds vote by the Synod Assembly shall be required to adopt.
- S10.05.** No elected member of the Synod Council shall receive compensation for such service.
- S10.06.** If a member of the Synod Council who is an ordained minister ceases to be a member in good standing on the roster of this synod, or if a lay person who is a member of the synod ceases to be a voting member of a congregation of this synod, then the office filled by such member shall at once become vacant.
- S10.07.** The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be set forth in the bylaws.
- S10.07.01.** The Synod Council shall consist of the four officers of the synod, having voice and vote, and 12 members with voice and vote, elected by the synod in Assembly. Those 12 members represent the following ministry areas: a Mission Team Leader representing each of the three Mission Teams, one Dean, two representatives from each of the three Conference-clusters, one at-large member, and one youth representative who shall have voice and vote on all but trusteeship matters. Each elected member, except the youth member and the Dean who serve two-year terms, shall serve for a three-year term and no member shall be eligible for more than two full terms consecutively. The terms shall begin at the close of the Synod Assembly at which the election occurs. Election of a person to complete an unexpired term shall not affect that person's eligibility for reelection to serve two full terms.
- The Synod Council shall meet at least bimonthly.
- S10.07.02.** The Synod Council may fill vacancies of elected members for the remainder of the unexpired term. These vacancies shall be filled in accord with the provisions of S10.07.01.
- S10.07.03.** When a member of the Synod Council is disqualified, according to S10.06, or moves from the conference or category he/she represents, or is absent from three consecutive meetings without excuse, that person's position on the Synod Council becomes immediately vacant and the Synod Council shall elect a replacement in accord with the provisions of S10.07.01.

**S10.07.04.** The Synod Council shall have an Executive Committee composed of the four officers of the synod and three members of the Synod Council elected by the council.

**S10.07.05.** The Executive Committee shall:

- a. counsel with the synod officers;
- b. act on routine matters between meetings of the Synod Council, provided that the Synod Council has received prior notification of any proposed actions, and perform other functions assigned to it by the Synod Council;
- c. receive resolutions, proposals, requests, and memorials from congregations, synod committees, and individual members and transmit them to the appropriate division, commission, or committee of the synod or the appropriate churchwide unit; and,
- d. appoint a Mutual Ministry Committee of two ordained ministers and three laypersons who shall seek to give encouragement by its concern for the spiritual, emotional, and physical well-being of the salaried officers and staff of this synod. It will offer support when they are experiencing personal or pastoral stress. It will allow for open communication concerning attitudes and conditions within this synod.

**S10.07.06.** For the Conference-cluster-based seats on the Synod Council, each Cluster shall submit to the Nominating Committee two names for each position as designated, for lay or clergy. The Conference-cluster-based clergy members shall be under call from a congregation or under call to ministry in specialized setting. The Nominating Committee shall place the nominees from each Conference-cluster on the ballot. No further nominations shall be made from the floor. Inclusivity requirements shall be applied by the Nominating Committee in preparing the slate for all seats on the Synod Council that are open to general election.

a. The elected members of the Synod Council shall be chosen in this order:

<b>Conference-clusters</b>	<b><u>2001</u></b>	<b><u>2002</u></b>	<b><u>2003</u></b>	<b><u>2004</u></b>	<b><u>2005</u></b>	<b><u>2006</u></b>
Delmarva Harford	C-3			C-3		
Baltimore East Baltimore North	LF3			LF3		
Baltimore City Baltimore West Anne Arundel	C-2 LM2		C-3 LF3			C-3 LF3
Westminster Frederick Washington County Allegany	C-1 LF1	C-3 LM3			C-3 LM3	

Dean	C-1	C-2		C-2		C-2
Youth	Y-2		Y-2		Y-2	
At Large	L-M/F3			L-M/F3		

**Conference-clusters**      **2007**    **2008**    **2009**    **2010**    **2011**    **2012**

Delmarva	C-3			C-3		
Harford						
Baltimore East	LM3			LM3		
Baltimore North						

Baltimore City			C-3			C-3
Baltimore West			LM3			LM3
Anne Arundel						

Westminster		C-3			C-3	
Frederick						
Washington County		LF3			LF3	
Allegany						

Dean		C-2		C-2		C-2
Youth	Y-2		Y-2		Y-2	
At Large	L-M/F3			L-M/F3		

- C-1=Clergy 1-year term
- C-2=Clergy 2-year term
- C-3=Clergy 3-year term
- LF1=Lay female 1-year term
- LF2=Lay female 2-year term
- LF3=Lay female 3-year term
- LM1=Lay male 1-year term
- LM2=Lay male 2-year term
- LM3=Lay male 3-year term
- Y-2=Youth 2-year term
- L-M/F3=Lay male or female 3-year term

- b. The youth shall be entitled to one seat. Upon recommendation of the Youth Ministry Committee or Task Force, the Nominating Committee shall place in nomination two nominees from this group with the election occurring on alternate years.

