

Cover letter from the ELCG Church Council Chairperson, re proposed Constitutional amendments, Bylaws and Continuing Resolutions

July 15, 2018

Dear Members of the German-Speaking and English-Speaking Congregation Councils of the Evangelical Lutheran Church of Geneva:

It is my pleasure to transmit to you proposed amendments to the Constitution of the Evangelical Lutheran Church of Geneva. Also attached you will find proposed Bylaws and Continuing Resolutions for our Church, as well as a memo prepared by Ralston Deffenbaugh and reviewed by the Church Council that summarizes the major changes proposed.

At its meeting on 11 June 2018, the Church Council discussed these documents and decided that they should be transmitted to your respective Congregation Councils. The Church Council received them from the Constitution Drafting Group comprising members from both our congregations (Friederike Aebischer, Heinz Buschbeck, Ralston Deffenbaugh, Martin Magold, Jackson Sempele, Maarten Wilbers and myself, Friedrich Lohmann).

The process for revising our Church Constitution was initiated by the Church Council on 26 March 2015. The Church Council minutes note:

- The German-Speaking Congregation Council has proposed that the ELCG Constitution be updated and amended. The current constitution dates in the main from 1980, with a brief amendment in 2011, with the main change relating to the management of assets if the church was to be resolved. Among the issues to be addressed would be:
 - Provisions regarding the rights and obligations of congregations, and for receiving new congregations, as well as clarifying responsibilities of existing congregation.
 - The responsibilities of congregations for building expenses, and the distinction between congregations that use the church building and those that do not.
 - The French-language name of the church.
 - Not all Church Council members need be currently members of their Congregation Council.

It is proposed that the Church will have three levels of governing documents:

The **Constitution** is the foundational governing document for our Church. It should be amended only rarely, and a majority of three-fourths of the voting members present at an ELCG General Assembly is required to do so.

The **Bylaws** set out policies and procedures, usually of a governance nature, which

complement and supplement the Constitution. The Bylaws may be adopted or amended by the action either of the General Assembly or of the Church Council. In each case a majority of two-thirds of the voting members present is required.

The **Continuing Resolutions** set out policies, procedures, and terms of reference which have a continuing relevance and are not to be forgotten. They can be adopted or amended either by action of the General Assembly (by a two-thirds majority) or by the Church Council (by a two-thirds majority).

We feel that it is important to see the three documents – proposed amendments to the Constitution and the new Bylaws and Continuing Resolutions – as a package. They should be reviewed and evaluated together. If possible, it would be good for the General Assembly to adopt all three. However, the only one of the three that must be adopted by the General Assembly is the amendments to the Constitution. If need be, the Church Council would be empowered to adopt the Bylaws and Continuing Resolutions.

The Church Council commends these documents for further deliberation in our Church. The procedure I would propose from here would be as follows:

1. A German-language translation of the documents is to be prepared;
2. One or more open hearings to be held on the proposed amendments to the Constitution and the adoption of Bylaws and Continuing Resolutions;
3. Each of the Congregation Councils to discuss these documents;
4. The Church Council to further discuss the documents in view of the feedback received from the open hearings and from the Congregation Councils, and to make any edits or changes;
5. The Church Council should convene a General Assembly of the ELCG, with the agenda being to take action on the proposed amendments to the Constitution and the adoption of Bylaws and Continuing Resolutions.

Lastly, some additional recommendations regarding Continuing Resolutions. The document comprising the Continuing Resolutions of the ELCG (attached hereto) lays out matters of a continuing nature. Most of the proposed text reflects resolutions that have already been decided by the ELCG Church Council, in its own wording. Section V consists largely of new wording, recommended by the Drafting Group.

Continuing resolutions are work in progress. Once adopted in the proposed form, they should be amended by additional policies. Therefore, to accompany its proposal for a revised ELCG Constitution and for Bylaws, the Constitution Drafting Group recommends that the Church Council, after the General Assembly, appoint drafters with the relevant expertise in order to prepare additional Continuing Resolutions along these lines:

- a. A code of conduct regarding harassment, in addition to the already existing Child Protection Policy (The LWF Code of Conduct could serve as a model);

- b. Principles for insurance coverage, both for staff and for the building and property. Such coverage should in any event include comprehensive insurance for the building at full replacement cost, as well as third-party liability coverage in relation to the building. The ELCG should also be covered against any liability relating to improper conduct, including in particular in relation to children.
- c. The German-Speaking Congregation is to bear the costs associated with the GSC pastor's apartment;
- d. That the secretarial, filing and administrative work for the Church Council shall be done by the English-Speaking Congregation;
- e. Principles for use of the building, both for the Congregations of the Church and for others;
- f. Room rental rates (in an exhibit);
- g. Principles for harmonization of personnel policies and pay scales between the Congregations of the Church, insofar as appropriate and feasible;
- h. Where files and building-use schedules shall be kept;
- i. Principles regarding the selection and work of auditors;
- j. Consider whether there should be policies relating to data privacy protection.

I look forward to our Church's discussions of these three documents. I would ask that each Congregation Council give its feedback to the Church Council no later than 1 December 2018. The Church Council aims to convene a General Assembly sometime in the spring of 2019 to take action on these matters.

Yours in Christ,

A handwritten signature in black ink, appearing to read 'F. Lohmann', written over a horizontal line.

Friedrich Lohmann
Church Council Chairperson