



# Evangelical Lutheran Church in America

God's work. Our hands.

Nov. 18, 2020

**TO:** Bishops of synods of the Evangelical Lutheran Church in America  
 Vice presidents of synods of the Evangelical Lutheran Church in America  
 Secretaries of synods of the Evangelical Lutheran Church in America  
 Members of the Church Council of the Evangelical Lutheran Church in America  
 Administrative Team of the churchwide organization  
 Chief executive officers of separately incorporated ministries  
 Seminary leaders

**FROM:** Deacon Sue E. Rothmeyer, secretary

**SUBJECT:** Report of Actions of the Church Council (Nov. 12–14, 2020)

The Church Council of the Evangelical Lutheran Church in America (ELCA) met electronically Nov. 12–14, 2020. Here is a summary of particular actions along with background information.

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## 1. ELECTIONS TO CHURCH COUNCIL

The Nominating Committee nominated Ms. Alyssa J. Cobb, Pikesville, Maryland, to fill the vacancy of Ms. Emma Wagner, Delaware-Maryland Synod [8F], and the Rev. Daniel “Dan” W. Gerrietts, Mason City, Iowa, to fill the vacancy of the Rev. Chad M. Huebner, Northeastern Iowa Synod [5F].

### *Church Council action:*

To elect Ms. Alyssa J. Cobb, Pikesville, Maryland [8F], and the Rev. Daniel W. Gerrietts, Mason City, Iowa [5F], to the Church Council for a term ending in 2022.

## 2. FUTURE CHURCH DESIGN

### *Church Council action:*

To affirm the design proposed by the Future Church Implementation Team, as described in “Future Church Narrative,” to strengthen the churchwide organization and align this church for the purpose of activating all ELCA members in order that more people know the way of Jesus and discover community, justice, and love.

### *Church Council action:*

To adopt the proposed amendments to continuing resolutions in the *Constitution, Bylaws, and Continuing Resolutions of the ELCA* to implement the design proposal related to the administrative functions as detailed in “Future Church Continuing Resolutions;” and

To authorize the secretary of the Evangelical Lutheran Church in America to make editorial revisions as necessary and report them back to the Church Council at its April 2021 meeting.

## 3. FY2021 REVISED SPENDING AUTHORIZATIONS

### *Church Council action:*

To approve a 2021 fiscal year current fund spending authorization of \$65,847,000.

### *Church Council action:*

To approve a 2021 ELCA World Hunger spending authorization of \$21,500,000.

## 4. AMENDMENTS TO THE CONSTITUTIONS, BYLAWS, AND CONTINUING RESOLUTIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA RELATED TO THE COMMITTEE ON APPEALS

The Committee on Appeals recommended proposed amendments to continuing resolutions relating to the work of the committee. The process for amending continuing resolutions is specified in Chapter 22 of the ELCA Constitution.

### *Church Council action:*

To adopt the following amendments to the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

### 20.61.A1320. *Rules of the Committee on Appeals*

a. Any appeal to the Committee on Appeals shall be made in writing ~~within 30 days after the decision of the discipline hearing committee has been delivered to the accused and the accuser(s).~~ Appeals may be made only by the accused or the accuser(s) or their respective designated representative. Notice of the appeal shall be given by certified or registered letter addressed to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), with a copy to the other party. The letter containing the notice of appeal must be postmarked within 30 days after the discipline hearing committee has delivered its decision to the accused and the accuser(s).

...

m. Meetings of the Committee on Appeals may be held in person or by ~~conference telephone call~~ an aural method in which all parties can participate.

n. A majority of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business at a scheduled meeting, ~~and three fourths of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business by conference telephone call.~~

## **5. RECONSIDERATION OF A SOCIAL MESSAGE**

ELCA social messages are adopted by the Church Council as part of the council's responsibility to oversee the development of ELCA social teaching. Despite the current uncertainties of the pandemic and the churchwide reorganization, it is possible to recommend an "edit," as described in "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns" (2018, p. 23). An "edit" is described in the "Policies and Procedures" document as an "update of particular wording for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning." The director for theological ethics has recommended an edit to the social message on Suicide Prevention (1999).

