

HOW WE LEFT THE ELCA

**THE STORY OF PEACE LUTHERAN CHURCH
OF
PALM BAY, FLORIDA**

MAY, 2010

**BY
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The information in this document does not claim to have legal precedent tested in a court of law. It is information gleaned by a careful reading of our constitution, the constitution of the ELCA, advice and discussion from our lawyer, and from our own practical insight and experience.

About the Author:

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INTRODUCTION

I'm just a pastor who never thought he'd have to do this.

I wasn't even raised in the Lutheran Church. Lutheran congregations were few and far between in New Hampshire in the 1960's but there happened to be one in Rochester where I grew up. My wife, Cheryl, was led to the Lord first through the ministry of this congregation while she was still a teenager. It took me until my early 20's, after we were married and our daughter was to be baptized. I was captured by the Word of God, our Savior Jesus Christ, and everything changed. As I learned the scriptures from our Lutheran perspective, I discovered that I had always really been a Roman Catholic following in the footsteps of Martin Luther. The Word of God was authoritative and was lifted above tradition and episcopacy. It stood as the Law and Gospel over my life. I was freed in Christ. It was a wonderful discovery, one I still cherish and one I will protect and pass on to the next generations.

All I have ever wanted to do is proclaim the Gospel of Jesus Christ. Politics and denominational structures were never what it was about. I knew I was low-church and congregationally focused but that was more an affectation than a stand. Then we started to call District Presidents bishops because other denominations with whom we cooperated did not understand what a district president was. OK, so we accommodated.

Red flags started to wave as we formed the ELCA. No mutual understanding of ministry. Don't worry, we'll figure that out later. Then the implementation of episcopal structures that we were told didn't really mean what we thought they meant. Then constitutional changes made at church-wide assemblies sent down to congregations through synods as requests to include. And finally, a decision that took away the very thing that attracted me to the Lutheran Church to begin with.

When I became a member of the Lutheran Church the Bible was the final authority. Tradition interpreted scripture but was authoritative only in as much as it rightly revealed the Word of God. Clergy derived their authority only by the right preaching and proclamation of the Word of God. Those priorities began to change a few years ago. All of a sudden the episcopacy rose above the tradition and clergy became the arbiters of the tradition. I could swallow that, barely. With the recent decision of the August 2009 Church-wide Assembly of the ELCA, the final step of a very long and slow process was completed. The authority of scripture was placed under the authority of the episcopacy. The church now speaks to the scriptures rather than the Scripture speaking to the Church (capitalization intentional).

The position I've taken is not against anyone though it will be characterized by some in that way. This is a stand for the authority of God's Word in the Church. I never thought I would ever have to make that clear or to take this stand in this Church. I became a pastor in the Lutheran Church to fulfill the Great Commission, not to defend the Word from a challenge from the inside. But, this is precisely what I have had to do. I'm just a pastor who never thought he'd have to.

Chapter 1 Speaking for our Situation

I'm neither a constitutional scholar nor a lawyer. All I really know is what I've learned through my research and discussions with legal counsel as I walked with my congregation through the process of leaving the Evangelical Lutheran Church in America (ELCA). At the end of this process I recognize that the Lord equipped me over the years with the personal and spiritual resources needed to do more than just survive, but thrive. He equipped me with conflict resolution skills, the right attitude and the right orientation toward authority. I hope to share some of that with you.

One thing I've learned is that the unique situation of each congregation is going to affect the approach one takes toward this process. First of all, our congregation was formerly part of the American Lutheran Church (ALC). That makes a difference. When the ELCA was being formed in 1987, issues over property ownership and congregational authority differed between the former Lutheran Church in America (LCA) and the ALC. Those differences resulted in two options in the Model Constitution for Congregations of the ELCA. In formerly ALC congregations, property ownership remained with the congregation if two-thirds (2/3) of the voting membership decided to transfer its denominational affiliation or if it was removed from the roster of congregations of the ELCA through disciplinary procedures. I know the constitutional language of formerly LCA congregations is different than what we dealt with.

I also learned to make the distinction between ecclesiastical authority and civil authority. The original property of our congregation was deeded to the congregation and not to the synod or to the congregation in trust for the synod. It was given to the congregation by the company that developed the surrounding area. The articles of incorporation are all in the name of the congregation. From a civil perspective, our congregation is an independent corporation that voluntarily relates with the denomination. The congregation is autonomous. The authority is vested in the congregation.

I suspect most if not all formerly ALC congregations established in the years before or leading up to the ELCA will find their originating documents to be similar to ours. That's the way the ALC operated. They wanted to have independent congregations. The denomination has ecclesiastical authority. They can function within the provisions of the constitution of the ELCA. But as we will see, those provisions do not lay the framework for civil authority. You have to look to your civil documents to see who owns the property and who has final authority. Even the ELCA constitution recognizes that ultimate authority resides in the congregation. More about that in Chapter 4.

What a congregation has done with its constitution over the years also makes a difference. In 1987 we adopted a model constitution for ELCA congregations. There was a provision within the ELCA constitution that stated that constitutions of the ELCA, synods and congregations were to be in harmony. The intent was to make sure that all the congregations of the newly formed denomination would update their constitutions to be in harmony with the model constitution. Nothing more was

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heard of this “harmony” provision until 1999 when the Church-wide Assembly of the ELCA changed language in the Model Constitution for Congregations of the ELCA. Those changes were sent to the synods and synods sent those changes to church councils with a request (not a directive) to present those changes to their congregations and update their constitutions.

We consciously and intentionally did not recommend those changes to the congregation. Though the original constitutional changes were insignificant, the writing was on the wall. Others would come down over the years that would be significant and, in fact, that is what happened. The worst were changes that completely overturned property ownership provisions of the original model constitution for congregations.

There is a legal precedent called “ratification.” If a congregation included these constitutional changes over the years, it can imply that the congregation by its actions ratified the authority of the synod over the congregation, since it included in its constitution changes that were directed by the church-wide assemblies and sent down by the synods. The synod will claim that the current and updated Model Constitution for Congregations of the ELCA takes precedence over the constitutions of congregations. In our situation it did not take precedence because we never ratified the synod’s authority by including the changes, and also because of the civil authority that resides in the congregation. That answer may be different in congregations depending on whether they included those changes over the years and the situation with their civil documents.

But all is not lost. “Constitutions” by nature deal with ecclesiastical authority. Even if you have previously submitted to some changes and not others, and even if the synod could claim ratification of their “ecclesial” authority, if your civil documents are in the name of the congregation, final authority resides in the congregation. The synod could implement disciplinary procedures against a congregation but, as you will see in Chapter 4, the worst result would be removal from the roster of ELCA congregations. If you are reading this pamphlet, this is likely what you want anyway.

ACTION STEPS:

1. Research your unique situation.
2. Locate and read the Articles of Incorporation for your congregation.
3. Find or secure copies of the deeds for all property of the congregation.
4. Study your constitution and follow it precisely.

FINAL THOUGHT:

- a. You need to know the basis of your authority as a congregation and as leaders of your congregation. If you are unsure, you will fold under pressure.
- b. Expect sleepless nights and a lot of time on your knees.

Chapter 2 Our Story

Our story may be a bit unique from what many of you may experience. We had five retired pastors in our congregation, all of whom took a position different from me and the 2/3 majority of this congregation. Four of the pastors were members. One of these was the previous mission director for the synod for 23 years. Four of these pastors supported the ELCA August 2009 Church-wide Assembly decision on sexuality. The fifth pastor disagreed with the decision but felt it was best to stay with the ELCA. A few other lay members of the congregation were also closely tied to the ELCA organization through WELCA and the conference.

