



Metropolitan Chicago Synod
Evangelical Lutheran Church in America
God's work. Our hands.

METROPOLITAN CHICAGO SYNOD, ELCA REFERENCE AND COUNSEL COMMITTEE

PROCEDURES 2011

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INTRODUCTION

Martin Luther was not a parliamentarian, but he certainly understood the term “for the sake of good order.” For the sake of good order, said Luther, God calls and sets apart individuals for the ordained ministry. For the sake of good order, he said, God sets forth lawful civil ordinances in society. Martin Luther, therefore, would not find it unusual that, for the sake of good order, the churchwide organization and synods of the Evangelical Lutheran Church in America use a process to bring forth memorials and resolutions to its assemblies.

Each synod is responsible for addressing the procedures used in Synod Assembly. The main resources used to develop the procedures found in this document include:

- 4/15/09 Memorandum from ELCA Secretary David D. Swartling to Bishops and Secretaries of Synods in the ELCA. Subject: *Memorials and Resolutions*
- 7/14/08 *Recommendations for Synodical Secretaries* from David D. Swartling
- *Rules of Organization and Procedure for the 2008 Synod Assembly* (Northwestern Minnesota Synod)
- *How to Write a Resolution* (Southeastern Iowa Synod)

The Office of the Secretary of the ELCA has been most helpful in the preparation of this document, especially Ruth Hamilton who supplied most of the documents and gave candid conversation regarding the role and make-up of the Reference and Counsel Committee. She deserves our thanks.

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2010 Chair, Reference and Counsel, Metropolitan Chicago Synod

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PART I – GENERAL INFORMATION AND BACKGROUND –
FOR SYNOD STAFF AND COMMITTEE MEMBERS

A. General Information.

Prior to each Synod Assembly of the Metropolitan Chicago Synod, ELCA, a Reference and Counsel Committee consisting of ten members is established¹ by the Synod Council to serve the assembly. *The establishment of a [Reference and Counsel] Committee in a convention represents a limitation of the ordinary right of members to propose any number of motions from the floor without notice – such limitations arising from the need for keeping within a schedule and disposing of a large amount of business within a short time.*² The Reference and Counsel Committee reviews, edits, and expedites memorials and resolutions coming to the assembly. These resolutions and memorials, along with the committee’s recommendations, are brought before the synod in assembly for action.

The Reference and Counsel Committee should be a cross section of the Synod, striving for balance among gender and racial identity, laity and clergy. Among those who are on the committee, it is good practice to have a lawyer and someone with parliamentary experience.

Ideally, the Committee should meet prior to the opening of the Assembly in order to preview the Memorials and Resolutions to come before the Assembly. They will usually meet three or four times during the assembly.

B. Background

In November 1988 the ELCA Church Council voted “that future communications from synods will be dealt with according to ELCA constitutional and bylaw provisions 12.21.c, 12.51.21., 14.21.11., and 14.41.11.” ***The following principles are based on those constitutional provisions:***

- Synod Assemblies address the Churchwide Assembly through memorials. A memorial adopted by a Synod Assembly is submitted to the Churchwide Assembly with a recommendation for action from the Memorial Committee of the Churchwide Assembly.

Memorials should be reserved for broad policy issues that belong in the Churchwide Assembly. Synod Councils may address the Church Council through resolutions, including forwarding actions of the Synod Assembly. The final “resolved” clause of such an assembly action should include this provision:

¹ Metropolitan Chicago Synod Constitution (09/07) S7.01.05.a

² Roberts’ Rules of Order, Section 59 *Organization of a Convention of an Established Society* p. 614

RESOLVED, that the Synod Assembly direct the Synod Council to forward this resolution to the Church Council for consideration and possible action.

- Synod Councils also may address churchwide units through resolutions directed to the Church Council's Executive Committee, including forwarding actions of the Synod Assembly. The final "resolved" clause of such an assembly action should include this provision:

RESOLVED, that the Synod Assembly direct the Synod Council to forward this resolution to the Church Council's Executive Committee for proper referral and disposition under the bylaws and continuing resolutions of this church.

To this end – the addressing of the churchwide expression of the ELCA by its Synods – procedures have been put into place. As ELCA Secretary David D. Swartling notes in his April 15, 2009, Memorandum, *Memorials and Resolutions*, "Synods generally provide that memorials and resolutions (as well as other main motions) be referred to a...Reference and Counsel Committee.... [A] conscientious Reference and Counsel Committee can screen proposed actions and thereby facilitate discussion of important issues and save valuable time at Synod Assemblies."³

The specific Reference and Counsel process is discussed in the next section.

³ 4/15/09 Memorandum from ELCA Secretary David D. Swartling to Bishops and Secretaries of Synods in the ELCA. Subject: *Memorials and Resolution*, page 3

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PART II— COMMITTEE PROCESS DURING SYNOD ASSEMBLY

Ahead of each Synod Assembly, synod staff will publish instructions for submitting resolutions and memorials along with the deadline by which signed resolutions and memorials must be received in the Synod Office.