### *Church Council action:*

**To reconsider the social message on Suicide Prevention (1999) for editorial changes for the sake of accuracy and relevance to the contemporary social context involving no change in substantive meaning, in accordance with "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns" (2018).**

## **6. AUDIT COMMITTEE REPORT**

### *Church Council action:*

**To approve the report of the ELCA Audit Committee describing its review of the audited financial statements, management letter, and response of management for the churchwide organization's fiscal year ended Jan. 31, 2020.**

## **7. UPDATE TO MISSION SUPPORT EXPERIMENT**

The recommendation to extend the Mission Support Experiment will allow those synods in the experiment to continue the budget projections for the coming fiscal year as the Church Council prepares to receive final reports and recommendations in 2021.

### *Church Council action:*

**To extend the Mission Support Experiment to end January 31, 2022, in the following synods (Lower Susquehanna, Metropolitan Washington, D.C., Nebraska, New England, Texas-Louisiana Gulf Coast); and**

**To affirm the previous process outlined in the CC19.04.13 resolution:**

- **To request for final data/report from Mission Support Experiment Synods to be presented at the April 2021 Church Council meeting;**
- **To request Mission Support Experiment synods to prepare two scenarios for their FY 2022 budget (Continue or End); and**
- **To request a final report and decision from the Budget and Finance Committee to be presented for action at the November 2021 Church Council meeting.**

## **8. MISSION INVESTMENT FUND SUPPLEMENTAL EXECUTIVE RETIREMENT PLAN**

The Mission Investment Fund of the Evangelical Lutheran Church in America ("MIF"), a separately incorporated ministry of the ELCA, presented the MIF Deferred Compensation Plan and the MIF Supplemental Executive Retirement Plan (the "Plans") for adoption by the ELCA Church Council. The ELCA, as the employer for MIF staff, has the responsibility and authority to maintain employee benefits and will therefore be the plan sponsor. The Plans offer additional benefits that will allow MIF to retain and attract talent in a competitive marketplace.

The MIF Deferred Compensation Plan ("DCP") creates a vehicle by which the President and CEO of MIF (and potentially other staff selected by the President and CEO) can defer a broad range of compensation, as designated by the participant, to a later tax year. The DCP is considered a non-qualified deferred compensation plan. As such, it is not subject to the contribution caps of a 403(b) retirement plan. The deferred compensation is then paid out upon the occurrence of designated events, such as retirement, death, or a specified date. While the compensation deferred under the DCP remains an asset of the ELCA until paid out, the funds are vested in the participant. The DCP was developed utilizing the expertise of employee benefits attorneys at the law firm Locke Lord LLP, in consultation with MIF's management and Corporate and Compliance Counsel. The DCP has also been reviewed by the ELCA General Counsel.

The MIF Supplemental Executive Retirement Plan ("SERP") provides tailored retirement distributions to key executives in addition to those provided by the standard retirement savings plan. The SERP is also considered a non-qualified deferred compensation plan. It will facilitate additional employee retirement distributions based on peer benchmarks appropriate to executives of non-profit financial institutions. Funding for the SERP will be provided by

MIF, and distributions will be paid out of the invested principal and earnings. Participants in the SERP will be limited to MIF's key executive positions. The SERP is being developed utilizing the expertise of D. Hilton Associates Inc., a benefits consultant, and employee benefits attorneys at the law firm Ogletree Deakins, in consultation with MIF's management and Corporate and Compliance Counsel. The DCP will also be reviewed by the ELCA General Counsel. The organization anticipates that the plan will be provided by October 30.

By resolution, the Presiding Bishop will be appointed to act on behalf of the ELCA in administering the Plans. The Presiding Bishop may delegate the day-to-day management of the Plans to a third-party administrator with expertise in deferred compensation plan investment management and administration, the costs of which will be covered by MIF.

*Church Council action:*

**RESOLVED**, that the Church Council hereby adopts the Mission Investment Fund Deferred Compensation Plan and the Mission Investment Fund Supplemental Executive Retirement Plan, in the forms attached hereto as Exhibit A (the "Deferred Compensation Plan") and Exhibit B (the "Supplemental Executive Retirement Plan"), for the benefit of certain employees of the Evangelical Lutheran Church in America (the "ELCA") who provide services on a full-time basis to the Mission Investment Fund of the ELCA ("MIF"), effective as of Jan. 1, 2021;

**RESOLVED**, that the Presiding Bishop is appointed to act on behalf of the ELCA as the "Plan Sponsor" and "Administrator" of the Deferred Compensation Plan and the Supplemental Executive Retirement Plan;

