

SOUTHWESTERN TEXAS SYNOD
CONSTITUTION

Adopted by Constituting Convention
July 24, 1987

†† Chapter Required
† Section Required

††CHAPTER ONE
Name and Incorporation

S1.01.

The name of this synod shall be the Southwestern Texas Synod of the Evangelical Lutheran Church in America.

S1.02.

For the purposes of this constitution and the accompanying bylaws, the Southwestern Texas Synod of the Evangelical Lutheran Church in America is hereafter designated as "this synod" or "the synod."

S1.11.

This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.

S1.21.

The Seal of this synod presents the corporate title of the synod encircling a central figure in which the Luther Rose is imposed on a five- pointed star, and in the center of which appears the open Bible under the cross; over the cross is the legend "Christo Regendum Est" (in English: Christ is Ruler) and beneath the Bible, "Ecclesia Plantanda" (in English: The Church Must Be Planted).

††CHAPTER TWO
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 THREE
Territory

S3.01.

The territory of this synod, as determined by the Churchwide Assembly, shall be the counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crane, Crockett, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Lee, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Menard, Milam, Nueces, Pecos, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Upton, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala in the state of Texas.

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 FOUR
Confession of Faith

S4.01.

This synod confesses the Triune God, Father and 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 of 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 the 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 FIVE
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 SIX

Statement of Purpose

S6.01.

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

S6.02.

To participate in God's mission, this synod as a part of the Church shall:

- a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
- d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness and service.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting of the exercise of their Christian calling, and to use the gifts of the Spirit for their lives 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;
 - 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 ELCA Constitution Chapter 20.
- 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 suffering, and participate responsibly in society.
- p. Provide for archives in conjunction with other synods.
- q. Cooperate with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of this synod which can best be done cooperatively with other synods and the churchwide organization.
- r. Elect members of the Churchwide Assembly in accordance with Bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America and according to procedures specified in the bylaws of this constitution.

S6.04.

Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60% of the members of the synod assemblies, councils, committees, boards, and other

organizational units shall be lay persons; and that, as nearly as possible, 50% of the lay members of assemblies, councils, committees, boards, or other organizational units shall be female and 50% shall be male; and that, where possible, the representation of ordained ministers shall be both male and female. This synod shall establish processes that will enable it to reach a minimum goal that 10% of its assemblies, councils, committees, boards or other organizational units be persons of color and/or persons whose primary language is other than English.

S6.04.A01.

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

S6.05.

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

CHAPTER SEVEN
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 this church.

†S7.11.

A regular meeting of the Synod Assembly shall be held at least biennially.

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 required for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the presiding bishop of the ELCA in cooperation with the Synod Council.

S7.13.

Notice of the time and place of all meetings of the Synod Assembly shall be given to all congregations by the secretary of this synod at least 30 days in advance of the meeting.

S7.14.

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

†S7.21.

The membership of the Synod Assembly, of which at least 60% of the voting members 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 members elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with more than 175 baptized members related to this synod, normally one of whom shall be a male and one of whom shall be female, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, 50 percent of the lay members of the assembly shall be female and 50 percent shall be male. Additional members from each congregation shall be equally divided between male and female.
- d. Voting membership shall include the officers of this synod.

S7.22.

The synod may establish processes through the Synod Council that permit retired ordained ministers, retired associates in ministry, retired deaconesses, and retired diaconal ministers on the roster of this synod; and synodically authorized ministers, to serve as voting members of the Synod Assembly, consistent with †S7.21.c above.

S7.23.

All retired ordained ministers, all ordained ministers on leave from call, all associates in ministry on leave from call or retired, all deaconesses of the Evangelical Lutheran Church in America on leave from call or retired, and all diaconal ministers of this church on leave from call or retired, all of whose names appear on the rosters of this synod, shall have the privilege of voice but not vote at all meetings of the Synod Assembly. The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of this church as may be designated from time to time by the Church Council shall also have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.

S7.24.

Ordained ministers under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the roster of ordained ministers of this synod. Associates in ministry, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers of this church serving under call on the roster of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the official lay roster of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until replaced by the election of new members or until they have been disqualified by termination of membership. Normally, congregations should 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.

†S7.26.

This synod may establish processes through the Synod Council that permit representatives of mission settings formed with the intent of becoming chartered congregations and authorized worshipping communities of the synod, which have been authorized under ELCA bylaw 10.02.03, to serve as voting members of the Synod Assembly, consistent with †S7.21. Authorized worshipping communities, acknowledged under criteria, policies, and procedures approved by the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

S7.27.