**S10.07.07.** The Nominating Committee shall prepare the ballots for election to the Synod Council in conformity with +S6.04. The secretary of the synod shall

develop a schema which will assist the Nominating Committee in its task and which shall be used by the conferences in their nominating process.

- S10.07.08.** The Synod Council shall also be responsible for the following committees or task forces:
- a. A Nominating Committee of at least six persons shall be appointed annually by the Synod Council. The Nominating Committee shall nominate two persons for each position for which an election will be held by the Synod Assembly and for which a nominating procedure has not otherwise been designated in the constitution and bylaws of this synod, shall solicit recommendations from all congregations for candidates, and shall offer recommendations to the Synod Council of persons to be appointed by it to committees of this synod or to be elected by it to vacancies.
  - b. A Personnel Committee appointed by the Synod Council shall be responsible for the development and review of all job descriptions of those employed by the synod, a review of the annual performance evaluations of all staff, and a review of salary recommendations for all staff. The Personnel Committee will report the results of these reviews to the Synod Council. The Personnel Committee shall develop personnel policies which shall be reviewed annually by the Synod Council and approved by it.
  - c. A Budget Development Committee, composed of the treasurer and at least eight other persons, shall be appointed annually by the Synod Council. Support staff shall be provided. The committee shall prepare and present a comprehensive budget to the Synod Council for its consideration and presentation to the Synod Assembly.
  - d. A Committee on Finance shall be appointed annually by the Synod Council composed of at least six persons, including a member of the Synod Council, and persons with skills in law, accounting, investments, insurance, and computer programming. Duties of the committee shall include:
    - 1) overseeing the operations of the office of treasurer;
    - 2) reviewing the synod's insurance policies and recommending changes in coverage/carrier(s) when, and if, necessary;
    - 3) recommending to the Synod Council the auditor for the synod's accounts, reviewing the report thereof, and recommending changes in operations and/or practices as necessary;
    - 4) monitoring the synod's investments and recommending changes to the Synod Council and/or the treasurer; and

- 5) assisting the Synod Council and/or the treasurer in implementing finance-related assignments as requested by the Synod Council or the treasurer.
  - e. A Synod Assembly Planning Committee shall be appointed annually by the Synod Council. The committee shall prepare for all aspects of the Annual Synod Assembly and consult with the bishop on such plans.
  - f. A Committee on Constitution and Bylaws of three to five members appointed by the Synod Council shall study and report to the Synod Assembly its recommendations regarding all proposed amendments to the constitution, bylaws and continuing resolutions of this synod. The Committee on Constitution and Bylaws shall advise congregations on constitutional matters. It shall study and/or review the constitution, bylaws, and continuing resolutions. It shall review any proposed amendments to congregational constitutions and bylaws. The committee shall receive the actions submitted by the congregations and shall make a timely report of its work to the Synod Council.
- S10.07.09.** Additional committees or task forces may be appointed by the Synod Council as it deems appropriate.
- S10.07.10.** The Synod Council shall elect the synodical representatives to the following boards:
- a. Lutheran Theological Seminary at Gettysburg;
  - b. Mar-Lu-Ridge Conference and Educational Center; and
  - c. National Lutheran Home.
- S10.07.11.** The Synod Council shall delegate to the bishop, subject to prior consultation with the Synod Council and with the bishops of the other participating synods of Diakon Lutheran Social Ministries, the authority to appoint person(s) to the Board of Directors of Diakon Lutheran Social Ministries.