I made it clear for years that I could not and would not support a decision of the denomination if it abandoned the authority of scripture. It was not a surprise when, in September 2009, I announced that I could not condone the Church-wide Assembly's decision. An initial survey was done of the congregation showing that the congregation could easily lose a third of its members if the church council did not move quickly to let the congregation know that we would proceed with a vote to leave the ELCA. We needed to take conscious and intentional steps to bring the issue to the congregation.

In October and November our church council moved forward with informational meetings and scheduled a first vote for December 6, 2009. Unfortunately, there was a fair amount of complacency among many who believed that this decision of the congregation was a "no brainer" and that it would easily pass the 2/3 muster of the congregation. Unfortunately, complacency ran headlong into the face of concerted organized opposition. The vote lost with 64.5 % in favor of leaving, only a few votes short of passage.

The following Sunday, I made this announcement to the congregation.

The final tally (of last Sunday's vote to leave the ELCA and transfer our membership to LCMC) was 135 in favor and 74 against. A two-thirds majority was required for the motion to pass. It failed with 64.5%, a difference of 5 votes. This certainly demonstrates a major division within this congregation.

So what's next? As for me and as Peter's supervisor, I have a commitment to Peter and Janelle to make sure that Peter's internship is completed to the satisfaction of Luther Seminary. Peter and I are in conversation with Pr. Rick Foss, Director of Internship at Luther Seminary, and we are reviewing various options. It is up to Pr. Foss to decide how Peter's internship requirement will be completed. I also have a responsibility to the 64.5% of our members who followed my

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leadership and I respect the decision of those who voted against last Sunday's resolution.

When I am able to satisfy these competing responsibilities, especially my commitment to Peter, I will resign as the pastor of Peace Lutheran Church. In the meantime, I am still the pastor of Peace Lutheran Church and I will fulfill my responsibility as pastor to those who followed my leadership, as well as to those who rejected it. We will celebrate Christmas, the birth of Jesus our Savior. When these competing responsibilities can be satisfied in good and proper order, I will part ways amiably.

I was asked by several people what we do next. I noted that I would stay in the area and establish a new congregation, one that belonged to Lutheran Congregations in Mission for Christ. In fact, several members established a launch team for this new congregation and began meeting. I met once or twice with this team in December.

There was another option that was being prayerfully considered. I was asked what constitutional steps were required for the members of the congregation to call for a special congregational meeting to reconsider the option to transfer the congregation's denominational affiliation. I gave the information requested but advised against it since I knew that when conflict continues it only escalates and I would have saved the members of the congregation from that turmoil. Nevertheless, a petition was passed calling for a special congregational meeting to vote again on a motion to leave the ELCA and join LCMC. Almost three times as many signatures as required were presented to the church council and, fulfilling their constitutional responsibility, they scheduled a special congregational meeting for January 17, 2010.

We notified the synod office of this change and of the newly scheduled special congregational meeting. We received two letters of reprimand from the synod office notifying us that the members of the congregation who had previously formed the launch team for the new congregation were to be removed from any leadership position within our congregation and that they were to be denied their voting rights in the congregation. I was further advised that I was not to have any further contact with this launch team.

This was the beginning of our real learning process. Emails, phone calls, talks among the people involved and the church council were frantic. None of us ever confronted this kind of treatment and were unsure how to proceed. All the principals involved ended up either resigning from the congregation or refraining from voting at the January 17th special congregational meeting, in order to protect the congregation from any undue consequences and protect the vote of the congregation. Keep this little fact in mind as we completely reversed our response to this directive from the synod a few weeks later. I had no further organizational contact with this launch team.

Despite these disturbing developments...maybe because of them...the motion passed at the January 17th meeting of the congregation with 68.5% in favor. The weeks, especially the Sundays

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leading up to this meeting, the meeting itself, and a few weeks following this meeting, were difficult and unpleasant. Since early October someone was sending anonymous emails to the congregation titled "Peace Makers" that were anything but peaceful. They implied and alluded to terrible claims couched in pretty language that we were supposedly involved with. We were awash in rumors claiming all sorts of hidden manipulative agendas and embarrassing secrets. Washington politics had nothing on some of the stuff that was being spread. One thing I learned is that such accusations and claims are made by those who have practiced such tactics in the past and used these tactics themselves in this situation. They were really describing their own behavior and assumed we were doing the same because they would have in our situation.

Following the passage of the vote on January 17th the behind-the-scenes power attempts really took off. The previously mentioned retired mission director and a few other families in the congregation sent letters of complaint to the synod bishop. This gave the bishop the excuse to initiate an adjudicatory process based on provision C15.11 of the Model Constitution for Congregations of the ELCA. (Keep this provision in mind because it plays a central role in what follows.) At first we tried to cooperate to reassure the synod office that the claims had no foundation in truth. We thought that maybe the synod office would actually remain neutral in this congregational matter. Looking back on it, that was a pretty naïve expectation. We sent copies of several documents demonstrating that the vote of the congregation at its January 17th meeting was in fact a valid and legal vote. Everything was in order. Rather than graciously accepting this validation we were told that this was a good start for what they would need to review and that the 90-day bishop's consultation period did not begin until the adjudication process was ended. We were told that everything was all at the discretion of the bishop.

That last part made me wonder, "Who does he think he is?" This is not an episcopally-based system, but a congregationally-based system. Authority resides in the congregation. We went back to the constitution of Peace, and secured the counsel of an attorney. We first discovered that the congregation's constitution did not include provision C15.11. If we submitted to this attempt by the synod to impose their constitutional authority in an area that our constitution did not recognize, we would in effect be ratifying their supposed authority over the congregation. We would not sacrifice the congregation's power or authority. It was also during this time that a review of the congregation's articles of incorporation and deeds showed that the civil authority also rested in the congregation.

During these weeks we also had our regular annual meeting of the congregation. Eight out of 14 positions were open on the church council. Fifteen names were nominated to these positions and the nominees were clearly divided between those who wanted to leave the ELCA and those who wanted to stay. All eight positions were filled by those who wanted to leave the ELCA and join LCMC. The people elected received two to three times the number of votes as those who were not elected to these positions. The church council understood this to be a clear indication of the direction the congregation wanted to take. With this reassurance of the congregation's desire, the advice of counsel and the clarity of our civil documents, the church council informed the synod office that it would not submit to the adjudication process and that

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it was moving forward by scheduling the second vote of the congregation for April 18, 91 days following the first vote of the congregation.

After not hearing from the synod office for almost three weeks, this elicited an almost immediate response. We were informed that it would be inappropriate for us to move forward with the April 18th meeting of the congregation because the adjudication process had not been completed. We were told that an adjudicatory committee would meet at Peace, that we would have the donor list of members for the current and previous two fiscal years available and that we would call a special meeting of the congregation for the Wednesday following Easter for the bishop to report the results of the adjudicatory committee and make recommendations to the congregation.

The church council resisted this final push from the synod. We sent a letter to the bishop stating in no uncertain terms that we would not submit to anything in his letter. We also sent a special mailing to the congregation updating the membership on all the actions that had gone on in the background over the weeks. In this letter to the congregation we included the letter to the bishop in its entirety. This letter to the congregation sent out the week before Holy Week follows.

Dear Brothers and Sisters in Christ,

I'm sure you have noticed the change in tone at Peace especially since our February 14th Congregational Meeting. A sense of worship, fellowship and peace has returned. Your leadership has worked hard to protect the spirit of our congregation and to grow through this trying time.