Many (if not most) memorials and resolutions will be received prior to the start of the assembly. Committee members will receive copies of these memorials and resolutions prior to the assembly. A meeting in advance of the Assembly will begin review of the memorials and resolutions. The synod staff person who relates to the Reference and Counsel Committee will coordinate the first meeting of the committee and distribute copies of the resolutions and memorials that have been received. Committee members should also plan on three to five meetings during the assembly.

As stated in Part I, *The establishment of a [Reference and Counsel] Committee in a convention represents a limitation of the ordinary right of members to propose any number of motions from the floor without notice – such limitations arising from the need for keeping within a schedule and disposing of a large amount of business within a short time.*⁴ The Committee's role, therefore, is to prepare and/or edit the texts of resolutions and memorials to facilitate keeping within a schedule and disposing of a large amount of business.

While *Robert's Rules of Order* goes into greater detail about the specific work of the committee in editing and preparing memorials and resolutions for disposition by the Synod in assembly, here is some basic information.

1. *Standardized form of Resolutions and Memorials*

Resolutions and memorials must be written in a standardized form, including: (a) a title for the resolution/memorial, (b) name of submitter (congregation [name and location], committee, and/or conference), and (c) the date the resolution(s) or memorial(s) was submitted. Resolutions/Memorials submitted by a conference or committee must also include: (d) typed name and signature of conference dean or committee chair *and* (e) minutes from the meeting at which the resolution or memorial was drafted/approved. Resolutions must have at least one Resolved clause (Whereas clauses are optional).

2. *Resolutions preferred over Memorials*

The Office of the Secretary of the ELCA encourages the Reference and Counsel Committee to use resolutions in preference to memorials as resolutions follow a more direct route than do memorials which must go to the Churchwide Assembly and await the assembly's response. They also remind us that a resolution and a memorial may not be combined in one action (i.e., the Church Council and the Churchwide Assembly may not be addressed in the same resolution).

⁴ Roberts' Rules of Order, Section 59 *Organization of a Convention of an Established Society* p. 614

3. *Whereas clauses*
The purpose of the “Whereas” clause is to describe concisely the issue, concern, problem, and basis or need of the resolution. Whereas clauses state the case but technically are not part of the resolution. They should be accurate and factual and should not misrepresent the issue being addressed or offer a false foundation for the proposed action. They should not be argumentative.

4. *Resolved clauses*
“Resolved” clauses point to proposed solutions and define requested action. “Resolved” clauses should define clearly the following: To whom is the request for action addressed? What should be done? What may the action cost and how is it to be funded? When should the action be done? To whom should the results be reported?

5. *Clarity is key, editing is possible with concurrence/consultation of proposer(s)*
Clarity in the text of any resolution or memorial is important. A good test is, “Is this statement clear? Will the resolution make sense to someone who was not present at your assembly?” Under *Robert’s Rules of Order*, the Committee of Reference and Counsel is empowered to screen all resolutions and memorials for clarity and accuracy and may (with the concurrence and/or consultation of the proposer) suggest substantively edited resolutions and memorials. For all cases, if issues exist with respect to the clarity or accuracy of resolutions and memorials, the committee should attempt to confer with the authors to address the issues.

6. *Examples of Motions that cannot be made:*
Obviously, a resolution of a Synod Council cannot direct the Church Council to take a specific action. Likewise, a memorial from a Synod Assembly cannot order that the Churchwide Assembly vote in a particular way. A memorial, by definition, is a proposal appealing for action. For recording and proper disposition, all resolutions and memorials are to be submitted by synods only to the Office of the Secretary of the ELCA and not directly to Churchwide units. As a preliminary matter, confusion exists in places about what may be addressed more appropriately in resolutions to the Church Council rather than memorials to the Churchwide Assembly.

Although many (or most) memorials and resolutions will be received prior to the start of the assembly, the committee may also receive motions during the assembly, especially implementation or continuing position resolutions. Reference and Counsel may also need to review resolutions from the Synod Council meeting held just prior to the Assembly or resolutions from previous Assemblies that are brought forward for further review and action. Other resolutions and memorials may be brought after the deadline (see p. 6) only if they relate to an event or circumstance that happened after the deadline. For the sake of good order, memorials and resolutions received during the assembly must be dropped off at the designated synod office room for distribution to the committee. The committee cannot receive copies of memorials or resolutions directly.

Any resolution or memorial that has a budgetary implication must be brought to the Synod Budget Hearing for comment, especially if it increases the total budget. Any resolution to increase the budget must also present a corresponding reduction elsewhere in the budget.

Remember that not every resolution has to be implemented during the Synod Assembly. Reference and Counsel can, for example, recommend to refer any resolution to the Synod Council or a later Assembly for further review and action.

Disposition of resolutions and memorials:

When the Committee of Reference and Counsel has recommended the approval of a resolution considered by the committee, the committee's recommendation and the text of the resolution recommended for passage shall be the main motion before the assembly.

When the Committee of Reference and Counsel has recommended the adoption of a substitute recommendation for the resolution(s) on a subject, the committee's recommendation shall be the main motion before the assembly.

When the Committee of Reference and Counsel has recommended referral of a resolution(s), the committee's recommendation shall be the main motion before the assembly.