## **Chapter 11. COMMITTEES**

- +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.**

- S11.01.10.** Mission Teams
- S11.01.11.** A Mission Team is a unit of the synod organization to which is assigned responsibility for an identified portion of the ministry and programs in this synod.
- S11.01.12.** This synod shall have the following Mission Teams:
- a. Congregational Team (Mission Through Congregations)
  - b. Leadership Team (Mission Through Leadership)
  - c. Partnership Team (Mission Through Partnerships)
- S11.01.13.** Each Mission Team shall have five to nine members nominated by the bishop and appointed by the Synod Council. Each non-Synod Council Mission Team Member shall be appointed to a three-year term.
- S11.01.14.** The Mission Teams shall meet at least quarterly. The responsibilities of the Mission Teams shall be enumerated in continuing resolutions.
- S11.01.15.** No member of a Mission Team shall be simultaneously a member of another Mission Team.
- S11.01.16.** Each Mission Team shall be responsible to the Synod Council and shall report annually to the Synod Assembly. The goals, policies, procedures, and programs of each Mission Team shall be reviewed at least annually by the Synod Council to assure conformity with the governing documents of this synod, the goals and priorities of the Synod, and with Synod Assembly and Synod Council actions.
- S11.01.17.** No Mission Team, its committees or task forces, shall contract for staff without prior approval of the Synod Council.
- S11.01.18.** Each Mission Team shall request budget support for programs of the Mission Team and its committees and task forces through the Budget Development Committee, and shall instruct the treasurer to disburse funds in accordance with the spending authorization approved by the Synod Council. Extra-budgetary expenditures must be approved by the Synod Council prior to authorization.
- S11.01.A02.** *The Congregational Mission Team (Mission through Congregations) shall offer leadership and guidance in all areas of congregational life where the synod can support the ongoing work of the local congregation. Those areas of congregational life include, but are not limited to: evangelism, stewardship, youth ministry, Fellowship of Lutheran Young People (FLYP), worship, learning ministries, Campus Ministries, Lutheran Schools, outreach ministries, social ministries, and church staffing.*
- The Congregational Mission Team will have done its work when:*
- a. *The identified priorities of the synod are actively pursued within the scope of the Congregational Mission Team's mission.*

- b. *Opportunities for networking among congregations are offered that will enable support and encouragement for the various areas of ministry that are part of congregational life*
- c. *Educational programs and support, under the guidance of the mission and priorities of the synod, are offered to congregations in the areas of evangelism, stewardship, youth ministry, learning ministries, worship, and social ministries.*
- d. *Resources for congregational ministry are gathered, catalogued, and made available through the Vineyard.*
- e. *Congregations are encouraged to share resources with others in areas where they have excelled.*
- f. *Outreach ministries are identified and pursued as this synod seeks to establish, grow, and support congregations.*
- g. *Support is offered to church staffs so that persons can continue to grow and learn in their respective areas of responsibility.*
- h. *Ad hoc Task Forces are developed as ministry opportunities in this Mission Team are discovered.*
- i. *Committees and Task Forces have developed guidelines and strategies for their ministries consistent with the goals and priorities of the synod.*

**S11.01.B00.** *The Leadership Mission Team (Mission through Leadership) shall seek to support the ordained ministers and rostered lay persons of this synod, those who are candidates for rostering, and all who serve or seek to serve in leadership positions within this synod. The Leadership Mission Team shall bear primary responsibility for the following areas: candidacy, support, special ministries, multicultural ministries, conflict education, compensation guidelines, spiritual growth, financial support, continuing education, and the support of deans, conferences, and Conference-clusters.*

*The Leadership Team will have done its work when:*

- a. *Candidates for rostered positions are recruited, interviewed, tracked, and recommended in accordance with the standards and procedures of the ELCA.*
- b. *Continuing education standards for lay and clergy are established and continuing education is provided on an accessible basis.*
- c. *Support for ordained ministers and rostered lay persons is provided in the form of care and counsel, training in conflict management, encouragement for spiritual growth, the maintenance of compensation guidelines for ordained ministers and rostered lay persons, and the instruction of congregations in the use of those guidelines is offered.*

- d. *Multicultural ministries receive ongoing emphasis and support within the synod and all committees and task forces take seriously the constitutional imperative of inclusivity.*
- e. *Those specialized ministries and those who serve them within the territory of the synod receive support and the ordained ministers and rostered lay persons who serve in those positions are accounted for according to the standards and procedures for Word and Sacrament ministries of the ELCA.*
- f. *Leadership is given to the ongoing education and encouragement of fair share giving within the synod so that adequate financial support for the priorities, ministry opportunities, and obligations provided through the synod's budget will be met.*
- g. *Deans, conferences, and conference-clusters will receive programmatic support as requested for the ministries within their conferences.*
- h. *Ad hoc Task Forces are developed as ministry opportunities in this Mission Team are discovered.*
- i. *Committees and Task Forces have developed guidelines and strategies for their ministries consistent with the goals and priorities of the synod.*