Our average Sunday worship attendance has dropped as expected, but has remained over 200 each week with a high of over 220. Mid-week Lenten services have been very well attended with around 90 people participating at worship and about 30 people attending our bible study. Stephen Ministry, Youth Group and Confirmation, Brothers of Peace Men's Group, Small Groups all continue to serve in our congregation. We have worked hard to retain our focus on ministry and mission in this troubling time.

However, it is time to let you know all the details of what has been happening in the background between the Florida-Bahamas Synod of the Evangelical Lutheran Church in America and your church council and pastor. We have been managing these details in the hope to not burden or trouble you and retain our focus on worship and fellowship. As we near our April 18th Special Congregational Meeting, it is very important that you know all the details, including the most recent actions of the Florida-Bahamas Synod and our response. This may be an involved, complicated story for many of you, but please take your time to carefully read and reread this letter.

As you know, at our January 17th Special Congregational Meeting we voted by over a 2/3 majority to sever our ties with the Evangelical Lutheran Church in America and to join Lutheran Congregations in Mission for Christ. We explained that this was not the end of the process but the beginning requiring, according to our constitution, 90 days for the bishop to consult with the congregation and a second vote of

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the congregation after these 90 days. This second vote is the purpose of our Special Congregational Meeting scheduled for April 18th, 91 days following our January 17th meeting.

Within days of our January 17th meeting, several letters from members of our congregation were written to the bishop requesting his intervention, claiming inaccuracies in our voting membership and questioning the validity of the special congregational meeting itself. The most critical of these letters claimed that the congregation is dysfunctional and questioned the integrity of the pastor, the church council, the validity of our membership rolls, voting lists and claimed voting irregularities.

In a letter dated January 26th and addressed to pastor and the Peace council, the Florida-Bahamas Synod quoted constitutional provision “C15.11 of our congregation constitutions” as their authority to intervene. They initiated an adjudicatory committee to investigate these claims. Keep constitutional provision C15.11 in mind. It becomes part of the growing story.

In our attempt to be cooperative, within a few days of receiving this letter, we faxed copies of what we thought would satisfy the questions being raised. The following documents were faxed to the synod office in Tampa on February 5th:

1. A copy of the petition calling for a special congregation meeting to reconsider the vote of December 6, 2009;
2. The minutes of the December 29, 2009 Special Council Meeting where the petition was presented to the council and the action taken by the church council to schedule the January 17th meeting;
3. A copy of the sign-in sheet used to verify voting membership at the Special Congregational Meeting of Sunday, January 17, 2010;
4. A copy of the signed results of the Counting Committee from the meeting of January 17, 2010;
5. A copy of the review of the sign-in sheet of voting members conducted by Cathy Maples, Scott Chase and Chris Ramsey with the help of our Church Administrator, June Trotter, following the meeting of January 17th; and
6. The minutes of the council meeting of January 22 where, following a review of Robert’s Rules of Order, the corrected tally of the vote of January 17 was finalized.

Despite this effort to be cooperative and forthcoming, (name withheld by author), Assistant to the Bishop, informed us that much more would be required and that the 90-day period before the next congregational meeting could not begin until the adjudication process ended.

Following this contact, the Florida-Bahamas Synod took no further action. However, our church council began a review of our constitution and discovered that the constitutional provision quoted by the synod in its letter of January 26th, “C15.11 of our congregation constitutions” is not included in the constitution of Peace Lutheran Church. Further, there is no provision in Peace’s constitution that gives the authority to the synod to delay the second vote of the congregation.

We decided to consult an attorney. We were led to Attorney (name withheld by author), Melbourne, who specializes in real estate and issues dealing with churches. Our discussion with Attorney (name

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withheld by author) confirmed what we had come to understand from our own research; that Peace Lutheran Church is independently incorporated in the State of Florida, serves under its own tax-exempt status, all property and articles of incorporation are in its name, and it voluntarily relates with the Florida Bahamas Synod of the Evangelical Lutheran Church in America.

On February 24th, a letter was sent to Bishop (name withheld by author) from the church council and pastor. We noted that, following our review, we determined that it is our responsibility to follow the provisions of our constitution. We noted that we did not recognize the authority of provision C15.11 (the one that is not in our constitution) and we would be moving forward with our Special Congregational Meeting on April 18. We invited the bishop to complete his consultation process within the 90-day period we have provided.

We received a response from the synod on March 2nd. In this letter, the synod reasserted its authority over the congregation and issued several directives:

1. They scheduled a meeting of the Adjudicatory Committee to meet at Peace for Saturday, March 13th at which the pastor, council president and two other representatives of the congregation were to be present;
2. Directed that we call a special congregational meeting for Wednesday, April 7th where the bishop would report the results of the adjudication process and make his recommendations to the congregation;
3. Informed that it would be out of order and improper for Peace to move forward with its April 18th Special Congregational Meeting;
4. Informed that the 90-day period of consultation is under the sole discretion of the bishop.

We again consulted with Attorney (name withheld) and he advised that we resist all aspects of this letter.

We have responded to the synod with the following letter. In the interest of full disclosure, we include it here in its entirety.

Dear Bishop (name withheld),

Obviously, we disagree over the constitutional provisions that govern final authority within the ELCA. You are surely well aware that this difference of perspective is ingrained within the constitution of the ELCA itself.¹ “Interdependence” does not translate into dominance of one expression of the church over another. Peace “is a separate legal entity and is responsible for exercising its powers and authorities.”²

We further reject your reasoning in paragraph four of your March 2nd letter that provision C6.01 of our constitution requires acceptance of C15.11 (we assume you are referring to provision C15.11 in chapter two page two of your letter, though it reads C17.11) as though other church expressions may dictate and usurp the power and authority vested in the congregation.

Peace Lutheran Church is independently incorporated in the State of Florida. It has its own tax-exempt status. The original deeds of all church property and the articles of incorporation are all issued in its name. We recognize that the ecclesiastical governance of the Florida-Bahamas Synod is under the

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bishop's discretion. We also recognize that the governance of this congregation is under the authority of this congregation's leadership at the discretion of the congregation. We will protect and exercise this authority. As an independent corporation, we voluntarily relate with the Florida-Bahamas Synod of the Evangelical Lutheran Church in America and we do not surrender any of the congregation's authority or power.

We are aware that you have the ecclesiastical right to initiate disciplinary procedures against the pastor and this congregation. We are also aware that an outcome of such discipline could be removal from the roster of the ELCA³ and in such case the property of the congregation would remain with the congregation.⁴

We are also aware that the congregation has clearly expressed its will. At a legally called and conducted meeting of this congregation, over two-thirds of two-hundred and fifty-eight people in attendance out of a possible three hundred and seven voting members voted to transfer our affiliation to Lutheran Congregations in Mission for Christ. At our February 14th Annual Meeting, eight people of the fifteen nominated to the Church Council were clearly in favor of this direction and all eight were elected by large margins (2 to 3 times the number of votes garnered by those who disagree with this direction). All fifteen members of the Church Council are unified on this issue. Worship attendance and financial giving has stabilized with only a small loss in average attendance. Despite a few disgruntled reports to the contrary, Peace Lutheran Church is doing very well, is acting in proper order, and favors transferring our affiliation.

