



# NORTHEASTERN IOWA SYNOD

## EVANGELICAL LUTHERAN CHURCH IN AMERICA

Office of the Bishop

201 20th Street SW, P.O. Box 804, Waverly, Iowa 50677-0804 319/352-1414 FAX 319/352-1416

January 6, 2010

Ms. Carole Roth  
3011 260<sup>th</sup> St.  
Ventura IA 50482

Dear Ms. Roth:

Grace to you and peace from God our Father and our Lord Jesus Christ.

I have received a letter of December 16, 2009 from Zion Congregation Council Recording Secretary Beth Ann Schumacher and the attached resolution that was considered by Zion United Lutheran Church at its December 13, 2009 meeting. In this letter, Ms. Schumacher states that the resolution was "approved by 2/3 of the voting members of Zion".

When we learned of Zion's decision to have a congregational meeting to consider discontinuing its relationship with the Evangelical Lutheran Church in America, Assistant to the Bishop Linda Hudgins sent to you, with copies to Pastor Dean Hess, the constitutionally required process for this vote. The documents themselves and Ms. Hudgins summary letter clearly state that this vote must meet a 2/3 threshold of all registered voting members attending the congregational meeting. I'm attaching copies of what she sent to you and Pastor Hess prior to the meeting.

There were 366 members of the congregation that registered and were in attendance at the meeting. The 2/3 majority that was required was 244 ballots. Those who voted to leave the ELCA totaled 238. The resolution clearly failed.

It would be in violation of the constitution for me to begin the synodical consultation process since Zion did not adopt the resolution.

You and Zion will continue to be in our prayers. May you know the healing power of Jesus Christ during this important time in Zion's history.

In Christ,

The Rev. Dr. Steven L. Ullestad  
Bishop

Encl.

cc: Pastor Dean Hess; Conference Deans, Chaplains and Correspondents; Synod Council;  
David Swartling, ELCA Secretary; Pastor Rick Foss, Director of Contextual Learning,  
Luther Seminary



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201 20th Street SW, P.O. Box 804, Waverly, Iowa 50677-0804 319/352-1414 FAX 319/352-1416

December 18, 2009

Beth Ann Schumacher  
Zion Lutheran Church  
112 N. 4<sup>th</sup> Street  
PO Box 289  
Clear Lake, IA 50428-0289

Dear Ms. Schumacher,

We have received your letter of December 10, 2009, regarding Zion's vote to terminate its relationship with the Evangelical Lutheran Church in America. A member of your congregation has shared the voting results with us. If the vote totals are accurate, Zion did not reach the necessary 2/3 majority to initiate the process for leaving the ELCA. As the constitutional material and summary that I mailed to your president and pastor on December 1, 2009, indicates, the 2/3 majority is the number of those attending and registered at the meeting. It is not 2/3 of valid ballots cast. Consequently, the vote of the congregation fell one vote short.

If you have any questions, please refer to the material that I have mailed to Carole Roth and Pastor Hess or you may contact me.

Sincerely,

Linda J. Hudgins  
Assistant to the Bishop

cc: Carole Roth  
Pastor Dean Hess



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Office of the Bishop

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December 1, 2009

Carole Roth  
3011 – 260<sup>th</sup> St.  
Ventura, IA 50482

Dear Ms. Roth,

A congregation member has informed the Northeastern Iowa Synod that Zion United Lutheran Church has scheduled a congregational meeting for December 13 to begin the process to terminate their relationship with the Evangelical Lutheran Church in America. I am enclosing some information from the Secretary of the Evangelical Lutheran Church in America that outlines and summarizes the necessary constitutional considerations for this meeting.

As your church council plans for the congregational meeting, please note the following:

1. Prior to the meeting, the church council prepares a list of members eligible to vote.
2. At the meeting, members eligible to vote register by signing-in next to their name on the list.
3. A written ballot would be appropriate.
4. A two-thirds majority is determined by the number of registered voting members present at the meeting; not by the total number of votes cast.

The Model Constitution for the Congregations of the Evangelical Lutheran Church in America defines voting members: *\*C8.02.c. Voting members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.*

May God's Spirit guide the decisions of Zion United Lutheran Church.

Sincerely,

Linda J. Hudgins  
Assistant to the Bishop

cc: Pastor Dean Hess



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

TO: Synod Bishops and Vice Presidents  
From: David Swartling  
Date: October 13, 2009  
Subject: Termination of the relationship between a congregation and the ELCA

Questions have arisen regarding the constitutional requirements for terminating the relationship between a congregation and the ELCA as well as "best practices" for consulting with congregations regarding termination issues and for implementing the constitutional requirements. This memorandum will address these issues. It also will address briefly issues of property ownership that arise in the context of termination. If questions arise in a particular context, please consult with the Office of the Secretary.

**A. The Constitutional Requirements**

The *Constitutions, Bylaws and Continuing Resolutions* of this church provide parallel provisions regarding the process for termination of a congregation's relationship with the ELCA. They are found in provision 9.62. of the ELCA constitution and \*C6.05. in the *Model Constitution for Congregations*.

Provision 9.62. of the ELCA constitution provides as follows:

- A congregation may terminate its relationship with this church by the following procedure:**
- a. A resolution indicating desire to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds majority of the voting members present.
  - b. The secretary of the congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
  - c. The bishop of the synod shall consult with the congregation during a period of at least 90 days.
  - d. If the congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the synodical bishop or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
  - e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between the congregation and this church shall be terminated.
  - f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.
  - g. Congregations which had been members of the Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.

- h. Congregations that are established by the Evangelical Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.**

Provision 9.22. of the ELCA constitution states that "[a]ll congregations of this church shall abide by the provisions of 9.21., 9.62., and 7.46. Thus, the termination provision quoted above applies to all congregations in this church.

Termination requires a multi-step process. For simplicity, here is a checklist of the requirements:

- Adoption by a 2/3 vote at a legally called and conducted special congregational meeting of a resolution indicating intent to terminate relationship.
- Notification to the synodical bishop and all voting members of the congregation within 10 days of adoption of the initial resolution.
- Consultation with the synod bishop during a period of at least 90 days.
- Notice of a second special congregational meeting mailed to all voting members at least 10 days in advance of the second meeting.
- Adoption by a 2/3 vote at a legally called and conducted special congregational meeting, at which the bishop or a representative is present, of a resolution to terminate the relationship.
- Synod Council approval if the congregation was established by the ELCA, if the congregation was a former member of the Lutheran Church in America (LCA), or if the congregation will become independent or relate to a non-Lutheran church body.
- Transmission to the synodical bishop of a certified copy of the resolution to terminate adopted at the second special congregational meeting.
- Notice to the Office of the Secretary.

The relationship officially terminates only upon transmission to the synod bishop of the certified copy of the resolution to terminate adopted at the second congregational meeting, unless Synod Council approval is necessary. In cases where Synod Council approval is necessary, termination occurs upon transmission to the synod bishop of the certified copy of the resolution or approval by the Synod Council, whichever is later.