**S11.01.C02.** *The Partnership Mission Team (Mission Through Partnerships) shall bear primary responsibility for maintaining a healthy, mutually acceptable relationship between the Delaware-Maryland Synod and the agencies, institutions, and organizations (AIO's) assigned to, and represented through, the DE-MD Synod. These AIO's include but are not limited to the following: Social Ministry Organizations, Global Mission, Ecumenical Relations, Non-Congregational Ministries, Lutheran Colleges, Women of the Evangelical Lutheran Church in America, Lutheran Men in Mission (LMM), Association of Lutheran Older Adults (ALOA), African American Lutheran Association (AALA), and Lutheran Offices for Public Policy (LOPP). The Team shall ensure a partnership that demonstrates open communication, mutual advocacy, responsible stewardship, and continual exploration and advancement of programmatic development that supports the mission and priorities of this synod. Additionally, the Partnership Mission Team, through resources and communication, shall advance churchwide priorities as established by the ELCA.*

*The Partnership Mission Team will have done its work when:*

- a. *It is recognized as the primary liaison between the Synod Council and the agencies, institutions, and organizations of the church and serves as their voice on the Synod Council.*
- b. *An annual review of the mission statement and objectives of each agency, institution, and organization has been conducted to determine how the ministry of each carries out and serves the synod's mission and priorities.*

- c. *Funding requests from each agency, institution, and organization have been reviewed in the light of the specific goals each has established for the funding period and budget amounts have been recommended in accordance with those reviews.*
- d. *Solicitation for funds by these agencies, institutions, and organizations to churches and individuals within the territory of this synod have been approved by the Synod Council and are in line with the synod's mission and priorities.*
- e. *Advocacy has occurred for new programs of ministry not currently provided in the synod but approved by the Synod Council for possible development by one or more agency, institution, or organization and assistance in obtaining financing for such programs has been given.*

**+S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be ordained ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. The functions of the Consultation Committee are set forth in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.**

**S11.02.01.** The Synod Assembly shall elect a Consultation Committee composed of 12 members with two members elected each year at the Synod Assembly for a term of six years without consecutive reelection. From this committee, the Synod Council shall appoint four persons (two ordained and two lay) to serve as a special consultation committee to consider a dispute in a congregation.

**+S11.03. The Committee on Discipline of this synod shall consist of 12 persons of whom six shall be ordained ministers and six shall be lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection.**

- a. **The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.**
- b. **The terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.**
- c. **The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.**

**S11.03.01.** There shall be a Committee on Discipline as specified in +S11.03 of this synod's constitution.

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

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

**S11.10.** General Provisions

**S11.11.** This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units and to meet the requirements of +S.6.04. With the exception of ordained ministers on the roster of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

## **Chapter 12. CONFERENCES, CLUSTERS, COALITIONS, OTHER AREA SUBDIVISIONS**

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

**S12.01.01.** There shall be 11 conferences in the synod designated as follows:

- a. Baltimore East shall include the following parishes: First, Gray Manor; Good Shepherd, Dundalk; Hope, Middleborough; Luther Memorial, Baltimore; Prince of Peace (Rosedale), Baltimore; St. John, Edgemere; St. John, Essex; St. Luke, Dundalk; St. Matthew (Bowley's Quarters), Baltimore; St. Peter, Eastpoint/Colgate; St. Timothy, Dundalk.
- b. Baltimore North shall include the following parishes: Ascension, Towson; Christus Victor, Parkville; Divinity, Towson; Faith, Cockeysville; Grace, Lutherville; St. Andrew, Baltimore; St. John, Parkville; St. John, Sweet

