To Amend Constitution Article XII 15 as to Call of Special District Conventions

RESOLUTION 9-14A

Overture 9-03 (*CW*, 451–52)

Rationale

In its periodic review of various district bylaws, the Commission on Constitutional Matters (CCM, "Removal of a District President from Office," minutes of April 8–9, 2022) has noted the following:

- Bylaw 1.5.8.1, introduced by 2016 Res. 12-11, "To Establish a Procedure Based on Article XI A 2 for Removal from Office of Officers of the Synod or a District (other than the Synod or a District President)" (2016 *Proc.*, 232–33), provides a procedure for removal of such officers, to the noted exclusion of the Synod or district president.
- District bylaws typically contain provisions for a finding of temporary inability of a district president to serve (generally modeled on Bylaw 3.3.1.4) and sometimes attempt to conceive a procedure, in addition to the inapplicable one in Bylaw 1.5.8.1, to handle the removal of a district president from office for cause. Such a proposal necessarily treads on difficult ground, as the limitations on a board of directors' authority (its dealing, generally, with legal and property matters, Bylaw 4.5.1, and not extending to supervision of the district president's ecclesiastical duties) raise questions about whether it would be the appropriate body to act, and on what basis.
- Perhaps the most natural option for *a district* to remove its president from office, without his being removed first from the roster of the Synod under Bylaw section 2.15, would be by the calling of a special convention to deal with the matter, as (Const. Art. XI A 2) "[t]he Synod at all times has the right to call its officers to account and, if circumstances require it, to remove them from office in accordance with Christian procedure" (cited in "CCM Opinion re Removal of District Presidents from Office, Ag. 729, minutes of Feb. 21–22, 1975). At the Synod level, a special session of the convention may be called "by three-fourths of the district presidents without the consent of the President" (Const. Art. VIII B 2), but there is no obvious alternative to the district president as "convener" of a special session of a district in Const. Art. XII 15.

The CCM commented, "This presents something of a conundrum on the district level, should a district find that it needs to call its president to account and directly remove him from office *for cause* in a circumstance where removal *from the roster of the Synod* (which would trigger his removal from office) is not called for."

The CCM referred this matter to the Commission on Handbook (COH) and the two, through the Secretary, initiated discussion of the matter by the Council of Presidents, a discussion that resulted in no proposal. The COH found it incongruous with the provisions of Const. Art. XI A 1–4 that a district president might be able to prevent the body from convening that might call him urgently to give account of his stewardship. There being no other explicit means (other than the President of the Synod invoking the procedure of Bylaw section 2.15 to remove the district president from the roster of the Synod and, thereby, from office) for this to occur, the following constitutional amendment is proposed:

Therefore be it

Resolved, That Constitution Article XII 15 be amended as follows:

~~PRESENT~~/PROPOSED WORDING

Article XII Districts of the Synod and Their Regulation

…

15. In cases of urgent necessity a special session of the district ~~president is empowered to convene special sessions of his district; he must, however, previously have obtained consent of at least a majority of the voting members of the district after having informed them and the President of the Synod of the purpose of the intended special session.~~may be called:
    a. by the district president with the consent of at least a majority of the voting members of the district;
    b. by the circuit forums in three-fourths of the circuits of the district without the consent of the district president; or
    c. by a majority of the vice-presidents and three-fourths of the circuit visitors of the district without the consent of the district president.

    All congregations and other members of the district and the President of the Synod must be notified 30 days in advance and told for what purpose this extra meeting is being convened.

and be it further

Resolved, That the above amendment be submitted, according to Const. Art. XV 4, to the congregations of the Synod for ratification.

Action: Adopted (7); congregational ratification required

The resolution was adopted by the required two-thirds vote [Yes: 887; No: 24]. The resolution will require congregational ratification under Const. Art. XV.