

## **2017 INFORMATION AND GUIDELINES** **FOR THE DRAFTING OF MEMORIALS AND RESOLUTIONS**

The following information should be helpful to any person or group wishing to draft a resolution.

A memorial or resolution addresses a concern or issue which does not necessarily appear on the Assembly agenda. Through such resolutions, conferences, congregations, and voting members may bring up new areas of discussion.

Assemblies offer fertile ground for the seeds of memorials and resolutions. In order to keep their numbers reasonable and their subjects appropriate, authors of resolutions should think through the need for -- as well as the formulation of -- proposed resolutions.

Memorials and resolutions, if received by the Synod Bishop thirty days prior to the Assembly, will be printed in the Pre-Assembly Report or its Supplement. These resolutions will be presented to the Synod Assembly after review by, and recommendation of, the Synod Council (S7.11.60.).

Memorials and resolutions received by the Bishop less than 30 days prior to the beginning of the Assembly and resolutions introduced at the Assembly are transmitted to the Resolutions Committee which will decide whether to bring the memorial or resolution to the floor of the Assembly. The Committee reviews the resolutions and reports to the Assembly with their recommendations for action. The Assembly may or may not follow the recommendation of the Resolutions Committee (S7.11.60.).

The Chair of the Assembly and the Committee on Resolutions appreciates resolutions by drafters who explore these Questions before setting pen to paper:

Is it necessary? Some memorials and resolutions address concerns that the Church already meets head-on. Voting members can feel free to question any area of Church or Synod involvement and perhaps questions could better be raised in this manner rather than in a resolution. If after questioning, the issue is not being addressed, proceed with a resolution.

Is it appropriate? Action will be taken by the Assembly on behalf of the Synod. The memorial or resolution should be of a nature suitable for church action. This calls for some judgment. If in doubt, consult with the Committee on Resolutions, the Synod Bishop, or the Synod Secretary as to its appropriateness.

Is it in keeping with statements and policies of the Church and Synod? Previous Assemblies of the Church have acted on issues that have been debated by elected representatives of the Church. It would be well to keep the established statements and policies of the Church in mind and construct resolutions that are not in conflict

with these previous actions but affirm or are in harmony with them. This would hold true for those resolutions and previous actions of the Synod also.

Who speaks for whom? Normally the Evangelical Lutheran Church in America speaks nationally, that is, to the President of the United States, Congress, and on items of international concern. The Synod, in turn, speaks to the Governors of Wisconsin and Michigan, the two state legislatures and issues of concern on the territory of this Synod.

Can we direct the ELCA to act? No. We may request the Churchwide Assembly, the Church Council, or a particular division of the Church to address a certain concern or issue, but we cannot direct.

Is it premature? Don't use resolutions as trial balloons. There are more effective ways to get action started and they should be explored before going to a resolution. Direct contact with the areas of concern through Task Forces or Committees or the Synod Council might provide more efficient first steps to solve a problem.

Is it redundant? Check to make sure the issue has not been addressed in another resolution or a recommendation in one of the Assembly reports.

Is more information needed to inform people of the content? Examine your memorial or resolution to see whether the average voting member would need more background information to vote intelligently on the content. You may be asked to provide accurate verifiable information to substantiate your resolution, complete with noted sources.

Is there a cost factor in the implementation of the memorial or resolution? Be prepared to estimate the cost and/or the necessary staff, committee or task force time involved. NOTE: Any memorial or resolution that requires the appropriation of funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require a two-thirds majority vote of the Assembly for adoption. (S10.04.)

Does the memorial or resolution pertain to pending legislation? Feel free to consult with the Lutheran Office for Public Policy in Wisconsin or the Office of Governmental Affairs, Lutheran Social Services of Michigan, for up-to-date information, assistance with wording, and help in obtaining copies of the legislation to be made accessible at the Assembly. Specific bills are best mentioned in a "whereas" clause rather than in the "therefore" clause(s), since a bill can be changed rapidly in the legislative process. If a resolution deals with a problem which might be amendable to a legislative solution, consider wording which would direct a Synod committee or staff person to work with the LOPPW or OGA, LSSM toward obtaining such legislation.

Does the memorial or resolution conflict with governing documents? Any memorial or resolution that conflicts with the governing documents of the Evangelical Lutheran Church in America or the Northern Great Lakes Synod will be declared out-of-order

per *Robert's Rules of Order, Newly Revised* (11<sup>th</sup> ed.) section 39, page 343.