- Air; St. Luke, Parkville; St. Michael, Perry Hall; St. Paul, Lutherville; St. Peter, Fullerton; St. Timothy, Timonium.
- c. Baltimore City shall include the following parishes: All Saints, Baltimore; Amazing Grace, Baltimore; Augsburg, Baltimore; Christ, Baltimore; Emmanuel, Baltimore; Epiphany, Baltimore; Faith, Baltimore; First English (Guilford), Baltimore; Grace, Hamilton; Holy Comforter (Govans), Baltimore; Jerusalem, Baltimore; Messiah (Canton), Baltimore; People's Community, Baltimore; Salem, Baltimore; Sts. Stephen and James, Baltimore; St. John, Brooklyn; St. John, Pimlico; St. Luke, Hampden; St. Mark, Baltimore; St. Mark Estonian, Baltimore; St. Paul, Curtis Bay; St. Paul, Highlandtown; St. Philip, Baltimore; Zion, City Hall Plaza.
  - d. Harford shall include the following parishes: Good Shepherd, Bel Air; Holy Communion, Fallston; Jerusalem, Whiteford; Lord of Life, Edgewood; Salem, Jarrettsville; St. Paul, Aberdeen; Trinity, Joppa.
  - e. Anne Arundel shall include the following parishes: Christ, Millersville; Emmanuel, Pasadena; Glen, Glen Burnie; Gloria Dei!, Arnold; Living Water, Stevensville; Our Redeemer, Glen Burnie; Our Shepherd, Severna Park; Peace (Ferndale), Glen Burnie; St. John, Linthicum; St. Martin, Annapolis.
  - f. Baltimore West shall include the following parishes: Abiding Savior, Columbia; Christ, Edmondson; Community of St. Dysmas, Jessup; Epiphany (Columbia Hills), Ellicott City; First, Ellicott City; Holy Trinity, Laurel; Living Word, Columbia; New Hope, Columbia; Our Saviour, Lansdowne; Salem, Catonsville; Second English, Baltimore; Shepherd of the Glen, Glenwood; St. James, Rockdale; St. John, Columbia; St. Paul, Fulton; St. Paul, Rockdale; St. Stephen, Arbutus; Trinity, Reisterstown.
  - g. Delmarva shall include Bethel, North East in Cecil County; congregations in Queen Anne's, Talbot, Wicomico, Dorchester, Somerset, Worcester, Caroline, and Kent counties of Maryland including: Faith, Salisbury; Grace, Easton; St. Paul, Cordova; St. Peter, Ocean City; all congregations in the State of Delaware including: Community, Omar; Good Shepherd, Wilmington; Grace, Hockessin; Hope, New Castle; Reformation, Milford; St. Andrew, Dover; St. Mark, Wilmington; Tree of Life, Middletown; St. Paul, Newark; St. Philip, Wilmington; St. Stephen, Wilmington; Spirit of Life, Wilmington; Zion, Wilmington ; and all congregations in Accomack and Northampton counties of Virginia.
  - h. Frederick shall include congregations of Bethany, Brunswick; Bethel, Frederick; Braddock, Frederick; Chapel (Israel's Creek Lutheran Parish), Frederick; Elias, Emmitsburg; Evangelical, Frederick; Evangelical (Israel's Creek Lutheran Parish), Frederick; Good Shepherd, Frederick; Grace (Grace-Mt Zion Parish), Rocky Hill; Harmony, Myersville; Harvest Wind, New Market; Luther Chapel, Petersville; Mt.Zion (Feagaville Parish), Feagaville; Mt. Zion (Haugh's), Keymar; St. John, Creagerstown;

St. John (Myersville Parish), Myersville; St. John, Thurmont; St. Luke (Feagaville Parish), Feagaville; St. Luke (Manor Parish), Point of Rocks; St. Mark (Manor Parish), Doubs; St. Mark (Myersville Parish), Wolfsville; St. Mark, Sabillasville; St. Matthew (Manor Parish), Church Hill; St. Paul, Burkittsville; St. Paul (Utica), Thurmont; St. Paul, Jefferson; St. Paul (Myersville Parish), Myersville; St. Paul, Walkersville; Zion (Middletown) in Frederick County; and The Redeemer, Damascus, in Montgomery County of Maryland.

- i. Washington County shall include congregations of Christ, Hagerstown; Haven, Hagerstown; Mt. Tabor (Fairview), Clear Spring; Mt. Zion (Locust Grove), Sharpsburg; St. John, Hagerstown; St. Mark, Hagerstown; St. Matthew, Hagerstown; St. Paul, Clear Spring; St. Paul, Greensburg; St. Paul, Funkstown; St. Peter, Keedysville; St. Peter, Clear Spring; St. Peter (Beard's), Hagerstown; Trinity, Boonsboro; Trinity, Hagerstown; Trinity, Smithsburg; Zion, Williamsport in Washington County of Maryland; and Mt. Moriah of Foxville-Greensburg Parish.
- j. Allegany shall include St. Luke, St. John, and St. Paul in Cumberland; Christ, LaVale; and St. Paul, Frostburg.
- k. Westminster shall include congregations of Grace, Westminster; Holy Spirit, Eldersburg; Immanuel, Manchester; Jerusalem, Westminster; Lazarus, Lineboro; Messiah, Sykesville; Mt. Union, Uniontown; St. Abraham, Hampstead; St. Benjamin, Westminster; St. James, Union Bridge; St. John, Westminster; St. Luke, New Windsor; St. Mark, Hampstead; St. Mark (Snydersburg), Hampstead; St. Mary (Silver Run), Westminster; St. Paul (Mt Joy-Harney Parish), Taneytown; St. Paul, Uniontown; St. Peter, Hampstead; Trinity, Taneytown; Trinity, Westminster in Carroll County; Christ (Trenton), Upperco; St. Paul, Upperco; and Mt. Joy (Mt. Joy-Harney Parish), Adams County in Pennsylvania; Calvary, Woodbine (Howard County); and Keysville, Keymar; and Mt. Tabor, Keysville (Frederick County).