This synod may establish processes through the Synod Council to grant an ordained minister from a church body with which a relationship of full communion has been declared and established by the Churchwide

Assembly of the Evangelical Lutheran Church in America the privilege of both voice and vote in the Synod Assembly during the period of that ordained minister's service in a congregation of this church.

S7.28.

Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21 shall be granted the privilege of both voice and vote as members of the Synod Assembly.

†S7.31.

Proxy and absentee voting shall not be permitted in the transaction of any business of this synod.

S7.32.

Robert's Rules of order, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.

S7.33.

"Ex officio," as used herein, means membership with full rights of voice and vote unless otherwise expressly limited.

CHAPTER EIGHT
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 this synod, letters of call for persons called by the Synod Council, and letters of call for persons on the roster 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 this 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 constitution-ally 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

Be an ex officio member of the Churchwide Assembly and a member of all committees and any other organizational units of this synod.

- 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 this 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; and
 - 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 roster of this synod and the register of congregations;
 - (b) the issuance of certificate 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;
 - (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 names of the lay persons who have been elected to represent them; and
- 12) Appoint a statistician of the synod, 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.

S8.14.

The bishop may have such assistants as this synod shall from time to time authorize.

†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.

S8.20.

Vice-President

†S8.21.

The vice-president shall be elected by the Synod Assembly. The vice-president shall be a lay person. 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.

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 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 lay person or an ordained minister.

S8.42.

The treasurer shall provide and be accountable for:

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

S8.50.

General Provisions

†S8.51.

The terms of office of the officers of this synod shall be:

- a. The bishop of this synod shall be elected to a term of six years and may be reelected.
- b. The vice-president, secretary, and treasurer of this synod shall be elected to a term of four years and may be reelected.

S8.52.

The terms of the officers shall begin on the first day of September following election.

†S8.53.

Each officer shall be a voting member in a congregation of the synod, except that the bishop need not be a member of a congregation of this synod at the time of the 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 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 of 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 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; such an officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three

members of the Executive Committee, and prior written notice of the meeting shall be given to the officer in question at least ten calendar days prior to the meeting.

†S8.57.

The recall or dismissal of an officer may be effected in accordance with the procedure established by the Committee on Appeals of the Evangelical Lutheran Church in America.

†S8.58.

If the bishop is to be temporarily absent from the synod for an extended period, the bishop, with the consent of the Synod Council, may appoint as acting bishop for such period an ordained minister of the 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 NINE
Nominations and Elections

†S9.01.

The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws.

S9.01.A08.

The Synod Council Executive Committee shall provide for background checks for persons nominated for synodical office prior to the Synod Assembly at which the election will take place or as soon as possible after the Synod Assembly for newly elected officers nominated from the floor who were not identified as nominees prior to the assembly. The process shall be as follows:

- a. Prior to the Synod Assembly appropriate notice of the background check requirement and protocol will be provided to voting members, potential nominees, and others as directed by the Synod Council.
- b. Nominees and newly elected officers are required to provide written consent to a background check and all information necessary to complete a background check, which should be completed prior to the Synod Assembly with respect to nominees and prior to installation for newly elected officers, if possible.
- c. The Synod Council's Executive Committee shall designate one Executive Committee or Synod Council member to obtain the background checks.
- d. All background checks for nominees and newly elected officers will entail a criminal background check. A financial background check will be completed for nominees for treasurer. The Executive Committee shall decide whether additional types of background checks are appropriate for each officer position.
- e. The background check results shall be provided to that nominee or elected officer and to the Synod Council's Executive Committee. Further disclosure of the results may be determined by the Executive Committee.
- f. The Executive Committee may adopt other procedures or protocols as are necessary to provide for background checks for nominees and newly elected synodical officers and shall report such actions to the Synod Council.

†S9.02.

In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.

S9.03.

There shall be a Nominating Committee appointed by the Synod Council, consisting of one member from each conference, and one youth member (age 15-20) to serve for each regular meeting of the Synod Assembly. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.

S9.04.

The bishop shall be elected by the Synod Assembly. The first ballot shall be an ecclesiastical ballot, with three-fourths of the legal votes cast being necessary for election. If no one is elected, the first ballot shall be

considered the nominating ballot. Three-fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the five persons (plus ties) who receive 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% 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.

S9.05.

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

S9.06.

The Nominating Committee shall nominate two persons for secretary; additional nominations may be made from the floor.

S9.07.

The Synod Council shall nominate two persons for treasurer; additional nominations may be made from the floor.