Other places a voting member may go for help in framing a resolution would be to the Synod Bishop or the Synod Secretary.

When a voting member determines that the resolution fills a definite need the next step is to draft it -- on the proper form provided by the Synod Secretary -- in such a way that it has point, purpose, and coherence.

A good resolution:

Has a clear rationale. The rationale or background statement should cite any applicable ELCA or Synod policy.

Has a definite audience in mind. State clearly whom the resolution addresses: Synod members in general, Synod Council, committees, task forces or the Assembly itself.

Proposes a specific action. Being specific avoids meaningless resolutions. State the action desired, who will do it, and who will be affected.

Is it cost-effective. If the memorial or resolution calls for additional costs or staff time, estimate these costs. Be certain the proposal is worth the price. Any resolutions that require study or large expenditures of funds should be directed to the Synod Council to determine how this might impact the budget of the Synod as well as other funded items. NOTE: Any memorial or resolution that requires the appropriation of funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require a two-thirds majority vote of the Assembly for adoption. (S10.04.)

Recognize that your memorial or resolution, once submitted, becomes the property of the Assembly, and that the Committee on Resolutions is established by the body to help the Assembly work be accomplished more effectively. Amendments may be proposed, thereby changing your resolution. If you or another voting member wish to have the Assembly vote on your original resolution despite a Resolutions Committee recommendation that it be amended, you may move to "substitute the original resolution" for the committee's recommendation.

**The following information was received from the Evangelical Lutheran Church in America, Office of the Secretary, February, 2017.**

**I. What is the Difference between a Memorial and a Resolution?**

In 1988, the ELCA Church Council voted that communications from synods to the churchwide organization and the Churchwide Assembly would be pursuant to ELCA constitutional and bylaw provisions. Essentially, this action affirmed three avenues for communication:

- (1) Synod Assemblies may address the Churchwide Assembly through memorials
- (2) Synod Councils may address the ELCA Church Council through resolutions
- (3) Synod Councils may address churchwide units through the ELCA Church Council's Executive Committee (including forwarding resolutions adopted by Synod Assemblies).

Although both memorials and resolutions are requests by a synod for action, they are intended to address different issues and are processed differently.

**Memorials** address broad policy issues and are passed by Synod Assemblies for consideration by the Churchwide Assembly. Synod Councils are not authorized to adopt memorials for submission to the Churchwide Assembly. One of the responsibilities of the Churchwide Assembly, in accordance with provision 12.21.c., in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, is to "receive and consider proposals from synod assemblies." Once received by the churchwide organization, they are referred to the Memorials Committee, which is appointed by the Church Council to review and make recommendations to the Churchwide Assembly, in accordance with bylaw 12.51.21. The Memorials Committee meets after all Synod Assemblies are over, approximately six to eight weeks before the Churchwide Assembly.

**Resolutions** are requests from synods to the Church Council or units of the churchwide organization. Either Synod Assemblies or Synod Councils may originate resolutions. Frequently, Synod Councils pass resolutions between meetings of the Synod Assemblies and forward them directly to the Church Council for consideration, or to the Church Council Executive Committee if the desired action involves referral to a unit of the churchwide organization. As a practical matter, resolutions have a more narrow focus than memorials because they are requests for consideration or action by individual units or the Church Council. Thus, for example, a request for the Church Council to recommend a parliamentary rule would be the subject of a resolution, but a request to change an ELCA policy should be a memorial.

A resolution and a memorial are *not* to be combined in one action. In addition, a synod should not address both the Church Council and the Churchwide Assembly on the same subject. The Office of the Secretary, with the concurrence of the Executive Committee of the Church Council, may treat a proposal characterized as a memorial as a resolution or vice versa. In these circumstances, the synod will be notified promptly of the re-characterization.

It also is important to point out that resolutions and memorials *cannot* direct the Churchwide organization to take action. They are proposals *requesting* the specified action.

Please note that memorials adopted at this year's Synod Assemblies will not come before the Churchwide Assembly until 2019. If issues to be addressed by your Synod Assembly require a timely response, it would be appropriate to consider a resolution to the Church Council rather than a memorial to the Churchwide Assembly.

Interdependence, as well as stewardship of resources, requires care to avoid resolutions and memorials that impose unreasonable financial demands on synods and the churchwide organization. If a proposed resolution or memorial will impose an unfunded mandate if adopted, Synod Councils are requested to consider the proposed action *before* submission to the Synod Assemblies. Synods also are requested to advise Synod Councils and Synod Assemblies that the churchwide organization may not be able to support requested resolutions or memorials for budgetary reasons and that, if adopted, such proposed actions may have adverse consequences on existing programs or ministries. As interdependent partners, it is important for synods and the churchwide organizations to work collaboratively. If questions exist regarding the potential implications of a proposed resolution or memorial, inquiries to the Office of the Secretary are encouraged.