**S12.01.02.** Clergy in specialized settings shall be assigned to the conference of their choice in consultation with the bishop.

**S12.01.03.** Each conference shall:

- a. assist in caring for and developing the church on its territory;
- b. keep the synod informed of its activities;
- c. advocate to the synod matters of interest to conference congregations;
- d. encourage study and fellowship among the ordained ministers and rostered lay persons within the conference;
- e. hold the annual meeting of the conference each year prior to March 21;

- f. take action in relation to the mission of the church as an individual conference, or in conjunction with other conferences or clusters; and
- g. nominate the appropriate number of persons for service on the Synod Council.

**S12.01.04.** Special meetings may be called by the bishop of the synod or by the dean of the conference following consultation with the bishop and shall be called by the dean of the conference upon request of one-fifth of the total number of voting members. Voting members of conferences are those persons designated by their respective congregations to represent them at conference meetings and include the pastor(s), diaconal ministers, associates in ministry, and as many lay voting members (to the Synod Assembly) as has been determined by the synod for that congregation.

**S12.01.05.** The bishop of the synod, or the bishop's appointee, shall be ex officio a member of each conference. Such staff personnel as the bishop designates may attend the conference meetings with voice only.

**S12.01.06.** Those voting members present shall constitute a quorum.

**S12.01.07.** a. At a meeting of the conference to be held prior to the annual Synod Assembly, each conference shall elect a dean, who shall be an ordained minister under call to serve a congregation or specialized ministry in the territory of that conference, or a retired pastor who is a member of a congregation in the territory of that conference, and a secretary, who may be either a clergy or a lay person, for a term of two years each, and who shall be eligible for one reelection. The conferences shall elect these officers according to this schedule:

In even-numbered years:

Baltimore North  
 Washington County  
 Allegany  
 Delmarva  
 Harford

In odd-numbered years:

Baltimore East  
 Baltimore City  
 Anne Arundel  
 Baltimore West  
 Frederick  
 Westminster

- b. Deans and secretaries shall be installed at the next Synod Assembly following their election.
- c. The dean and the secretary shall assume office following the adjournment of the assembly at which they were installed.
- d. In the event of a vacancy in the office of dean, the bishop shall appoint an interim dean who shall serve until a successor has been elected, at either a special meeting or at the next regular meeting of the conference, to complete the unexpired term.

- e. In the event of a vacancy in the office of secretary, the dean shall appoint a secretary to complete the unexpired term.
- f. Election or appointment of a person to complete an unexpired term shall not affect that person's eligibility for reelection to serve two full two-year terms.

**S12.01.08.** It shall be the responsibility of the conference dean to:

- a. advise and assist the bishop in matters pertaining to the conference;
- b. call and preside over meetings of the conference and of any committees and to set the agenda thereof;
- c. assist in caring for and developing the church on the territory of the conference;
- d. facilitate the flow of information and communication between the synod and conference congregations;
- e. encourage fellowship and study among the ordained ministers and rostered lay persons of the conference;
- f. perform such other functions as the synod may assign;
- g. ensure that conference goals are developed annually and are reported to the Synod Council;
- h. participate with the bishop in the call process as appropriate; and
- i. write an annual report of conference activities for inclusion in the synod Bulletin of Reports.

**S12.01.10.** Conference-clusters

**S12.01.11.** The conferences of the synod shall be further grouped into clusters for the purpose of joint mission and for the election of Synod Council representation. Those conferences shall be clustered as follows:

<u>East Cluster</u>	<u>Central Cluster</u>	<u>West Cluster</u>
Delmarva	Baltimore City	Westminster
Harford	Baltimore West	Frederick
Baltimore East	Anne Arundel	Washington Co.
Baltimore North		Allegany

**S12.01.12.** The Conference-clusters shall meet prior to the Synod Assembly to nominate candidates for the Synod Council according to the criteria established by the Nominating Committee. The deans of the conferences of that cluster are responsible for calling and organizing this meeting.

**S12.01.13.** The Conference-clusters shall be encouraged to meet regularly to engage in ministry and support opportunities.