In light of these facts, we will not submit to the adjudicatory process detailed in your March 2nd letter. We will not participate and are not available for the meeting you scheduled for Saturday, March 13th. We will not call a special congregational meeting for Wednesday, April 7th as you have requested. We are moving forward with our Special Congregational Meeting for Sunday, April 18th where we will conduct the second vote of the congregation to transfer our affiliation according to the provisions of our constitution section C06.05.

We are open to your consultation visit with the congregation according to the provisions of our congregation's constitution. You may schedule a visit at our convenience. You or your representative is invited to be present and observe our Special Congregational Meeting of Sunday, April 18th according to the provisions of our constitution.

You may direct any legal matters to our attorney, (name withheld), Esq. His contact information is:

(Information withheld from this publication by author.)

Under His Mercy,

The Rev. Dr. Daniel G. Gilbert
Pastor

The Church Council of Peace Lutheran Church
Mr. William Love, Council Secretary

¹ Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, C5.01.c, C8.17, C9.30 and 31

² Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, C5.01.c

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³. Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, C20.31.01 and 02 especially C20.3102.d

⁴. Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, C9.71.c

(Note: copies were also sent to the synod administrator, attorney, vice-president, secretary and assistant to the bishop. Names are withheld by author.)

Dear Brothers and Sisters, we know that these actions by the Florida-Bahamas Synod are troubling. We have tried our best to keep this process friendly and cooperative. However, we have been forced to respond clearly and directly to the attempt to impose an ecclesiastical authority over this congregation that is unwarranted. We have sent you this special mailing so you know the actions that have been taken by the Florida-Bahamas Synod and our responses. There is a lot to absorb. Please read it carefully.

Our Special Congregational Meeting is Sunday, April 18th at 1:30 p.m. Remember, this final decision is going to be made by those of you who are present and voting. Please put your attendance at this meeting on your highest priority. Let the voice of our congregation speak and be heard.

We Are Under God's Care and Mercy,

The Rev. Dr. Daniel G. Gilbert

The Council of Peace Lutheran Church
Mr. William Love, Council Secretary

The Church Council took two further actions. The Council invited the members of the congregation who had previously resigned or refrained from voting at the January 17th meeting to return to voting membership at Peace. Those members who expressed a desire to take this action were reinstated at the April meeting of the council before the April 18th meeting of the congregation. The council also decided to voluntarily release to the synod the donor list previously noted in the synod's correspondence to the council. It released only the names of members who had made a donation of record to the congregation for the current and two previous fiscal years. With this information in hand, the synod had every document they had requested and more that we had released to verify the veracity of the meetings of the congregation. There was no evidence to the claims made by the few who initiated the complaint to the synod and the synod never issued any opinion to the contrary.

About a week and a half before the second vote of the congregation, the bishop sent a direct mailing to the members of the congregation. We do not know where they secured the mailing list. We assume that one of our retired pastors released a directory to the synod. The church council

responded to the synod letter with our own letter of reassurance to the members of the congregation. In part it read:

You may have received a letter this past week from Bishop (name withheld), of the Florida-Bahamas Synod questioning the validity of our January 17th first vote of the congregation and the constitutional validity of our April 18th second vote of the congregation.

We want to reassure you that this Sunday's congregational vote is a legally binding vote of the congregation. We have faithfully followed the provisions of our constitution and according to legal assessment our constitution supersedes the synod constitution.

The actions of the church council over the past several months and years have protected the authority vested in the congregation. The bishop's letter claims that we "failed" to add the provisions of the model constitution for congregations that were changed at the bi-annual Churchwide Assemblies of the Evangelical Lutheran Church in America. We did not fail. Following each bi-annual Churchwide Assembly over the last ten years, the Church Council reviewed, discussed and decided not to present the recommended (not mandated) changes. Further, the synod failed to challenge these decisions until now. Would you really have wanted to surrender your rights to the synod? We have protected the authority vested in the congregation and your ability to exercise your right to choose our future.

The bishop's letter also claims that they have been unable to investigate whether our January 17th meeting was conducted in proper order. In fact, we voluntarily provided the synod every piece of information they have requested to investigate the concerns raised by a few members of the congregation. The information we provided clearly shows that everything is legal and was done in proper order. Further, despite our invitations, the bishop has failed to consult with the congregation according to the provisions of our constitution. This week we have again extended a request for him or his representative to be present at our April 18th meeting of the congregation to observe our proceedings.

Your church leadership has protected your right to decide the direction of our congregation. We are finally at the point where we can put this issue behind us and move forward with ministry. We encourage you to exercise your right by attending our April 18th meeting and casting your vote.

The final attempt to disrupt the proceedings of the congregation happened at the Special Meeting of the Congregation on Sunday, April 18th. In my 29 years of ministry, I have never seen behavior like this from people who claim to be Christian. The assistant to the bishop arrived at the meeting without prior notice and wanted to have voice during the meeting. The council advised the chair not to grant personal privilege since the synod had opportunity to speak to the congregation over the previous 90 days and according to the constitution only voting members are given voice at meetings of the congregation. Also, the motion to close debate and move directly to the vote was made and passed by well over the two-thirds required for this motion. Yet, the bishop's assistant approached the microphone and requested personal privilege and when it was not granted, he noted that he would stand at the microphone in protest until he was given voice at the meeting. He stood at the microphone for the remainder of the meeting and tried to speak during the recess

while the ballots were being counted. Music was played as previously arranged for during that lull in the meeting.

People who were opposed to the motion stood and shouted from their seats, shouted at the chairlady from the microphone, and one grabbed the ballots from the hands of one of the ushers while they were being collected. Also, a large full-grown man confronted one of our 16-year-old boys when the young man noted that this was no way to act in church. The young man's mother was so concerned for her son's safety that she asked that the police be called in because of what she perceived to be threatening behavior. No one in favor of the motion shouted back or created a scene. They quietly protected the usher and the young boy who were accosted and slowly stepped up to the people who were creating a scene. Despite the attempted disruption, the motion passed with 71.4% of the vote with 256 voting members present out of a possible 307.

It was satisfying that the vote to transfer our affiliation to LCMC passed but it was not a time of great celebration. We knew that the congregation would be divided by the action of the 2009 ELCA Church-wide Assembly to ignore the clear teaching of Scripture. We also knew that the larger majority of the congregation would remain together either at the current site or a new location under a new name. The April 18th vote tolled the end of this chapter. The congregation has since received several resignations and transfers. This has divided families and friends.

This is the work of the Lord. This has forced us to reconsider what we believe and where our loyalties lie. Is it with the Lord or with an institution and property? We left all of this in the Lord's hands and we have and will grow from this experience. He is doing a new thing in his Church and this is a new start for our congregation. The Spirit is not done with us yet.

ACTION STEPS:

1. Know your congregation. Do a survey to determine the strength of support and opposition.
2. Pray, plan and prepare for whatever the results of the vote.
3. Know and follow exactly the pertinent provisions of your congregation's constitution. Don't think you understand it after one quick reading.

FINAL THOUGHTS:

- a. Don't be complacent. Be conscious and intentional about all your actions.
- b. Give the final results up to the Lord. Do not try to manipulate the situation.
- c. Don't be surprised by what people will do when in a conflict situation. Keep yourself balanced and in the right attitude regardless of what others might do.
- d. Keep your hands clean. Make sure that all pertinent information is on the table for everyone to see.

Chapter 3

Proceed with the Right Attitude

The hardest part of dealing with conflict that by its very nature will take several months to resolve is that it will get worse. Unresolved conflict grows through several stages and in its final stage becomes personal with an us/them, win/lose attitude. The really hard part is not allowing yourself the satisfaction of retribution for the personal attacks and vicious rumors that are bound to happen. The really hard part is not allowing yourself or giving yourself permission to use the same tactics that those arguing the other side may use. You cannot allow your approach to become personal. You cannot allow your approach to be anything other than on topic and focused.