When the Committee of Reference and Counsel has recommended that the assembly decline a proposed resolution without the committee's making any other recommendation related to the same or a closely related subject, the voting member's resolution, if then moved by that voting member and seconded, shall be the main motion, and the committee's recommendation shall be received as information.

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PART III.—RESOURCES

A. Previous Reference and Counsel Members who can act as resources:

For names of people who can give guidance on writing resolutions and memorials, please contact the synod office and ask to speak to the staff person who relates to the Reference and Counsel Committee.

B. Writing a Resolution or Memorial Right: A Quick and Easy Guide⁵

General Guidelines Regarding Writing Resolutions and Memorials:

1. Resolutions and memorials may be submitted by: congregations, synod boards, synod committees, and synod ministry teams, conferences, or voting members of the assembly until April 1 of the year the assembly is meeting. When a resolution or memorial is being submitted by a committee, group, or team, minutes from a meeting of that committee, group, or team showing adoption of the proposed resolution or memorial must accompany the submitted resolution and memorial. Each resolution or memorial must be submitted by at least two people who will be voting members of the forthcoming synod assembly and must include their signatures, typed names, and telephone numbers.
2. A resolution and memorial should be stated clearly and concisely.
3. Resolutions and memorials should be tested before they are submitted. Questions to be asked include, but are not limited to, the following:
 4. Is the information in the resolution or memorial complete and accurate?
 5. Is this a matter which pertains to the life and ministry of the synod?
 6. Is this a matter of significance requiring consideration by the synod assembly?
 7. Is the requested action one which the synod can appropriately and effectively implement?
 8. Is this concern directed to the appropriate unit? Would it be better directed toward the synod council, the executive committee, a synod committee, the synod staff, etc.?
 9. Do other people validate this idea? Have I tested it with other voting members, rostered leaders, etc.?
 10. Does the resolution or memorial answer “who, what, why, where, and when?”, that is:
 11. Who should act on this resolution or memorial?
 12. What are they to do?

⁵ Adapted from the Southeastern Minnesota Synod ELCA; further adapted from the Southeastern Iowa Synod, ELCA

- 13. What is the cost and who (what entity) should bear that cost?
- 14. Why is this being done?
- 15. Where will this be done?
- 16. To whom should the results be reported?
- 17. When will this be done?
- 18. If the resolution or memorial demands changes to the constitution or bylaws, are the proposed changes included in the resolutions and memorials?
- 19. Is the resolution or memorial straightforward? Does it use specific, non-inflammatory, non-argumentative language, including straightforward nouns and verbs?

Formatting Guidelines for Resolutions and Memorials

Resolutions and memorials are required to be written in the following format:

WHEREAS clauses Each WHEREAS section must clearly state a REASON for the resolution or memorial. Each reason should be a separate WHEREAS. Keep in mind that “whereas” clauses are not required as part of the resolution or memorial and are not voted on, but only supply supporting information. Writers of resolutions and memorials are encouraged to be succinct should they choose to submit whereas clauses.

RESOLVED clauses Each RESOLVED clause must clearly state the action desired: what should be done, who should do it, how it should be done, and when it should be done. Each action should be a separate RESOLVED so the assembly may deal with them individually.

If a resolution and memorial requires **one action**, use the following format:
RESOLVED,_____.

If a resolution or memorial requires **more than one action**, the following format is used:
RESOLVED,_____; and BE IT FURTHER
RESOLVED,_____.

If a resolution or memorial is **preceded by a reason for submitting it**, the following format is used:
WHEREAS,_____;
THEREFORE BE IT RESOLVED,_____.

If a resolution or memorial is **preceded by two or more reasons**, the following format is used:
WHEREAS,_____; and
WHEREAS,_____;
THEREFORE BE IT RESOLVED,_____.

Additional Guidelines

Resolutions and memorials must be written in a standardized form, including: (a) a title for the resolution/memorial, (b) names of submitters (congregation [name and location], committee, and/or conference), and (c) date the resolution or memorial was submitted. Resolutions/Memorials submitted by a conference or committee must also include: (d) typed

name and signature of conference dean or committee chair, AND (e) minutes from meeting at which the resolutions or memorials was drafted/approved.

To see examples of past resolutions and memorials, see the synod Web site (<http://www.mtselca.org/assembly/>) or call the office (773-248-0021).

A hard copy of each resolution or memorial, signed by two people who will be voting members of the assembly, must be in the synod office by April 1. The Synod Reference and Counsel Committee will process resolutions or memorials to “bring to the floor.” Members of the Reference and Counsel Committee are also available to provide suggestions for writing or directing resolutions and memorials. Contact the synod office at 773-248-0021 for a list of available members.

Resolutions and memorials submitted after the April 1 deadline will be considered only if they relate to an event or circumstance that arose in the intervening period. The Reference and Counsel Committee will meet with the signers to determine whether such a resolution or memorial will be brought to the floor of the assembly for consideration.

C. *Memorials and Resolutions* April 15, 2009, Memorandum from David D. Swartling, Secretary, Office of the Secretary, ELCA (PDF attached)