## Chapter 13. CONGREGATIONS

- +S13.01.** Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the register of congregations of this synod, shall adopt the Model Constitution for Congregations or one acceptable to this synod, which is not in contradiction to the constitution and bylaws of the Evangelical Lutheran Church in America.
- a. **New congregations.** A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:
    - 1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the ELCA constitution and bylaws.
    - 2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, and 18 in the *Model Constitution for Congregations* consistent with requirements of this constitution and the constitution of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the Model Constitution for Congregations, the constitution of this synod, or the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, may be adopted as described in Chapters 16 and 18 of the Model Constitution for Congregations.
    - 3) Accept the commitments expected of all congregations of the ELCA as stated in \*C6.01., \*C6.02., and \*C6.03., of the Model Constitution for Congregations.
  - b. **Congregations from another church body.** If a congregation is a member of another church body, the leaders of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.
  - c. **Recognition and reception.** Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council

and the Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the register of congregations.

- +S13.02.** It shall be the responsibility of each congregation of this synod annually to choose from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.
- S13.11.** When a pastor or an associate in ministry resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod.
- S13.12.** A congregation under financial obligation to its former pastor or associate in ministry shall make satisfactory settlement of the obligation before calling a successor.
- +S13.19.** A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.
- +S13.20.** A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action.
- S13.21.** The alignment of congregations in multiple parishes, and all alterations in any alignment, shall be subject to approval by the Synod Assembly or by the Synod Council.
- +S13.22.** Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.
- +S13.23.** Provision 9.71. of the ELCA constitution shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any

way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.

**S13.24.** If any congregation of this synod has disbanded, or if the members of a congregation agree that it is no longer possible for it to function as such, or, if it is the opinion of the Synod Council that the membership of a congregation has become so scattered or so diminished in numbers as to make it impractical for such a congregation to fulfill the purposes for which it was organized, or that it is necessary for this synod to protect the congregation's property from waste and deterioration, the Synod Council, itself or through trustees appointed by it, may take charge and control of the property of the congregation to hold, manage, and convey the same on behalf of this synod. The congregation shall have the right to appeal the decision to the Synod Assembly.

**S13.25.** This synod may temporarily assume administration of a congregation upon its request or with its concurrence.

**S13.30.** Discipline

**+S13.31.** Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the ELCA constitution and bylaws.

#### **Chapter 14. ORDAINED MINISTERS AND ROSTERED LAYPERSONS**

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

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

a. Every ordained minister shall:

- 1) preach the Word;
- 2) administer the sacraments;
- 3) conduct public worship;
- 4) provide pastoral care; and
- 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.

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

**S14.03. The pastor**

- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation,
- b. shall submit a summary of such statistics annually to this synod, and
- c. shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

**S14.04. Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a Lutheran congregation nearer to their place of residence.**

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

- +S14.11.** When a congregation of this church desires to call a pastor or a candidate for the pastoral office in the ordained ministry of this church:
- a.** Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
  - b.** For issuance of a letter of call to a pastor or pastoral candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds majority ballot vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
  - c.** When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- S14.12.** No ordained minister shall accept a call without first conferring with the bishop of this synod. An ordained minister shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances, with the approval of the bishop of this synod and the chair of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to the letter of call.
- +S14.13.**
- a.** The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
    - 1)** mutual agreement to terminate the call or the completion of a call for a specific term;
    - 2)** resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
    - 3)** inability to conduct the pastoral office effectively in that congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
    - 4)** the physical or mental incapacity of the pastor;
    - 5)** disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
    - 6)** the dissolution of the congregation or the termination of a parish arrangement; or

- 7) suspension of the congregation as a result of discipline proceedings.**
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of this synod, the bishop in his or her sole discretion may, or when such allegations have been brought to this synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall investigate such conditions personally in company with a committee of two ordained ministers and one layperson.**
  - c. In the case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of this synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of this synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.**
  - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of this synod together with the committee described in +S14.13.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by this synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.**
  - e. If, in the course of proceedings described in +S14,13.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.**
  - f. If, following the appointment of the committee described in +S14.13.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served**

by the ordained minister due to local conditions, the bishop of this synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

- +S14.14.** Ordained ministers shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.
- +S14.15.** The parochial records of each congregation shall be kept in a separate book which shall remain its property. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in his/her hands in good order by a departing pastor before:
- a. installation in another field of labor, or
  - b. the issuance of a certificate of dismissal or transfer.
- +S14.16.** The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
  - b. the issuance of a certificate of dismissal or transfer.
- +S14.17.** During service to a congregation, an interim pastor shall have the rights and duties of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any ordained ministers who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the parochial records, for the period for which the interim pastor was responsible, are in order.
- +S14.18.** With the approval of the synodical bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in +S.14.13., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of +S14.13.