**RESOLVED**, that the Church Council retains the authority to amend or terminate the Deferred Compensation Plan and the Supplemental Executive Retirement Plan; provided, that, the Church Council delegates to the Presiding Bishop the authority to adopt any amendment that does not result in a material change in coverage, benefits, or costs and (i) is of an administrative or technical nature; or (ii) is deemed by the Presiding Bishop to be necessary or desirable in order to comply with legal requirements, including requirements of the Internal Revenue Code;

**RESOLVED**, notwithstanding any other delegation of authority by the ELCA to another person or committee with respect to similar matters, the Presiding Bishop is delegated the authority to enter into an administrative services agreement on behalf of the ELCA solely for the purpose of engaging a third-party administrator to handle the day-to-day administration of the Deferred Compensation Plan and the Supplemental Executive Retirement Plan;

**RESOLVED**, notwithstanding any other delegation of authority by the ELCA to another person or committee with respect to similar matters, the Presiding Bishop is delegated the authority to enter into a trust agreement on behalf of the ELCA solely for the purpose of establishing a trust to hold the assets of the Deferred Compensation Plan and the Supplemental Executive Retirement Plan and to appoint a trustee to oversee such trust; and

**RESOLVED**, that the Presiding Bishop keep and maintain appropriate records of all actions so authorized and, upon request, report such transactions to the Church Council.

**9. ADDITIONAL VOTING MEMBERS FOR THE 2022 CHURCHWIDE ASSEMBLY**

For each Churchwide Assembly of the Evangelical Lutheran Church in America, the constitution provides for allocation of additional voting members.

*Church Council action:*

To allocate for the 2022 Churchwide Assembly one additional voting member to the West Virginia-Western Maryland Synod (8H), making a total of six voting members; and

To allocate for the 2022 Churchwide Assembly two additional voting members to the Alaska Synod (1A), Arkansas-Oklahoma Synod (4C), Slovak Zion Synod (7G), and Caribbean Synod (9F), making a total of six voting members per synod.

## **10. PORTICO BENEFIT SERVICES PLAN AMENDMENTS**

The Church Council is responsible for approving Portico Benefit Services plan amendments that involve a significant change in policy or a significant change in cost or benefits and shall approve trust amendments initiated by Portico Benefit Services [“Portico”].

### *Church Council action:*

**To approve the proposed amendments to the Restated ELCA Retirement Trust, ELCA Retirement Savings Trust, ELCA Participating Annuity Trust, and Restated ELCA Master Institutional Retirement Trust as listed in the “Church Council Summary of Plan and Trust Amendments” document.**

## **11. AMENDMENTS TO LUTHER SEMINARY’S ARTICLES OF INCORPORATION**

On October 9, 2020, the Luther Seminary Board of Directors approved amendments to the Articles of Incorporation. The proposed amendments were submitted for approval by the Church Council in accordance with ELCA bylaw 8.21.02. The proposed amendments included one substantive addition which would allow Luther Seminary’s Board of Directors to act by authenticated electronic communication without actually meeting. The amendments also corrected an outdated statutory reference, removed obsolete language about the incorporators, and made other non-substantive edits.

### *Church Council action:*

**To approve the amended Articles of Incorporation of Luther Seminary.**

## **12. CORPORATE SOCIAL RESPONSIBILITY DOCUMENTS**

The Church Council is responsible for reviewing this church’s ongoing work in corporate social responsibility. The Program and Services Committee reviewed three issue papers and one social criteria investment screen.

### *Church Council actions:*

**To approve the amendments to the following corporate social responsibility documents to serve as the basis for ongoing corporate social responsibility work in this church:**

- **Domestic Access to Health Care Issue Paper**
- **Extractive Industries Issue Paper**
- **Codes of Conduct Issue Paper**
- **Pornography Social Criteria Investment Screen; and**

**To request that the original issue papers be archived for historical and research purposes.**

## **13. ASSESSING THE NEED FOR AND FEASIBILITY OF INITIATING SOCIAL MESSAGE PROCESSES**

In November 2019, the Church Council postponed the question of developing a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until Fall 2020 [CC19.11.47x; CC19.11.47z].

The director for theological ethics recommended deferring again the questions regarding these social messages because of the COVID-19 pandemic and its consequences. In the past months, it simply has not been possible to do the groundwork and assessment necessary to bring a recommendation to the Fall 2020 Church Council meeting. In addition, the pending reorganization and 2021 budget questions regarding the churchwide office make it nearly impossible to assess next year’s staff capacity and finances. While the consequences of COVID-19 remain difficult to fully anticipate, an assessment and recommendation should be possible by the Spring 2021 Church Council meeting.