You have a disagreement with the ELCA over its 2009 Church-wide Assembly decision to allow for the ordination of practicing homosexuals in a monogamous relationship. You believe that this decision undermines the authority of God's Word, the Bible. You believe that this decision results in the ELCA being an apostate church and that you cannot associate with apostasy. By virtue of this view you have chosen to leave the ELCA and transfer your affiliation to another Lutheran Church family. You are in the midst of leading your congregation through that decision-making process. You must remain focused on what this is really all about and follow persistently the steps laid out in your congregation's constitution to manage this decision making process. This is the topic and your focus of attention.

When you are in the middle of this process, the issue will be about everything else but the real issue. Personal issues will become front and center. Fears about the future without the support of the denomination will be raised. Rumors (another term for lies) will circulate without any knowledge of their source. Misinformation and disinformation will be used to cloud the issue. There is also the persistent resistance to change that wants to keep everything the same. You must speak clearly to the topic and remain focused on the process. Engage and involve as many people as you can. Communicate through every available means. Personal face-to-face conversation or a recognized voice over the phone is the best way to proceed. Be patient and persistent.

St. Paul said that the "scriptures give us hope and encouragement as we wait patiently for God's promises to be fulfilled" (Romans 15:4b). King Jehoshaphat of Judah knew what fear and anxiety felt like in the midst of conflict. Nations with whom he had been at peace formed an army to attack God's people. He prayed to the Lord and God sent him a prophet with a message. He said:

"Do not be afraid! Don't be discouraged by this mighty army,
for the battle is not yours, but God's"
(2 Chronicles 20:15)

And then the prophet went on to say:

“But you will not even need to fight.
Take your positions; then stand still
and watch the Lord’s victory.”
(2 Chronicles 20:17)

This is not “your” battle. This is the Lord’s work. If you truly believe that you are standing in the will of the Lord then there is no need for you to “fight” but simply take your “position,” “stand still and watch the Lord’s victory.” St. James warns us that our tongues are small members that boast of great exploits, a restless evil and full of deadly poison (James 3:5-8). It would be well if we all take heed of his warning and simply trust in the Lord our God to bring this conflict to His good end. The battle belongs to the Lord.

How I would love to paint a portrait of harmony by describing our lives without conflict, issue or concern. However, that condition exists only in God’s eternal kingdom and I would be a liar if I were to proclaim “peace, peace when there is no peace” (Jeremiah 6:14). For as long as we live on this earth, even in the best of times, there will always be something to contend with.

This is why God provides his armor and St. Paul encourages us to put it on (see Ephesians 6:10-17). The protection God provides includes his truth, righteousness, peace that comes from the Good News, faith and salvation. There is no offensive weapon only “the sword of the Spirit which is the word of God” (Ephesians 6:17).

There is no attack strategy in God’s way of dealing with life’s issues. We simply abide in the Word of God, proclaim his truth, rest peacefully in the Good News that Jesus has died and risen to new life for us, and live by faith in the hope of salvation. That’s it! We leave everything up to God.

Amazingly, St. Paul even tells us to rejoice when “we run into problems and trials” because they help us to develop endurance and “endurance produces character, and character produces hope, and hope does not disappoint us.” (See Romans 5:3-5) St. Paul’s advice to the Thessalonians is the same for us 2000 years later as it was for them whenever they faced difficult times. He said, “Rejoice always, pray without ceasing, give thanks in all circumstances; for this is the will of God in Christ Jesus for you.” (1 Thessalonians 5:16-18)

Yes, this makes no worldly sense. Yet though we live “in” the world, we are not to be “of” the world. God calls and equips us to live in the way of his kingdom...a way that rejoices and gives thanks in all circumstances. So be encouraged in whatever you face because God knows your needs and he is faithful to fulfill his promises.

Proceeding with the right attitude is most important of all. You need to give the result of your efforts into the hands of our Lord. Whatever happens you give thanks. You do not engage in battle. You simply take your stand and watch the victory of the Lord. You remain on topic and focused. You do not use worldly tactics to “win” the battle.

Think of it this way. What would you really win if you adopted an attitude in this process that ignored the guidance of God’s Word on how to deal with conflict? What if you won the battle by using worldly tactics or returning tit-for-tat the injustice rendered by others? You would be undermining the very thing you are claiming to uphold, the authority of the Word of God. Even if you won, you would have lost.

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ACTION STEPS:

1. Discover what Bible texts will guide you and remind you of the right attitude.
2. Pray persistently and remain focused.

FINAL THOUGHT:

- a. The battle belongs to the Lord. You need to only take your stand.

Chapter 4

Know Your Constitutions

Hopefully, you recognize by now how important it is to know your constitution (including bylaws) and to follow its provisions precisely. This is not casual reading. Read it together and discuss what it implies. Write down your action steps based on its provisions. Make sure you cover every one in a timely manner. The more confident you are that you are doing everything in proper order, the more confidence you will have in your authority as leaders and a congregation. This is like nothing you have ever done. Every single detail must be addressed.

There are differences within the constitutions of congregations. The synod will claim that it has had to “correct” these old constitutions but the truth is the synod is bound by the congregation’s constitution that they previously approved in past years. The changes to the model constitutions for congregations were sent to congregations but adding these changes was not mandated. They did not have the power then to force these changes upon a congregation and they do not have this power now to implement them though they may claim otherwise. Know your constitution and follow precisely what it says.

You also want to know what the constitution of the ELCA itself says about the authority of congregations, the relationship between the different expressions within the ELCA, the process and end result of discipline of congregations and the disposition of a congregation’s property. These provisions have to do with ecclesiastical authority. When you come right down to it, the ELCA and its synods have no power over congregations if a congregation really doesn’t care if it remains within the denomination. The worst action (or the best depending on how you look at it) is for the synod to remove a congregation or a pastor from the roster of congregations or the roster of clergy in the ELCA. So what! Who cares? If you want to leave the ELCA anyway, let them take that action.

In fact, that is one strategy you could take in separating yourself from the ELCA. You could simply completely ignore the synod. The congregation could vote to join another denomination in the Lutheran family and simply stop any and all participation with the synod and the ELCA. You could redirect your benevolence offerings elsewhere. Do not attend meetings, conferences, etc. Change the association of your men’s and women’s groups. Use resources other than those available through the ELCA. Just cut all practical and behavioral ties with the ELCA and its synods. You could even amend your constitution to reflect the changes you as a congregation have intentionally made. In this manner you would then simply wait for the synod to initiate disciplinary procedures against the congregation the result of which would be removal from the roster of congregations of the ELCA.

I suspect, however, you’d have to remain very patient for the synod to take any action. In order to save face and not report another congregation leaving the ELCA, they might not take any action for years in order for the congregation to be counted still among its members. I suspect that this is the reason the synod council rejected St. Peter’s, Ft Pierce, decision to leave the ELCA. St. Peter’s was a

previously LCA congregation with a constitutional provision requiring the synod council to approve its leaving. Of course, they did not grant their approval and do not have to report another loss.

In our situation, we felt it was best to take the direct approach and it is resulting in the best outcome. It is a difficult journey one way or the other. What kind of congregation are you? Do you want to pull the band-aid off slowly or quickly? Would you be OK with your congregation being listed on the roster of congregations of the ELCA when you had in effect left the denomination? It is up to you to decide what journey is best for your congregation.