- S14.21.** All ordained ministers under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.
- S14.30.** Official Rosters of Laypersons
- +S14.31.** The provisions in the churchwide documents and such provisions as may be developed by the ELCA Division for Ministry governing associates in ministry, deaconesses, and diaconal ministers of this church shall apply in this synod.
- a. When a congregation of this synod desires to call an associate in ministry, deaconess, diaconal minister, or a candidate for these official rosters of laypersons of this church:
    - 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
    - 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
    - 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
  - b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.
  - c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the individual, shall be terminated only following consultation with the synodical bishop in accordance with policy developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
  - d. Associates in ministry, deaconesses, and diaconal ministers on the roster of this synod who are serving under call shall attend meetings of the Synod Assembly.

## Chapter 15. FINANCIAL MATTERS

- +S15.01.** The fiscal year of this synod shall be February 1 through January 31.
- +S15.11.** Since the congregations, synods, and churchwide organizations are interdependent units that share responsibly in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support program of the whole church. The gifts and offerings of the members of the ELCA are given to support all parts of this church and thus partnership in this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:
- a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.
  - b. This synod shall receive the proportionate share of the mission support from its congregations and shall transmit that percentage of each congregation's mission support as determined by the Churchwide Assembly to the treasurer of the Evangelical Lutheran Church in America.
- +S15.12.** The annual budget of this synod shall reflect the entire range of its own activities and its commitment to partnership funding with other synods and the churchwide organization. Unless an exception is granted upon the request of this synod by the Church Council, each budget shall include the percentage of congregational mission support assigned to it by the Churchwide Assembly.
- S15.13.** On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.13.01.** The Synod Council shall have the power to reapportion all synodical items within the budget in order to meet properly the needs of the various agencies and objectives of the synod.
- S15.14.** Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synodical causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.

- S15.21.** No appeal to congregations of this or any other synod of the ELCA for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- +S15.31.** This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the Churchwide Office of the Treasurer and to the congregations of this synod. The financial reports shall be in the format approved from time to time by the Churchwide Office of the Treasurer.
- +S15.32.** This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

## **Chapter 16. INDEMNIFICATION**

- +S16.01.** Except as otherwise provided in this constitution, indemnification of any person who is or was made or threatened to be made a party to any proceeding is prohibited. For purposes of this chapter, the term, "proceeding," means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding, including a proceeding in the right of this synod or any other organization. Except as otherwise required by law, (a) the term, "proceeding," does not include a proceeding by this synod and (b) indemnification for expenses incurred in a disciplinary hearing or other proceeding described in Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America shall be permitted only as provided in +S16.05. For purposes of this chapter, the term, "indemnification," includes advances of expenses.
- +S16.02.** To the full extent permitted from time to time by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against judgments, penalties, fines, settlements, excise taxes, and reasonable attorney's fees and disbursements incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of section +S16.03.

- +S16.03.** Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall not be entitled to indemnification unless (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.
- +S16.04.** This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in section +S16.02. or section +S16.03.
- +S16.05.** When in proceedings under Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America written charges against an ordained minister or a layperson on an official roster of this church are made by the synodical bishop or written charges against a congregation are made by the Synod Council or the synodical bishop, and the discipline hearing committee determines that no discipline shall be imposed, and such determination is not reversed or set aside if an appeal is taken, then indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be decided by the Synod Council.

## **Chapter 17. ADJUDICATION**

- +S17.01.** The synodical bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- +S17.02.** The synodical bishop and the Executive Committee of the Synod Council shall receive expressions of concern from ordained ministers, associates in ministry, or other persons on the official lay roster of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When the matter at issue cannot be resolved in this

manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of an ordained minister or a person on the official lay roster of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

- +S17.03. When there is disagreement among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.
- +S17.04. When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve, it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. In this case the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.
- +S17.10. Adjudication in a Congregation
- +S17.11. When there is disagreement among factions within a congregation on a substantive issue that cannot be resolved by the parties, members of a congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of this synod shall consider the matter. If the Consultation Committee of this synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## **Chapter 18. CONSTITUTIONAL AMENDMENTS, BYLAWS, CONTINUING RESOLUTIONS**

- +S18.10. Amendments to Constitution
- +S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by this church, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

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

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

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

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

**+S18.20.** Amendments to Bylaws

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

**S18.21.01.** Notice of proposed amendments shall be given to the Synod Assembly at a previous session of any meeting, and such amendment may be presented in writing over the signatures of at least five members of the voting body, or may be presented as a recommendation of the Synod Council. Such amendments shall require a two-thirds vote of the voting members present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

**+S18.30.** Amendments to Continuing Resolutions

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