### *Church Council action:*

**To defer the questions of developing a social message on U.S. National Drug Policy, aging, gender identity, or gun policy until the Spring 2021 Church Council meeting, when a new assessment of each issue, staff capacity, and finances will be made; and**

**To request that the secretary of this church inform the synods of this action.**

#### **14. ASPIRATIONAL DOCUMENT**

At the March 2020 Church Council meeting, the council requested that "... the Domestic Mission unit engage in conversation with the Conference of Bishops at its Fall 2020 meeting and the Church Council at its November 2020 meeting to consider the goals and purpose behind a new aspirational document;..." [CC20.03.05]

A preliminary conversation was conducted with the Conference of Bishops at its Fall 2020 meeting. Based on the feedback with the conference and other consultations, the executive director for Domestic Mission proposed a deferment on the question of developing an aspirational document.

*Church Council action:*

**To defer the question of developing an aspirational document until after Spring 2021 when Definitions and Guidelines for Discipline is further redeveloped.**

#### **15. RECOMMENDATION FROM CONFERENCE OF BISHOPS ON ELCA CANDIDACY MANUAL**

At its October 2020 meeting, the Conference of Bishops recommended changes for the sake of clarity to the statement for the approval form and the entrance form in the ELCA Candidacy Manual. [CB20.10.10]

*Church Council action:*

**To affirm the recommendation from the Conference of Bishops to amend the statement for the candidacy approval form and the entrance form;**

**To direct the Domestic Mission unit to revise the forms in the ELCA Candidacy Manual with this language, effective immediately:**

**"As a candidate for rostered ministry in this church, I understand I will be held accountable ~~to the synod's candidacy committee~~ regarding this church's expectations for my speech and conduct as set forward in *Definitions and Guidelines for Discipline of Rostered Ministers*. I understand that ~~my candidacy for~~ rostered ministry brings increased attention to my life. I am responsible for informing my bishop regarding any circumstance that might subject me to discipline according to *Definitions and Guidelines* were I a rostered minister. I understand that the candidacy committee may modify my candidacy status **at any time** in response to my speech and conduct."**

#### **16. ELECTIONS, NOMINATIONS, AND VACANCIES**

The Church Council has the responsibility of electing people to fill terms on boards of separately incorporated ministries, social ministry organizations, and seminaries. Bylaw 8.21.03. and 8.21.04. outlines basic parameters for the election of members to the boards of ELCA seminaries. Pursuant to 14.22. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, the Church Council is also to elect nominees to a vacancy on churchwide boards or committees.

*Church Council action:*

**To elect to the board of trustees of the Publishing House of the ELCA—1517 Media—to fill two vacancies with the term expiring in August 2022: Mr. Brooke Selassie and the Rev. Joy J. Moore.**

*Church Council action:*

**To elect to the board of directors of Wartburg Theological Seminary to a six-year term beginning Jan. 1, 2021 and expiring Dec. 31, 2026: The Rev. Michael D. Carlson and Mr. Anthony "Tony" Goodman.**

*Church Council action:*

**To elect to the advisory board of Pacific Lutheran Theological Seminary to a three-year term expiring in June 2023: The Rev. Jessica Crist, Mr. Justin W. Holmerud, the Rev. Sean Janssen, and the Rev. Ron C. Rucker.**

*Church Council action:*

**To elect to the board of trustees of United Lutheran Seminary for a three-year term expiring in 2022: The Rev. Cean R. James; and**

**To reelect to the board of trustees of United Lutheran Seminary for a three-year term expiring in 2022: Ms. Cheryl Williams.**

*Church Council action:*

**To elect to the board of directors of Trinity Lutheran Seminary at Capital University to a three-year term expiring in 2023: Mr. Allan Bernard.**

***Church Council action:***

**To elect to the Board of Directors of National Lutheran Campus Ministry, Inc. for a four-year term expiring in 2025: Mr. Thomas V. Matthews and the Rev. Paul Collinson-Streng.**

**To reelect to the board of directors of National Lutheran Campus Ministry, Inc. for a second four-year term expiring in 2025: The Rev. William E. Bentzinger II, Mr. Thomas T. Chase Jr., and the Rev. Joanne Conroy.**

**17. DECLARATION OF THE ELCA TO PEOPLE OF AFRICAN DESCENT**

*Church Council action [CA19.06.23.]*

To adopt “A Declaration of the Evangelical Lutheran Church in America to the People of African Descent” as a statement of apology for this church’s complicity in the legacy of slavery;