Whatever direction you choose, you should become familiar with the constitution of the ELCA. Below are a few selected passages from the Constitution of the Evangelical Lutheran Church in America, with some commentary.

FROM CHAPTER 5 – PRINCIPLES OF ORGANIZATION

C5.01.c. The congregations, synods, and churchwide organization of this church are interdependent partners sharing responsibly in God’s mission. In an interdependent relationship primary responsibility for particular functions will vary between the partners. Whenever possible, **the entity most directly affected by a decision shall be the principal party responsible for decision and implementation**, with the other entities facilitating and assisting. **Each congregation**, synod, and separately incorporated unit of the churchwide organization, as well as the churchwide organization itself, **is a separate legal entity and is responsible for exercising its powers and authorities**.

Note the bolded sections of this provision. Certainly, the decision of a congregation to leave the ELCA is the party “most directly affected by (this) decision” and is the “principal party responsible for decision and implementation.” Further, this provision of the ELCA constitution affirms that each congregation “is a separate legal entity and is responsible for exercising its powers and authorities.” The very constitution of the ELCA recognizes the autonomy of its congregations.

FROM CHAPTER 8 – RELATIONSHIP BETWEEN CONGREGATIONS, SYNODS, AND THE CHURCHWIDE ORGANIZATION

C8.17. References herein to the nature of the relationship between the three primary expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission, and the fulfillment of the purposes of this church as described in Chapter 4, and **do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law**.

Again, the constitution of the ELCA specifically excludes the claim of any civil authority of one expression of the denomination over another. The synod has only ecclesiastical power. Unless there is something in the original documents of the congregation granting the synod

some kind of civil claim, the authority rests in the congregation and is implemented by its leadership at the discretion of the congregation.

FROM CHAPTER 9 - CONGREGATIONS

9.30. RESERVATION OF AUTHORITY

9.31. Congregations of this church shall have authority in all matters that are not assigned by the constitution and bylaws of this church to synods and the churchwide organization.

9.70. OWNERSHIP OF PROPERTY

9.71. Subject to the provisions of 9.52., the following shall govern the ownership of property by congregations of this church:

- a. Title to property shall reside in the congregation. The congregation may dispose of its property as it determines, subject to any self-accepted indebtedness or other self-accepted restrictions.
- b. Title to the undisposed property of a congregation that ceases to exist shall pass to the synod of this church to which the congregation is related.
- c. Title to the property of a congregation that is no longer recognized by this church as a result of discipline shall continue to reside in the congregation.**
- d. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. to relate to another Lutheran church body shall continue to reside in the congregation.**

Provisions 9:30 and 31 mean that final authority resides in the congregation. Synods did not have the authority to mandate changes to a congregation's constitutions so they requested that these changes be voted on by congregations. If they did not have the authority to mandate these changes then they do not have the authority to implement these changes in a congregation now. The congregational constitution last approved by the synod is the constitution that has final authority in the life of the congregation.

Property ownership also remains with the congregation if the congregation is removed from the roster of congregations through disciplinary procedures or if a congregation votes to relate to another Lutheran church body.

FROM CHAPTER 20 – CONSULTATION, DISCIPLINE, APPEALS, AND ADJUDICATION

20.30. CONGREGATIONS

20.31.01. Congregations shall be subject to discipline for:

- a. departing from the faith confessed by this church;
- b. willfully disregarding or violating the criteria for recognition as congregations of this church; or
- c. willfully disregarding or violating the provisions of the constitution or bylaws of this church.**

20.31.02. The disciplinary actions which may be imposed are:

- a. censure and admonition by the bishop of the synod;
- b. suspension from this church for a designated period, the consequences of such suspension being the loss of voting rights of any member (including ordained ministers)

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of the congregation at synod or churchwide assemblies, the loss of the right to petition, and the forfeiture of eligibility by any member of the congregation to serve on any council, board, committee, or other group of this church, any of its synods, or any other subdivision thereof;

- c. suspension of the congregation from this church for a designated period (with the same consequences as in b.) during which the congregation shall be under the administration of the synod, **provided that a congregation may refuse to accept such administration in which case it shall be removed from the roster of congregations of this church; or**
- d. removal from the roster of congregations of this church.**

Defying the ELCA can result in disciplinary procedures but I suspect that the result of such discipline is something anyone reading this would accept with thanks. The point is if you want to leave the ELCA the denomination can do nothing to impede you in the process. Again, the synod will present a much different picture but these are the clear words of their own constitution.

ACTION STEPS:

1. Read and understand your constitution and the applicable parts of the ELCA constitution.
2. Make sure that the civil documents of the congregation have everything in the name of the congregation. Make sure there are no civil complications.

FINAL THOUGHTS:

- a. Be absolutely sure that you have all your documentation to show the civil and ecclesiastical authority of the congregation.

Chapter 5

How to Conduct a Proper Meeting

I know! You're thinking the same thing I did. I've been a pastor for 29 years and have been a part of countless meetings and know how a meeting is supposed to go. This is different because the conflict surrounding the decision to leave the ELCA and transfer your affiliation to another church in the Lutheran family is far greater. The pressure is on to make sure that everything is documented, proceeds in proper order and every variable is addressed.

We've learned a lot over the three special congregational meetings we have conducted. The motion to transfer our affiliation failed at our first meeting with 64.5% in favor of the motion, a difference of 5 votes out of the 256 cast. Looking back on it, that initial run through made us much more aware of all the details that have to be covered. A solid verifiable membership voting list is the first hurdle. A clearly written motion and readable ballot is also in the mix. So are plans for unexpected contingencies. And most important is transparency. Here is a list of details, decisions and plans we ended up implementing fully by our third and last special congregational meeting. Hopefully, this will stimulate your own thinking and make your plans much more complete.

1. Council Must Certify the Voting Membership List.

You will likely find this detail written into your constitution. It is the responsibility of the church council to verify the voting member list. Most constitutions have a very low threshold for voting membership. A voting member is probably anyone who has communed and made a contribution of record in the current or previous fiscal year. Check your constitution to determine who is and is not a voting member.

In years past every congregation in which I served was pretty casual about verifying this list. But with the stakes so great and the conflict so intense, this detail becomes crucial. The final tally is determined by the number of voting members present at the special congregational meeting. So, being absolutely clear about who is and is not a voting member can spell the difference between a motion passing or failing.

Added to this concern are also the records verifying those certified as voting members. For example, your constitution probably requires a contribution of record for a voting member. How is that contribution recorded? If a family is given only one offering envelope we generally assume that both husband and wife are included in that contribution of record. But what about confirmed teenagers in the family, are they considered voting members under the family offering? Do you now or have you ever required separate offering envelopes for your confirmed youth? How do you determine their voting status? Do you have accurate records of communion participation? What is the supporting evidence to determine an individual's right to vote or to decline that right to them?

2. Write a clear and readable motion.

How will you design your motion or motions to present to the congregation? Will you have one motion in two parts: the first part to sever your ties with the ELCA and a second part to transfer your affiliation to a new church? If so, make sure you write the motion so that everyone understands that checking the box for “yes” means that they want to sever their ties with the ELCA and transfer their affiliation and “no” means no, they don’t want to. Having only one motion for both parts of the issue means that the motion to join another Lutheran Church will also require the 2/3 majority.

Will you have two separate motions to address this issue? If you have two motions to address the two parts of this process, the first to sever ties with the ELCA will require a 2/3 majority. The second motion to join another Lutheran Church would only require a simple majority unless you specify that the super majority is also required for passage. What would you do if the first motion passed and the second failed or if the first motion failed and the second passed?

