

MINUTES

COMMISSION ON HANDBOOK The Lutheran Church—Missouri Synod International Center November 1–2, 2012

53. Call to Order / Opening Prayer

Chairman Gordon Tresch called the meeting to order and called on Walter Rosin for an opening prayer. All members of the commission were present for the meeting.

54. 2013 Overture To Create Staggered Terms for Members of Certain Boards and Commissions (11-020)

Secretary Raymond Hartwig provided a draft of a 2013 convention overture for proposed bylaw changes to accomplish staggered terms for the two mission boards and the Commission on Handbook, overlooked by the 2010 convention. After discussion, the following overture was adopted for submission to the convention.

Overture to 2013 Convention

To Create Staggered Terms for Members of Certain Boards and Commissions

WHEREAS, The 2010 convention of the Synod created new boards for international and national mission and changed the composition and appointment process of the Commission on Handbook; and

WHEREAS, The 2010 convention failed to give thought to the advisability of creating staggered terms for these new board and commission positions, resulting in the election or appointment of all members for six-year terms; and

WHEREAS, This failure to create staggered terms has created the possibility of a total turnover of board and commission membership each six years, potentially resulting in a corresponding loss of continuity; therefore be it

Resolved, In order to enable the 2016 convention to create a staggering of terms by electing one-half of all mission board members to three-year terms, that Bylaws 3.8.2.2 and 3.8.3.2 be amended as follows:

PRESENT/PROPOSED WORDING

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

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

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

- 3.8.3.2 The Board for International Mission shall be comprised of eleven members:
1. Five laypersons and five individual members of the Synod (one of each from each region of the Synod) elected in the same manner as are all other regional elections (Bylaws 3.12.1 and 3.12.2.5)
 2. The President of the Synod or his representative
- In 2016, the individual members of the Synod elected from the Great Plains and East/Southeast regions and the laypersons elected from the West/Southwest, Central, and Great Lakes regions shall be elected for three-year terms.

And be it further

Resolved, In order to create a staggering of terms for the members of the Commission on Handbook following the 2016 convention by appointing two of the members to three-year terms, that Bylaw 3.9.4.1 be amended as follows:

PRESENT/PROPOSED WORDING

- 3.9.4.1 The Commission on Handbook shall consist of eight members, five voting and three nonvoting. Of the five appointed members, three shall be individual members of the Synod and two shall be attorneys. In 2016, one of the individual members and one of the attorneys shall be appointed for three-year terms. The remaining individual members and attorney shall be appointed for six-year terms:
1. The Secretary and the Chief Administrative Officer of the Synod and a voting member of the Commission on Constitutional Matters shall serve as advisory members.
 2. The five voting members (~~whose terms shall be for six years renewable once~~) shall be appointed in the following manner....

And be it further

Resolved, That the terms of those board and commission members elected or appointed to three-year terms not be counted as full terms in this case, allowing those who will have served one six-year and one three-year term to be eligible for an additional six-year term at the time of the 2019 convention; and be it finally

Resolved, That in order to accommodate these changes, Bylaw 3.2.4.2 (b) also be amended to read:

PRESENT/PROPOSED WORDING

- 3.2.4.2 All members of all boards and commissions of the Synod shall be ineligible for reelection or reappointment to the same board or commission after serving a total of two successive six-year elected terms or three successive appointed or elected three-year terms, unless otherwise provided in the Bylaws.
- (a) Such persons may become eligible again for election or appointment to the same office, board, or commission after an interval of three or more years.
 - (b) ~~One half or more~~ More than one-half of a term shall be regarded as a full term under limited tenure rules.
 - (c) Any member of a board or commission who is ineligible for reelection or reappointment may be elected or appointed to another position.

55. Bylaw Section 2.12: District Membership and Ecclesiastical Supervision (12-027)

Ron Schultz initiated discussion of this major subject by offering a draft of proposed bylaw changes to address the need for better order in this important area of Synod life: district membership and ecclesiastical supervision. During the discussion that followed, it was noted that conversations on this topic are also taking place among other Synod leaders, including the officers and staff of the International Center and the Council of Presidents. The following bylaw amendment proposal, tentatively adopted in concept by the commission pending consultation with the district presidents and national staff, will serve as a discussion document to be taken by the Secretary of the Synod to the International Center staff and the next meeting of the Council of Presidents, with feedback brought back to the next commission meeting.