To thank the African Descent Lutheran Association for their 2015 biennial assembly resolution asking for a declaration of the ELCA to the people of African descent;

To call this church into a time of study and to direct the Office of the Presiding Bishop to consider developing educational resources to support the apology and encourage congregations, synods and the churchwide organization to find ways to share this apology broadly;

To direct Planning, Research and Evaluation to measure and report progress on the discriminatory treatment within the call process and to urge Portico to assist with providing information to the churchwide organization to measure and report progress on inequitable compensation of clergy of color by the November 2021 meeting of the Church Council;

To request the presiding bishop to name a Day of Repentance for congregations, synods and churchwide organization to observe annually and to request the Office of the Presiding Bishop worship team develop a liturgical resource of lamentation and repentance to accompany this annual Day of Repentance; and

To affirm the June 2019 Lutheran World Federation Council resolution “Commemorating the 2019 Quad-centennial of the Forced Transatlantic Voyage of Enslaved African Peoples to the Americas—Human Beings Not for Sale!” and, in particular, LWF’s call to engage in anti-racism and racial justice work, work toward economic justice (including the study of reparations), and work to address and end modern forms of slavery and human trafficking.

*Response from the Office of the Presiding Bishop (November 2020)*

The Office of the Presiding Bishop continues to work with congregations, synods, and ethnic associations to raise awareness of the apology by sharing the online resource link and by mailing print copies of the Declaration of the ELCA to People of African Descent. The apology also has been shared with full communion partners, including the National Council of Churches USA (NCC), Christian Churches Together (CCT), the Conference of National Black Churches (CNBC), the Lutheran World Federation (LWF), and the World Council of Churches (WCC). The question of reparations continues to be a growing topic of discussion within the ecumenical movement.

In response to the Church Council actions in 2019, the director for racial justice launched a preliminary study on reparations in early 2020. This report will be presented to members of the African Descent Strategy Team (ADST) and the African Descent Lutheran Association (ADLA) for review in early 2021. The preliminary report will serve as an outline in developing a more in-depth study proposal for engaging and educating the wider church on the history of reparations. The intent of the study is to collect existing information for the development of congregational resources. The research project will define reparations with a theological and socio-economic frame; provide an historical overview of the impact of the transatlantic slave trade; examine the current case for reparations within church and society; consider ecumenical actions of various partner churches; and align with advocacy efforts currently underway at the state, local, national, and international levels. Looking ahead to 2021 and beyond, a proposal is in development for a consultation on the study of reparations with key stake holders, scholars and various persons in leadership representing groups across this church. The reparations study will coincide with existing churchwide assembly actions and related resolutions, including “African Descent Lutheran Lives Matter” and “Condemnation of White Supremacy & Racist Rhetoric.” To complete this undertaking will require the work of experts and a proposed budget.

In addition, the June 2019 Church Council action called for an ELCA Day of Repentance from Racism. In 2020, the ELCA recognized June 17 as a Day of Repentance from Racism and the Remembrance of the Mother Emanuel 9. The churchwide organization launched a live web service and encouraged congregations, synods, and members to participate in the day. The Office of the Presiding Bishop worship team, the director for racial justice, the director for African Descent ministries, and the executive for ecumenical and inter-religious relations and theological discernment, in partnership with leaders across the Church planned and developed liturgical resources of lamentation and repentance to accompany the June 17 Day of Repentance. Conversations have been underway with the director for African Descent ministries, the director for racial justice, and the executive for worship to review the liturgical calendar for an additional date. Due to the COVID-19 pandemic, no formal date has been proposed to the presiding bishop at this time.

***Church Council action:***

**To receive the response from the Office of the Presiding Bishop on the implementation of the resolution of the “Declaration of the ELCA to the People of African Descent” (a statement of apology for this church’s complicity in the legacy of slavery);**

**To thank the churchwide staff for their efforts in providing educational resources to support the apology and encouraging members, congregations, and synods to find ways to share this apology broadly;**

**To encourage the continuation of the research and work toward economic justice and the study of reparations and engagement in anti-racism and racial justice work; and**

**To request a further report from the Office of the Presiding Bishop on the naming of an annual Day of Repentance, including a liturgical resource of lamentation and repentance to accompany this annual Day of Repentance, to the Spring 2021 Church Council meeting.**