We decided to present one motion with two resolves. It read:

THEREFORE BE IT

RESOLVED that _____ Lutheran Church terminate its relationship with the Evangelical Lutheran Church in America; and

RESOLVED that _____ Lutheran Church transfer its affiliation to_____.

3. Make complete preparations for the vote.

By our third meeting we finally figured out how to have everything in place to protect the integrity of the vote. Thank God he gave us the wisdom to make these preparations because considering the outlandish behavior of a few, the congregational meeting could have been undermined. My advice is plan for the worst and hope for the best. These are some of the arrangements we put in place before the meeting began.

- a. As the vote is about to be taken, the chair should direct the ushers to make sure everyone is in the room (check bathrooms and hallways), close the doors, and stand at the door allowing no one in or out until the ballots are all collected and the chair declares the ballot closed.
- b. Encourage everyone to vote since the count is decided on the voting members present and not only on the ballots cast.
- c. Tell the voting members to mark their ballot only once. Inform them that any ballot with anything other than one clearly recorded vote will be invalid. If they have made a mistake,

- tell them that they must come to the front and receive a new ballot from the chair (or whomever you designate for this task). Tear up the turned in ballot and keep it.
- d. Instruct the congregation to pass their ballots to the end of the row where a member of the church council will collect their ballot. Bring the ballots to the front of the room.
 - e. The chair should make sure every voting member has cast a ballot and that their ballot has been picked up.
 - f. Invite the members of the Counting Team to the front and introduce them to the congregation. The ushers should give the ballots to the Counting Team. (Place ballots inside a large manila folder at the front and give folder to Counting Team.)
 - g. The chair should then declare the ballot closed and the doors to the room may be opened.

4. Expect disruptions and plan for them.

Not everyone is able to maintain their composure in high-stress situations. And some folks who read the writing on the wall that their position is heading toward failure will use tactics that are, unfortunately, quite unchristian. You need to plan the action you will take if someone acts out in the meeting and does not listen to the chair.

You obviously cannot take a physical approach except in an extreme situation where someone is threatened or in danger. In a situation where someone disrupted the order of the meeting, we decided that one or more council members would slowly walk up to the person, surround them if necessary, and quietly invite them to be seated. If the behavior persisted, they would be informed that the police would be called if they did not stop and obey the rules of the meeting.

5. Decide if you will have “Special Orders” for the meeting.

Our church council decided to recommend to the congregation a special order for limiting discussion on the motion to three minutes for each person, and each person could speak only twice and only after all first speakers had an opportunity to speak. There were 256 voting members at the meeting. We determined that some kind of restriction was required. The situation may be different for you.

6. Plan how you will hand out the ballots.

First, print only as many ballots as there are voting members. Have the voting member roster, the one certified by the council, at the front door of the meeting area. As each voting member arrives for the meeting, have them sign their name next to their printed name on the

voting member roster. Only then do you give them their one ballot and invite them to enter the meeting room. Do not simply pass out ballots willy-nilly. Every ballot should be accounted for to verify that everything was done in proper and good order.

7. Make arrangements for provisional ballots.

The motion to transfer affiliation is an emotional and significant decision of the congregation. It will bring people in to the special congregational meeting that you may not have seen in many years but still feel a connection to the congregation. What are you going to do if someone shows up to vote that is not on the voting member roster certified by the church council? Are you going to argue with them? Are you going to deny a vote to someone about whom you might have overlooked on the list? Are you simply going to grant a vote to someone who may have been brought back by others precisely to support their position but has not participated in the life of the congregation for many years and does not have the right to vote?

You can set up an area for a provisional ballot. Set up a table separate from the voting member sign-in table with two council members staffing the table. If someone arrives that is not on the voting member roster, the folks overseeing the sign-in simply directs the person to the provisional ballot table. Have the person sign and print their name on a numbered sign-in sheet. Print provisional ballots on a different colored paper than the regular ballots. Write the number on the ballot that corresponds with the number the person signed next to. Explain that while the ballots are being counted, their record of communion participation and contributions will be reviewed. Tell them that if voting membership can be certified, their ballot will be added to the final tally.

8. The Church Council must develop the agenda for the Special Congregational Meeting.

This is the agenda we developed for our meeting.

a. Call to Order:

b. Opening Prayer

c. Certification of a quorum

Check your constitution to determine the percentage of voting members who must be present for a meeting of the congregation to be valid. Usually 10 percent of the voting membership constitutes a quorum. You'll likely have many more in attendance than needed. Declare that a quorum is present.

d. Special Order for the meeting

If the church council has decided to recommend special orders to the congregation, present the motion for these special rules and have the congregation vote them in. For example: Moved to limit discussion to three minutes per person and a person may speak a second time only if there are no other first time speakers. Vote on the Special Order.

e. Presentation of the Motion

If the church council is presenting the motion to the congregation, the motion does not need a second since the majority of the council has already approved presenting the motion and this is a special meeting of the congregation called specifically for this purpose. You can say, "The motion is before you. Is there any discussion?"

f. Vote

At some point the discussion will end or the question will be called. "Calling the Question," or "Closing Debate" is the same motion with the same results. The motion to call the question is itself a non-debatable motion and requires a 2/3 majority to close debate and move directly to the vote. If the question is called, first vote on that motion and if it passes then move immediately to voting on the main motion.

g. Declare the ballot closed once all the ballots have been collected.

h. Recess until the counting team returns with the results.

When the counting committee returns with the results of the vote, the chair with possibly the executive committee, should review the counting committee report to make sure that all the numbers add up correctly. When the chair is ready to announce the vote, call the meeting to order.

i. Call the meeting to Order

j. Announce the Vote

Read the Counting Committee Report. The chair then announces if the ballot has passed or failed.

k. Adjourn

Since no further business may be conducted at the special meeting of the congregation, the chair should entertain a motion to adjourn.

9. Anticipate objections and prepare the chairperson to answer any potential objections.

Every situation will be different. For example, because we reconsidered a previous decision of the congregation on this issue, we anticipated an objection to proceeding with the second "first" vote of the congregation. We made sure that the chairperson had the full story written down on the petition, council meeting and constitutional provisions that authorized the second "first" vote of the congregation. Think through what provisions of Robert's Rules of Order could be used to stop or hinder the proceedings and have answers prepared for the chairperson so he or she is able to rule on the objection.

10. Write instructions for everyone working for the meeting.

You need to make sure that everyone, people staffing the voting member sign-in table, folks staffing the provisional ballot sign-in table, ushers, council members, chairperson, and especially the counting committee, knows exactly what they are doing, who is doing it and how to do it properly.

What follows are instructions we developed for the people overseeing the sign-in of everyone who entered the building.

SPECIAL CONGREGATIONAL MEETING

Date

SIGN-IN GUIDELINES

1. Every individual entering the sanctuary must sign in on the Voting Member Sign-in Sheet next to their name.
2. After they have signed in, give them an off-white ballot and invite them to enter the sanctuary.
3. If an individual is not listed as a Voting Member on the Voting Member Sign-in Sheet, direct them to the next table to receive a provisional ballot.
4. After voting is closed, count the number of voting members present. Include in this count the people who received provisional ballots and have been certified to be voting members. A Council Member will give you this number. Report the total to the Counting Committee.
5. Once your task is complete, give all the voting members sign-in sheets to the chairperson.