S9.08.

The Nominating Committee shall nominate at least two persons for each additional position to be filled by election.

S9.09.

In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.

S9.10.

The result of each ballot in every election shall be announced in detail to the assembly.

S9.11.

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

CHAPTER TEN

Synod Council

†S10.01.

The Synod Council, consisting of the four officers of the synod, 10 to 24 other members, and at least one youth, shall be elected by the Synod Assembly.

- a. Each person elected to the Synod Council shall be a voting member of congregations 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 terms 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 four years.

†S10.02.

The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions which are not in conflict with actions taken by the Synod Assembly or which are not precluded by provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.

S10.03.

The functions of the Synod Council shall be to:

- a. Exercise trusteeship responsibilities on behalf of this synod.
- b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
- c. Carry out the resolutions of the Synod Assembly.
- d. Provide for an annual review of the roster of ordained ministers and of other official rosters, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the 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, deaconesses of the Evangelical Lutheran Church in America, and diaconal ministers as authorized by Chapter 7 of the constitution and bylaws of ELCA.
- f. Fill vacancies until the next regular meeting of the Synod Assembly except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of 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.

S10.04.

Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council shall require a two-thirds vote for adoption.

S10.05.

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

S10.06.

If an ordained member of the Synod Council ceases to be in good standing on the clergy roster of this synod, or if an associate in ministry, deaconess, or diaconal minister holding membership on the Synod Council ceases to be in good standing on the lay roster of this synod, or if a lay member of the Synod Council ceases to be a voting member of a congregation of this synod, 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 as set forth in the bylaws.

CHAPTER ELEVEN
Committees and Commissions

†S11.01.

There shall be an Executive Committee, a Consultation Committee, a Committee of Discipline, a Mutual Ministry Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the compositions 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.

†S11.02.

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 lay persons, who shall each be elected by the Synod Assembly for a term of six years without consecutive reelection. The size of the Consultation

Committee, in accord with this provision, shall be defined in this synod's bylaws. 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 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 be elected by the Synod Assembly for a term of six years without consecutive reelection.

- a) The functions of the Committee on Discipline of this synod are set forth in chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- b) The terms of committee members shall be staggered so that the terms of four committee members (two clergy and two lay) expire every two years.
- c) The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term. (During the 1999-2000 biennium, in order to implement such staggered terms for a 12-member committee, the Synod Council may designate terms and may transfer members from the Consultation Committee to the Committee on Discipline consistent with models prepared by the secretary of this church. This parenthetical implementation sentence shall expire at the conclusion of the 2001 Churchwide Assembly.)

†S11.04.

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

S11.10.

General Provisions

S11.11.

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

CHAPTER TWELVE
Conferences, Clusters and Coalitions
Or Other Area Subdivisions

†S12.01.

This synod shall establish conferences, clusters, coalitions, or other 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.

CHAPTER THIRTEEN
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 ELCA.

- 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, 18, and 19 in the Model Constitution for Congregations consistent with requirements of this constitution and the constitution of this church. Bylaws, and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the Model Constitution for Congregations, the constitution of this synod, or the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, may be adopted as described in Chapter 16 and 18 of the Model Constitution for Congregations.
 - 3) Accept the commitments expected of all congregations of the ELCA as stated in *C6.01., *C6.02., and *C6.03., of the Model Constitution for Congregations.
- b. Congregations from another church body. If a congregation is a member of another church body, the leaders of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should make contact with the ELCA synod bishop or staff where the congregation is located.
 - c. Recognition and reception. Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the register of congregations.

†S13.02.

It shall be the responsibility of each congregation of this synod to choose from among its voting members lay persons 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 subdivisions of which it is a member. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

S13.11.

When a pastor or when an associate in ministry, deaconess of the Evangelical Lutheran Church in America, or diaconal minister of this church resigns, the Congregational Council shall receive the letter of resignation, report to the congregation, and at once notify the bishop of this synod.

S13.12.

A congregation under financial obligation to its former pastor or associate in ministry, deaconess of the Evangelical Lutheran Church in America, or diaconal minister of this church shall make satisfactory settlement of the obligation before calling a successor.

S13.21.

The alignment of congregations in pastoral charges, and all alterations in 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 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 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 FOURTEEN

Ordained Ministers and Lay Rostered Ministers

†S14.01.

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

†S14.02.