## II. Drafting Memorials and Resolutions

Provision S7.32. in the *Constitution for Synods* states: "*Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly." A comparable provision, 12.31.09, is in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

Both memorials and resolutions are forms of main motions under *Robert's Rules of Order, Newly Revised* (11th ed.), Section 10. A main motion is simply a motion that brings business before the assembly. It is the basic mechanism to present a matter to the assembly for possible action.

Resolutions and memorials frequently contain both "resolved" clauses and "whereas" clauses. "Resolved" clauses state the action to be taken by the assembly; "whereas" clauses constitute a preamble describing the reasons for the proposed action. "Whereas" clauses are *not* required; in fact, *Robert's Rules of Order, Newly Revised* (11<sup>th</sup> ed.) Section 10, page 107, discourages their use:

"In general, the use of a preamble should be limited to cases where it provides little-known information without which the point or the merits of a resolution are likely to be poorly understood, where unusual importance is attached to making certain reasons for an action a matter of record or the like."

If "whereas" clauses are used, there should be as few as necessary. They should be succinct and factual. They should not be argumentative. The Resolutions Committee should ensure that any "whereas" clauses comply with *Robert's Rules of Order*.

"Resolved" clauses, if adopted, become the officially worded statement of an action taken by a legislative body and a request for further action by the churchwide organization or the Churchwide Assembly. This means that they should be concise, accurate, and complete. They also should be unambiguous and should state clearly the proposed action. Just as in any main motion, "resolved" clauses should not employ offensive language that would be improper in debate, according to *Robert's Rules of Order, Newly Revised* (11<sup>th</sup> ed.) Section 10, page 104.

Some resolutions and memorials should not be considered. Any resolution or memorial that conflicts with the governing documents of this church is an “improper motion.” As stated in *Robert's Rules of Order, Newly Revised* (11<sup>th</sup> ed.) Section 39, page 343:

“Motions that conflict with the corporate charter, constitution, or bylaws of a society, or with the procedural rules prescribed by national, state, or local laws, are out of order, and if any motion of this kind is adopted, it is null and void.”

Synod Councils are encouraged to work closely with the Reference and Counsel Committee or Resolutions Committee to craft resolutions and memorials that do not conflict with the governing documents and meet the required criteria.

**Memorials** must include a final “resolved” clause asking the Churchwide Assembly to act (or refrain from acting) in a particular way. Here is a sample final paragraph of a memorial from a Synod Assembly:

RESOLVED, that the \_\_\_\_\_ Synod Assembly memorialize the 2019 Churchwide Assembly of the Evangelical Lutheran Church in America to ... [clearly describe proposed course of action].

The final “resolved” clause of resolutions will differ depending upon whether they are intended for the attention of the Church Council or a churchwide unit. Here are sample final paragraphs for resolutions:

RESOLVED, that the \_\_\_\_ Synod Assembly direct the Synod Council to forward this resolution to the Church Council for consideration and possible action.

or

RESOLVED that the \_\_\_\_ Synod Assembly direct the Synod Council to forward this resolution to the Church Council’s Executive Committee for referral and disposition to the appropriate unit or office of the churchwide organization in accordance with the bylaws and continuing resolutions of this church.

or

RESOLVED that the \_\_\_\_ Synod Council request the Church Council to ... [clearly describe proposed course of action].

or

RESOLVED that the \_\_\_\_ Synod Council request the Church Council’s Executive Committee to ... [clearly describe proposed course of action].

## **Other General Comments**

Regarding the language of resolutions and memorials, some basic information on the proper language of resolutions and memorials may be found in *Robert's Rules of Order, Newly Revised* (11th ed.).

Basically, the best resolutions and memorials are simple and forthright. They contain a minimum of adjectives and adverbs. They avoid inflammatory words and generalized statements. They clearly and accurately state facts. They are built on straightforward nouns and verbs.

Good resolutions and memorials say, in essence: "Please, this is why we think this is important and this is the action that we believe should be undertaken."

Please do not be afraid or hesitate to contact the Synod Bishop, the Synod Secretary or a member of the Resolutions Committee if you have questions or to seek council in the crafting of a memorial or resolution.