

Clarification of the required changes in *C6.04. in Spring Garden's Proposed Amended Constitution; The provisions of the ELCA & the Synod Constitutions Referenced

- *C6.04.** Affiliation with the Evangelical Lutheran Church in America is terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
 - d. The Southeastern Minnesota Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.
 - e. This congregation follows the procedures outlined in *C6.05.

ELCA Constitution Provisions

9.23. In accord with constitutional provision 9.21.d. and bylaw 9.21.01. and without invoking the provisions of Chapter 20, a congregation that maintains as its pastor a minister of Word and Sacrament who has resigned or been removed from this church's roster of Ministers of Word and Sacrament or that calls as its pastor one who has not been approved for the roster of Ministers of Word and Sacrament may be removed from the roster of congregations of this church by the Synod Council upon recommendation of the synod bishop.

9.21. This church shall recognize, receive, and maintain on the roster those congregations which by their practice as well as their governing documents:

d. agree to call pastoral leadership from the roster of Ministers of Word and Sacrament of this church in accordance with the call procedures of this church, except in special circumstances as defined in the bylaws accompanying this provision, and with the approval of the synod bishop;

9.21.01. Approval of the synod bishop, as required in 9.21.d., involves the bishop's attesting that a candidate for the roster of Ministers of Word and Sacrament of this church has been approved, in conformity with the governing documents and policies of this church, through the synod candidacy process for first call as a seminary graduate or for call in this church through approval for reception into this church from another Lutheran church body or another Christian church body. Consultation with the synod bishop in accordance with the call procedures and governing documents of this church and the synod is required for the calling of pastoral leadership from among persons on the roster of Ministers of Word and Sacrament of this church or persons who are approved as eligible candidates for the roster of Ministers of Word and Sacrament of this church.

Synod Constitution Provision

†S13.24. The Synod Council, itself or through trustees appointed by it, may take charge and control of the property of a congregation of this synod to hold, manage, and convey the same on behalf of this synod, if any of the following apply:

- a. The congregation has disbanded, ceased to worship, or otherwise ceased to exist as a congregation.
- b. The congregation has abandoned its property.
- c. The remaining members of the congregation decide that it is no longer possible to function as a congregation or that they are unable to provide required governance.
- d. The Synod Council determines that the membership of a congregation has become so scattered or so diminished in numbers that it cannot provide required governance or that it has become impractical for the congregation to fulfill the purposes for which it was organized.
- e. The Synod Council determines that it is necessary for this synod to protect and preserve the congregation's property from waste and deterioration.

The congregation shall have the right to appeal any such decision to the next Synod Assembly.