Consistent with the faith and practice of the Evangelical Lutheran Church in America,

a. Every ordained minister shall:

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

b. Each ordained minister with a congregational call shall, within the congregation:

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
- 2) supervise all schools and organizations of the congregation;
- 3) install regularly elected members of the Congregational 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, associate in ministry, deaconess, and diaconal minister on the roster of this synod shall submit a report of his or her ministry to the bishop of the synod by March 1 of each year.

†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.

An ordained minister shall respond with an answer of acceptance or declination to a letter of call within thirty 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, an additional fifteen days may be granted to respond to a letter of call.

†S14.13.

- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions, without reflection on the competence or the moral or spiritual character of the pastor;
the physical or mental incapacity of the pastor;
disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of a 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 the 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 lay person.
- c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of this synod with the advice of the committee shall declare the pastorate vacant. Upon 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 de-

scribed 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, associates in ministry, deaconesses, and diaconal 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 are in good order and have been received from the departing pastor before:

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

†S14.16.

The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:

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

†S14.17.

During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any ordained or lay rostered 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 †S14.13., a congregation may call a pastor for a specific term of years. 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 call shall attend meetings of the Synod Assembly, and the pastors of a congregation shall also attend the meetings of the conference, cluster, coalition, or other area subdivisions to which the congregation belongs.

S14.30.

Official Rosters of Laypersons

†S14.31.

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

- a. When a congregation of this synod desires to call an associate in ministry, deaconess, or diaconal minister or a candidate for these official rosters of laypersons of this church:
 - 1) Such a congregation of this synod shall consult the synodical bishop before taking any steps leading to extending such a call.
 - 2) Issuance of such a letter of call shall be in accord with criteria, policies, and procedures developed by the Division for Ministry, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.
 - 3) When the congregation has voted to issue a call to an associate in ministry, deaconess, or diaconal minister, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- b. An associate in ministry, deaconess, or diaconal minister shall confer with the bishop of this synod before accepting a call within this synod.
- c. The call of a congregation, when accepted by an associate in ministry, deaconess, or diaconal minister, shall constitute a continuing mutual relationship and commitment which, except in the case of 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 FIFTEEN

Financial Matters

†S15.01.

The fiscal year of this synod shall be February 1 to January 31.

†S15.11.

Since the congregations, synods and churchwide 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.

S15.12.A.03.

The Mission and Ministry Fund of the Southwestern Texas Synod of the Evangelical Lutheran Church in America is hereby established. The purpose of the fund shall be mission and ministry development.

- a. The Fund shall include assets as may be transferred to the Fund from time to time by the Synod Council, including but not limited to proceeds from the sale of properties received by the synod from congregations under the provisions of Chapter 13 of the Synod Constitution, and designated gifts whose purposes are consistent with the purposes of the Fund.
- b. The Fund shall be maintained and reported as an account separate from the other accounts of the synod.
- c. Responsibility for the administration and management of the fund is delegated to the Executive Committee and Administration & Finance Committee. The Executive Committee shall propose policies to govern the management and expenditure of the Fund for approval by the Synod Council. The Administration & Finance Committee shall propose policies to govern the investment of the Fund for approval by the Synod Council.
- d. Any proposed expenditure from the corpus of the Fund shall require the approval of the Synod Council.
- e. The Synod Council shall report to each Synod Assembly on the activities of the Fund, and shall present a budget reflecting the anticipated total receipts and disbursements for the Fund for approval by the Synod Assembly.

S15.13.

On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.

S15.14.

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

S15.21.

No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations 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 selected by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod. The financial 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 SIXTEEN
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 of 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 SEVENTEEN
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, persons on the official lay rosters of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When the matter at issue cannot be resolved in this manner, the prescribed procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of an ordained minister,

or a person on the official lay roster of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

S17.03.

When there is disagreement among units of this synod on a substantive issue that cannot be resolved by the parties, the aggrieved party or parties may appeal to the synodical bishop and the Executive Committee of the Synod Council for a consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Synod Council requesting it to arbitrate the issue. The decision of the Synod Council shall be final.

S17.04.

When a component or beneficiary of a synod has a disagreement on a substantive issue that it cannot resolve it may address an appeal to the synodical bishop and the Executive Committee of the Synod Council. In this case, the decision of the Executive Committee shall prevail, except that upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.

†S17.10.

Adjudication in a Congregation

S17.11.

When there is 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 EIGHTEEN
Bylaws, and Continuing Resolutions

S18.01.

This synod may adopt bylaws not in conflict with this constitution nor with the constitution and bylaws of this church. The 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.

S18.10.

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 ELCA.

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 meeting of the Synod Assembly over the signatures of at least thirty members and then 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.

S18.30.

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 the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.