

Agenda Exhibits

EXHIBIT A REPORTS OF THE OFFICERS

- Part 1: Report of the Presiding Bishop
 - Part 1a: Summary of Section Activities
- Part 2: Report of the Vice President
 - Part 2a: Report of the Vice President
 - Part 2b: Letter from the Vice President to the ELCA
- Part 3: Report of the Secretary
 - Appendix 1: Summary of Congregational Statistics
 - Appendix 2: Congregational Report Form A
 - Appendix 4: 2011 Nominations from Synods
 - Appendix 5: Allocation of Voting Members for the 2011 Churchwide Assembly
 - Appendix 6: Termination of the Relationship between a Congregation and the ELCA
- Part 4: Report of the Treasurer
 - Part 4a: Summary of Information Technology and Management Services Sections
- Part 5: Report of the Conference of Bishops

EXHIBIT B CHURCH COUNCIL ITEMS

- Part 1: Synodical Resolutions Directed to the Church Council
 - Part 1a: Synod Resolutions for Referral to Churchwide Units
 - Part 1b: Proposed Responses: Synodical Resolutions Previously Referred to Churchwide Units
 - Part 1c: Actions of the Eighth Triennial Convention of the LYO
- Part 2: Churchwide Assembly Actions
 - Part 2a: Churchwide Assembly Actions for Referral
- Part 3: Committee Assignments
 - Part 3b: Committee Preferences Chart
- Part 4: Church Council Member Synod Visit Summary
- Part 5: Church Council Member Synod Contacts
- Part 6: Proposal for Church Council Process Observation

EXHIBIT C NOMINATIONS

- Part 1: Elections
- Part 2: Nominations Vitae

EXHIBIT D CHURCH COUNCIL ACTIVITIES

- Part 1: Proposed Protocol for Revisions to Ministry Policies

EXHIBIT E ADMINISTRATIVE MATTERS

- Part 1: Report of the Executive for Administration
- Part 2: Charter of "Living into the Future Together: Renewing the Ecology of the ELCA"
- Part 3: Evaluation of the Multicultural Ministries Program Unit

EXHIBIT F BUDGET AND FINANCE COMMITTEE

Part 1: Financial Statements

- Part 1a: 2009 Operating Results Summary
- Part 1b: Current Operating Results for the 12 months ending September 30, 2009
- Part 1c: World Hunger
- Part 1d: Statement of Financial Position
- Part 1e: Analysis of Capital Projects

Part 2: 2009 Current Income and Expenditure Authorization

- Part 2a: Revised 2010 and 2011 Income Estimates
- Part 2b: Revised 2010 Expense Proposal
- Part 2c: 2010 Capital Budget

Part 4: Church Council Designated Funds

- Part 4a: Summary of Church Council Designated Funds
- Part 4b: Second Mile Ministry
- Part 4c: ELCA Studies on Sexuality
- Part 4d: Culture-Specific Resource Development
- Part 4e: Introduction of New Primary Worship Resource
- Part 4f: Leadership Development Initiative

Part 5: Synod Mission Support

- Part 5a: Report of Director for Synod Mission Support
- Part 5b: 2009-2010 Revised Mission Support Plans

Part 6: Audit Committee

- Part 6a: Report of the Audit Committee
- Part 6b: Charter of the Audit Committee

Part 7: Charitable Gift Annuity Program

- Part 7a: Investment Philosophy and Policy Statement
- Part 7b: Required Reserve
- Part 7c: Excess Reserve Fund

Part 8: ELCA Investment Policy Compliance Analysis

Part 9: Cash Management Policy Comparison vs. Actual

EXHIBIT G LEGAL AND CONSTITUTIONAL REVIEW

Part 1: Committee on Appeals

- Part 1a: Progress Report on “Definitions and Guidelines for Discipline”
- Part 1b: “Definitions and Guidelines” Proposed Draft Changes

Part 2: Reinstatement to the Rosters of the ELCA

Part 3: Operational Ethics Policy

- Part 3a: Operational Ethics Policy of the Churchwide Organization (revisions)
- Part 3b: Operational Ethics Policy of the Churchwide Organization (revisions accepted)

EXHIBIT H PLANNING AND EVALUATION COMMITTEE

Part 2: Alliance Survey

- Part 2a: Churchwide Staff Alliances Executive Summary
- Part 2b: Review of Churchwide Staff Alliances

EXHIBIT I PROGRAM AND SERVICES COMMITTEE

- Part 1: Personnel Policies
 - Part 1a: Personnel Policies (revisions)
 - Part 1b: Personnel Policies (revisions accepted)

EXHIBIT J ONGOING REVIEW OF CHURCHWIDE UNITS AND REGIONS

- Part 1: Summary of Activities of Churchwide Units
 - Part 1a: Summary of Board Actions
 - Part 1b: Report of Regional Coordinators