PROVISIONAL BALLOT PROCEDURE

for Two Council Members

1. In the event an individual asserts that he or she is a voting member but is not listed on the Voting Member List, a provisional ballot (green colored ballot) will be provided.
 2. Direct the individual to sign in on the Provisional Ballot Sign-in Sheet next to an assigned number (1,2,3, etc.)
 3. Write their assigned number on a provisional ballot and give that ballot to them. Explain to them that the church records will be reviewed before the end of this meeting and if their voting membership can be verified, their ballot will be included in the vote. Invite them to enter the sanctuary.
 4. After the meeting is called to order, take the sign-in sheet for the provisional ballots and verify their voting status with the church records. (Note: Complete your ballot before leaving the sanctuary and hand it to one of the ushers to be included in the vote.)
 5. During the review write on the provisional ballot sign-in sheet, next to each name either "voting member" or "not voting member." At the bottom of the sign in sheet write, "Reviewed by:" then print and sign your name.
 6. With this list in hand, go to the counting room and write on each provisional ballot either "voting member" or "not voting member." Return the ballots to the Counting Committee.
 7. Give the Provisional Ballot Sign-in Sheet to the team leader of the Voting Member Sign-In team so they may give the total number of voting members present to the counting committee.
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- 11. Make sure the Counting Committee clearly understands how they are to determine the number needed for a 2/3 majority and how they are to report the results to the chair.**

As difficult as this may be to understand, this is the one area where the church council had to make corrections to every report the counting committee presented at all three special meetings of the congregation. Fortunately, the corrections to the last two special congregational meetings did not alter the final results. Unfortunately, the margin was so close at the first “first” vote of the congregation that the mistake completely reversed the results that were at first reported. At first the motion was presented as passing but a closer review of the numbers actually showed that it failed by a very small margin. The mistake was made when the counting committee multiplied the number of voting members by .66 thinking that this would provide the required margin. But it does not. If you factor it this way you will have an incorrect answer.

This is what you do. You multiply the number of voting members present by 2 and divide that answer by 3. Then you always round up to the next whole number, even if it is less than .5. If there is still some question as to whether you have a 2/3 majority, another way of determining if the ballot has passed is to multiply the number of no votes by 2. Remember that the final figure is determined by the number of voting members present. So, invalid ballots and ballots not submitted are included with the number of no votes for this procedure. If the number of yes votes equals or exceeds that multiple of two, the motion passed.

What follows are the instructions we gave to the counting committee. Maybe you’ll have better results if your counting committee follows these instructions.

COUNTING GUIDELINES AND PROCEDURES FOR VOTE AT THE SPECIAL CONGREGATIONAL MEETING

Date

1. Separate provisional ballots (green colored ballots) from official ballots of voting members (off-white colored ballots).
2. Separate invalid ballots from valid ballots. Invalid ballots are ballots with anything other than one clear vote recorded.
3. Divide “Yes” and “No” ballots into two separate groups.
4. Verify that there are no “Yes” ballots mixed in with the “No” ballots and none of the “No” ballots mixed in with the “Yes” ballots.
5. If there are provisional ballots (green colored ballots), hold these aside until a council member can verify the voting membership of the person who cast this provisional ballot. If the ballot is verified as “voting member”, record it with the number of “Yes” or “No” ballots. If it is certified as “not voting member”, it is not reported or included in the final figures. Do not report it as an “invalid” ballot. According to Robert’s Rules of Order, it is a non-ballot.
6. Follow the instructions on the Counting Committee Report Worksheet.
7. Count the number of “Yes” ballots. Record the number on the Counting Committee Report.
8. Count the number of “No” ballots. Record the number on the Counting Committee Report.
9. Count the number of invalid ballots. Do not include provisional ballots of people certified as not have voting rights. Record the number on the Counting Committee Report.

10. Circle either "Passed" or "Failed" based on the total number of votes required to adopt.
11. Print and sign your name on the report.
12. Present the report to the Chairperson.

**COUNTING COMMITTEE REPORT
SPECIAL CONGREGATIONAL MEETING**

Date

Number of Voting Members Present at Meeting: 1. _____
Note: This number will be provided to you by the Sign-in Team Leader.

Number of Votes required to adopt the resolution: 2. _____
Note: To reach this number, multiply by 2 the number of voting members present (line 1). Divide that result by 3 and round up to the next full number.
Example: If 251 voting members are present, the calculation would be:
 $251 \times 2 = 502$ $502 / 3 = 167.3$
Number of votes required to pass = 168

Number of Votes in Favor of the resolution 3. _____

Number of Votes Opposed to the resolution 4. _____

Number of Invalid Ballots 5. _____
Do not include provisional ballots of people certified as not having voting rights.

Number of Ballots not submitted 6. _____
Note: The total number of ballots reported in favor, opposed, invalid or not submitted (lines 3,4,5, 6) should equal the number of voting members present (line 1).

Resolution: Passed or Failed
(Circle appropriate answer based on votes required to adopt)

COUNTERS:

1. Printed Name: _____
Sign: _____
2. Printed Name: _____
Sign: _____
3. Printed Name: _____
Sign: _____

(Please print and sign three copies.)

I hope and pray that all this information we have gleaned through our experience will make your process smoother and less disruptive.

ACTION STEPS:

1. Review each of the items listed in this chapter.

FINAL THOUGHT:

- a. Don't ignore a step just because you think it won't happen to you. Discuss it.

Conclusion

This is an unpleasant and difficult journey. Some will wonder why you would choose to pursue it at all. It's much like the attitude expressed several years ago by the gentleman who cried out "Can't we just all get along." Unfortunately, the answer is sometimes "no."

There is a larger principle involved. Part of it is the vows clergy make at their ordinations, which includes faithfulness to the Word of God. I really don't understand how any clergy person can swallow this abdication of biblical authority. The second is also important. How do we honor our history as a congregation and as a Church? The answer seems clear. It is by upholding our biblical faith and confession.

When Jesus said that we must pick up our cross and follow him, he wasn't kidding. This is a difficult journey. This too will pass and the few months it takes to process this journey is nothing compared to our history or the future that will be impacted by this decision.

Count the cost before you begin to build. Look at all the details and if a door is opened to you, then with courage and dedication walk through. Give the final results up to the Lord. Whether the vote passes or fails, give praise to God, seek his guidance and move on. The battle is not yours. It is up to Him to determine the best path and result for you. Your only concern is to be obedient and faithful.

At this writing, it has only been a few weeks since the final decision was made by the congregation. We have yet to receive the acknowledgement of our decision from the synod. Hopefully, the adversarial approach they took during this process will soon come to an end. For pastors who want to transfer their pension and medical benefits out of the ELCA program, lack of acknowledgement from the synod will be a problem, since the ELCA Pension requires that acknowledgement before they can proceed with the transfer.

Still, we are moving forward as a congregation. We have designated the next few months as a time of healing. Pastoral visits are being made with the members of the congregation who were stuck in the middle of this drama to encourage them to remain in the congregation. About a 10% loss of membership is expected. The members of the Church Council are calling all the members of the congregation to answer their questions and invite them to one of several Cottage Meetings scheduled to answer their questions, soothe their fears and envision our future.

The Church Council is also establishing a Constitutional Review Committee to edit our constitution and rewrite provisions to reflect our new start. In a few months, we'll begin informational meetings to discuss our vision and constitutional provisions. And in seven to nine months, we'll celebrate our new beginning.

God is doing a work in his Church. He is pruning those whom he loves so that they can produce more fruit. God is not done with us yet. In fact, God is doing something new. Alleluia!