2.12 District Membership and Ecclesiastical Supervision

- 2.12.1 Each individual member of the Synod shall hold membership through a district.
- 2.12.2 Individual members of the Synod shall hold membership in the Synod through the district in which their calling body is headquartered, except
 - (a) members who are called to a congregation of a non-geographic district, who shall be members of the Synod through that non-geographic district;
 - (b) members having emeritus status, inactive members having candidate or non-candidate status, and members having restricted status, who shall hold membership through the district through which membership was held at the inception of their current status unless a transfer is approved by both the president of that district and the president of the district to which membership would be transferred; and
 - (c) members having suspended status, who shall continue to hold membership through the district through which membership was held at the time of the suspension.
- 2.12.3 A member shall be under the ecclesiastical supervision of the president of the district through which membership in the Synod is held, except as otherwise provided.
- 2.12.4 The district through which an individual holds membership and the district through which a member is ecclesiastically supervised will not be determined in any case on the basis of the district membership of the congregation to which the member belongs.

56. “Omnibus” Resolutions (12-032)

During its August, 2012 meeting, the commission discussed using one or more “omnibus” resolutions to submit minor changes and handbook clarifications to the 2013 convention. At this November, 2012 meeting, the secretary of the commission presented initial drafts of three such resolutions, to address (1) general handbook issues, (2) Bylaw section 1.10 dispute resolution issues, and (3) Bylaw sections 2.14, 2.15, 2.16, and 2.17 expulsion from membership issues. When time for discussion of these materials expired, the commission agreed that these overtures will continue to be works in progress, to be given additional consideration at future meetings.

57. Joint Discussion of Handbook-Related Issues

[Note: The entire second day of the commission’s meeting time was spent in a joint meeting with the Commission on Constitutional Matters, Synod officers, and President’s Office staff. The meeting was

requested by the Commission on Constitutional Matters to discuss solutions to bylaw issues remaining from the restructuring decisions of the 2010 LCMS convention.]

Commission on Constitutional Matters Chairman Wilbert Sohns called the joint meeting to order. Participating from the Commission on Constitutional Matters (CCM) in addition to the chairman were: Daniel Lorenz, Philip Esala, George Gude, Neely Owen, and Raymond Hartwig; participating from the Commission on Handbook (COH) were Chairman Gordon Tresch (who co-chaired the meeting), Walter Rosin, Richard Nuffer, Albert Marcis, Marvin Temme, Wilbert Sohns, Ronald Schultz, and Raymond Hartwig; also participating were Ronald Schultz as Chief Administrative Officer; Gregory Williamson, Chief Mission Officer; and Barbara Below from the President's Office.

After commenting on the "historic" nature of the meeting, Chairman Sohns called on Secretary Raymond Hartwig, who served as chaplain for the CCM meeting, to provide an opening prayer.

Chairman Sohns called on each member of the CCM to present a portion of the business of the joint meeting (see bullets below). During each portion of the CCM presentation, possible solutions arrived at by consensus were provided to the Commission on Handbook for its use in developing 2013 convention bylaw amendment actions to address issues discussed (see sub-bullets below).

- Dan Lorenz provided general introduction and background information. Referring to CCM Opinion 11-2600 and its content, he noted that lines-of-authority decisions of the 2010 convention, intended by the Blue Ribbon Task Force on Synod Structure and Governance to make the Synod better organized and efficient (already discussed in a November, 2011 joint meeting of the CCM with the President of the Synod and his staff) beg further discussion, clarification, and convention consideration.
- George Gude addressed Bylaw 1.2.1 issues (paragraphs [h], [l], [n], [o], [t], and [u]) regarding definitions for "executive director," "mission board," "oversight," "supervision," and "operating boards," in light of related Bylaws 1.5.5.1, 3.3.1.3, 3.4.3.1, 3.8.2.3, 3.8.3.3, 3.8.2.4, and 3.8.3.4.
For COH consideration:
 - Bylaw 1.2.1 (h): Change "board" to "office" and add "department," so as to read: "(h) **Executive Director:** The top staff administrator of a mission office or department or commission of corporate Synod." A possible second solution: clarify that the Bylaw 1.2.1 definitions pertain only to the use of terminology in the *Handbook* and not the entire operations of the Synod—in which case the addition of "department" would be unnecessary. While Bylaw 1.5.5.1 also speaks of executive directors (defined by Bylaw 1.2.1 [h]) and has raised questions of applicability, the inclusion of mention of human resources policies when filling executive offices resolves the need for additional bylaw change (see also Bylaw 3.3.1.3 [e]).
 - Bylaw 1.2.1 (l): The terminology "an operating function of the Synod" in this definition of "mission board" is undefined and should be changed to "the Office of National Mission or the Office of International Mission of the Synod as prescribed in the Bylaws."
 - Bylaw 1.2.1 (n): Remove this definition from Bylaw 1.2.1 since the term "operating board" is no longer used in the *Handbook*.
 - Bylaw 1.2.1 (t): Remove this definition from Bylaw 1.2.1 since the term "subcommittee" is no longer used in the *Handbook*.
 - Bylaw 3.4.3.1: Replace the words "and executive directors (if any) who report to the Chief Mission Officer shall serve as staff resources(s)" with the words "shall provide," so that the paragraph will read: "The Chief Mission Officer shall provide staff resources to the Board for National Mission and the Board for International Mission."