EXHIBIT K CHURCH IN SOCIETY

- Part 1: Social Policy Resolution: Immigration
- Part 2: Corporate Social Responsibility Report
- Part 3: Issue Paper: Extractive Industries
 - Part 3a: Issue Paper 11 (revisions)
 - Part 3b: Issue Paper 11 (revisions accepted)
- Part 4: Implementation, Progress Report: "Our Calling in Education"
- Part 5: Biennial Studies Plan

EXHIBIT L

- Part 1: Lutheran Men in Mission Report

EXHIBIT O VOCATION AND EDUCATION

- Part 1: Vision and Expectations
 - Part 1a: Draft Revisions to "Visions and Expectations: Ordained Ministers in the ELCA"
 - Part 1b: Notes on Clarifications and Possible Revisions to the Candidacy and Call Process
- Part 2: Lifelong Learning Policies
 - Part 2a: Lifelong Learning Policies (revisions)
 - Part 2b: Lifelong Learning Policies (revisions accepted)
- Part 3: Agreement with Evangelical Church in Germany
 - Part 3a: Agreement with Evangelical Church in Germany
 - Part 3b: Guidelines on Candidacy Issues (revisions)
 - Part 3c: Guidelines on Candidacy Issues (revisions accepted)
- Part 4: Campus Ministry Report
- Part 5: Rostered Ministry Policies and Processes in the ELCA: A Primer
- Part 6: Lutheran Youth Organization
 - Part 6a: Constitution of the LYO (revisions)
 - Part 6b: Constitution of the LYO (revisions accepted)

EXHIBIT P

- Part 1: Board of Pensions Trust Documents (*parts 1a-1j available on Net Community or by request*)
 - Part 1a: Memo from BOP
 - Part 1b: Restated ELCA Retirement Trust
 - Part 1c: Restated ELCA Master Institutional Retirement Trust
 - Part 1d: Restated ELCA Medical and Dental Benefits Trust

- Part 1e: Restated ELCA Survivor Benefits Trust
- Part 1f: Restated ELCA Disability Benefits Trust
- Part 1g: Restated ELCA Supplemental Retirement Benefits Trust
- Part 1h: Restated ELCA Master 457(b) Deferred Compensation Trust
- Part 1i: Restated ELCA Benefits Contribution Trust
- Part 1j: ELCA Participating Annuity Trust
- Part 2: Proposed Amendment to ELCA Retirement Plan
- Part 3: Proposed Amendment to ELCA Master Institutional Retirement Plan
- Part 4: Proposed Amendment to ELCA Retirement Plan for the Evangelical Lutheran Good Samaritan Society

EXHIBIT Q

- Part 1: Primer in Responding to Media or Correspondence, and Meeting with Synod Councils

EXHIBIT R

- Part 1: 2009 Churchwide Assembly Evaluation
- Part 2: Church Council Directory

**Report to Church Council
November 2009**

For we do not proclaim ourselves; we proclaim Jesus Christ as Lord and ourselves as your slaves for Jesus' sake. For it is the God who said, 'Let light shine out of darkness,' who has shone in our hearts to give the light of the knowledge of the glory of God in the face of Jesus Christ. But we have this treasure in clay jars, so that it may be made clear that this extraordinary power belongs to God and does not come from us. (2 Corinthians 4:5-7)

As we gather for our work together, I want to express my heartfelt gratitude to the continuing members of the Church Council for your service during the 2009 Churchwide Assembly and in the months that have followed. Thank you for your willingness to serve, for your generosity in sharing the Spirit's gifts in your life, and for your faithfulness in this work and in all the callings where you serve Christ's mission and God's people in the world.

The demands on all of us in the last months have been especially challenging, and they have made me all the more grateful for our partnership in serving. In that spirit, please join me in welcoming the thirteen new members of the Church Council into this partnership: Ms. Judith Barlow-Roberts, Ms. Rebecca Carlson, Pr. Amsalu Geleta, Ms. Louise Hemstead, Mr. William Horne, Pr. Heather Lubold, Ms. Susan McArver, Pr. Raymond Miller, Mr. Ivan Perez, Pr. Michael Schmidt, Mr. Blaire Smith, Pr. Kathryn Tiede, and Pr. Philip Wold.

It is obvious that the exceptional demands of these past months have been occasioned by the Churchwide Assembly's decisions regarding human sexuality. It would be misleading, however, to define who we are and what we do only in relationship to those actions or to view those actions as if they existed in a vacuum. As important as it is to attend to the significance of these developments, our work and mission will be served best when we locate them within a larger framework—cultural, historical, ecclesial, and theological.

The larger cultural and historical context in which we serve is marked by historic economic and political change. The global economic recession has severely challenged the entire ELCA ecology: congregations, synods, the churchwide organization, colleges and seminaries, campus and outdoor ministries, advocacy and social service agencies, and global and ecumenical partners. The complexities of the political debate over health care are mirrored in the complex challenges affecting the ELCA Pension and Benefits Plan. Both have direct consequences for the financial well-being of rostered leaders and of congregations and other institutions.

