



Office of the Secretary
Evangelical Lutheran Church in America
God's work. Our hands.

APR 22 2010

April 19, 2010

Mr. Mark Shepp
15266 Bayside Ave.
Clear Lake, IA 50428-8757

Dear Mr. Shepp:

At the request of Bishop Ullestad, I have been asked to communicate with you about the call for a special meeting at Zion Lutheran Church, Clear Lake, Iowa, and specifically if it raises questions or concerns about the resolution to terminate the congregation's relationship with the ELCA. Having reviewed the resolution and call to meeting authored by the Congregation Council, I want to advise you that the proposed process does not conform to the *Model Constitution for Congregations* and *Robert's Rules of Order Newly Revised (10th edition)*. If the proposed process is followed, the result of the meeting may be invalid.

The applicable constitutional provisions relating to termination of a congregation's relationship with the ELCA are ELCA 9.62 and provision *C6.05 in the *Model Constitution for Congregations*. Those provisions require that a resolution be adopted at a "legally called and conducted special meeting" of the congregation. A "legally conducted special meeting" means that the meeting must be held in accordance with *Robert's Rules*. (Provision C10.07 in the *Model Constitution for Congregations* provides that *Robert's Rules* apply at all meetings of the congregation.)


The process proposed by the Church Council violates *Robert's Rules* in a number of ways. First, the proposed process improperly limits the rights of voting members. The resolution, once properly moved, becomes a main motion. Main motions are amendable and debatable as a matter of parliamentary law. The Congregation Council does not have the authority to declare that the resolution cannot be debated or amended; members have a right to speak to an issue at a congregational meeting, unless a proper motion is made and adopted limiting debate. Second, the method of determining the number of voting members present is improper. A voting member has the right to be present and not come forward to accept a ballot. While the congregation can prepare a list of voting members and ask people to sign in to the meeting, it cannot insist that someone take a ballot and vote. A member has the right to be present and not vote. Bishop Ullestad appropriately requests a different process for counting persons present.

Mr. Mark Shepp/April 19, 2010/Page 2

One other comment warrants mention. *Robert's Rules* discourages use of preambles in resolutions; if "whereas" clauses are used, they should be factual, concise, and not argumentative. The proposed resolution contains many "whereas" clauses that are not factual and are argumentative, in my opinion. Further, they conflict with the second "resolved" clause, which states that the proposed action is taken "without rancor, resentment, or ill will." In these circumstances, my recommendation would be to delete the "whereas" clauses.

May God bless your congregation and its members in this important time of discernment.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. Swartling". The signature is fluid and cursive, with a large loop at the end.

David D. Swartling
Secretary

DDS/mbf

cc: Bishop Steven L. Ullestad
Pastor Dean C. Hess
Pastor Derik Yarian