- Bylaws 3.8.2.3 and 3.8.3.3: The terminology “relates to” is unclear. COH Chairman Tresch asked Barbara Below and Greg Williamson to work on more precise wording for these and related bylaws.
- Raymond Hartwig introduced discussion of issues related specifically to Bylaws 3.3.4.5 (allocation of funds by the Board of Directors), 3.8.2 (responsibility of the Board for National Mission), and 3.8.2.7 and 3.8.3.6 (granting of Recognized Service Organization status).
 - Bylaw 3.3.4.5: Resolve several issues related to the use of the word “mission” by its deletion, so that the paragraph reads: “The Board of Directors shall allocate available funds to the boards, commissions, councils, offices, and departments of corporate Synod and shall hold them responsible therefor.”
- Neely Owen called attention to relationship and definition issues currently present in Bylaws 3.4.3–3.4.3.1, 3.4.3.3–3.4.3.4, and 1.2.1 (b).
 - Bylaw 1.2.1 (b): This definition will better read: “(b) **Chief Executive**: The top staff administrator of a separately incorporated agency of the Synod, who may be referred to as president.”
 - Bylaw 3.4.3.4: This paragraph will more accurately read: “The Chief Mission Officer shall meet regularly with the executive directors of commissions (if any) and the chief executives of synodwide corporate entities as the liaison for and at the direction of the President of the Synod....”
- Wilbert Sohns led a lengthy discussion of the relationship between supervision and ecclesiastical supervision as these terms are used in Bylaws 3.3.1–3.3.1.3; 3.8.2.1, 3.8.3.1, and other related bylaws.
 - Bylaw 3.8.2.1: In order for this bylaw to mirror its counterpart for the Board for International Mission (Bylaw 3.8.3.1), the reference to “supervision of the President of the Synod” should be changed to “ecclesiastical supervision, so that the final sentence of the bylaw will read: “The board shall be under the ecclesiastical supervision of the President of the Synod regarding doctrine and administration, consistent with the President’s responsibility under Constitution Art. XI B 1–4 (also Art. XI B 7; Bylaws 3.3.1.1–3.3.1.3) between conventions of the Synod and ultimately shall be responsible to the Synod in convention (Art. XI A 1–2).”
- Philip Esala provided a “general/philosophical” summary to wrap up the presentations and discussions. In discussion that followed, several additional issues were surfaced for attention by the Commission on Handbook:
 - The commission was encouraged to request a study of Constitution Art. XI “Rights and Duties of Officers” as the basis for a comprehensive study and treatment of such terms as “ecclesiastical supervision, administration, etc.” in the *Handbook*.
 - The commission was encouraged to add the consideration of the term “national Synod” to its agenda.
 - The commission was asked to provide a bylaw recommendation to address the reappointment of hearing facilitators in Bylaw section 1.10.

58. Future Meetings and Adjournment

The joint meeting with the Commission on Constitutional Matters and International Center staff having consumed a large portion of the commission’s meeting time, the remaining items on its meeting agenda were necessarily held over to its next meetings (January 25–26 and February 23–24, 2013). The meeting was closed with words of benediction by Walter Rosin.


 Raymond L. Hartwig, Secretary