Similarly, the demographic changes that are changing the American electorate, workplaces, and neighborhoods have a direct influence on ELCA congregations. Many of our congregations continue both to become older in average age than the U.S. population and remain almost exclusively white, but some are emerging and growing in both younger members and those who are people of color or languages other than English.

These trends in change occur as the ELCA continues to mature as a church body, inscribing and embodying its own distinctive narrative in the history of American Lutheranism and Christianity. The ELCA's identity has been shaped by decisions about ministry and ethics and by relationships nurtured in ecumenical agreements and ongoing ministry partnerships. In this narrative the deeper, enduring, and interwoven traditions of confessional witness, liturgical practice, and personal piety that came together in the ELCA are perhaps more evident now than they were at the beginning. It is clear that there is a

common passion for an evangelical witness of Jesus Christ that has the strength of both integrity and charity. It is also clear that every kind of diversity in conviction and practice, perception and commitment, also remains strong among us. While this diversity enriches our shared life, it also has potential to create tensions among us, even to the point of straining the bonds of mutual respect and trust among us.

As important as it is to recognize and understand this context, it does not provide the defining identity for the people who gather at the foot of Christ's cross, who have been joined in baptism to his death, and who live by faith in him, sharing in the power of his resurrection and serving his mission of forgiving mercy to the world. At this gathering place, the foot of the cross, we discover the center that holds us together in life and mission. It is the crucified One who gives us our identity and in whom we can discover who we are.

Given this context, history, and distinctive narrative, what can we say about the Evangelical Lutheran Church in America?

We are a worshiping and praying church, centered on hearing God's Word and receiving God's promise in faith. Just as the Churchwide Assembly gathered for worship in the middle of each day around the means of grace and bathed its deliberations with Bible study and with the prayer of people who live in a baptismal covenant of mercy, so as a church we continue to live in God's Word and prayer. For example, the Book of Faith initiative continues to expand with new participants and new resources and the days of prayer leading to the assembly are being mirrored with new resources for the weeks following.

We are an ecumenical church, joined to a global Christian community united in Christ. The assembly's action to enter into a full communion relationship with The United Methodist Church demonstrates our eagerness to renew and sustain the bonds of love in the one Body of Christ, not only with partners in the Lutheran World Federation and full communion partners in the United States, but also with all others in the global Christian community.

- The observance of the tenth anniversary of the adoption of the Joint Declaration on the Doctrine of Justification last month in Chicago and observances across the United States celebrating full communion with The United Methodist Church are more than a remembrances of a signing ceremony and an assembly action. They have been occasions to give thanks to God that the doctrine of justification is not church-dividing for Lutherans, Roman Catholics, and Methodists and that we recognize each other as sisters and brothers living a common life in Jesus Christ.
- Similarly, there was great energy and imagination when representatives of our Formula of Agreement full communion partners met here in Chicago in September for two days of more intentional planning and creative work together.
- When I and other ELCA representatives met in early October with Lutheran Church-Missouri Synod counterparts and with our partners in Lutheran World Relief, Lutheran Immigration and Refugee Service, and Lutheran Services in America, we were building on long-standing partnerships that have touched the lives of millions of Americans of all faiths and are reflected in our shared commitment to serve our neighbors.

In these relationships we are living into the life in Christ that God has given us to live with sisters and brothers—a life of common witness and shared service for the life of the world.

We are a serving church, engaged in a witness of justice and mercy around the globe.

- For example, a year ago the people of Zimbabwe faced a social, economic and political crisis where everything "hung in the balance." Through the work of the Global Mission unit and with World Hunger funds, the ELCA undertook a significant church-to-church intervention, involving both food aid and assistance that helped to keep the four hospitals open and functioning. At the same time other efforts, funded through the regular budget, gave encouragement to pastors and church workers during the darkest period of hyperinflation and civil strife.
- Similarly, the assembly action to move forward with the Lutheran Malaria Initiative in partnership with Lutheran World Relief and The Lutheran Church-Missouri Synod and with a commitment to funding the HIV and AIDS strategy are indicators of the broad range of ministries by which we serve our neighbors in all the callings of our life and in every place we are able to go.

We are an evangelical church, engaged in evangelical mission for the life of the world. The table conversations at the Churchwide Assembly about our witness going forward are being echoed repeatedly in mission-focused conversations convened in each synod with local congregational leaders by directors for evangelical mission and in the ongoing relationships of accompaniment we have with partner churches around the globe.

- The spirit of joy and hope in the Gospel that I witnessed at a recent churchwide mission table gathering with over 100 participants from fifteen pilot synods is also evident in the responses to "Our Faithful Mission Together" (www.elca.org/faithfulmission), the "microsite" on the ELCA Web site that invites every congregation and member to join in a common witness to the world.
- In support of this evangelical mission we are pleased that the Lilly Endowment has awarded the ELCA a major grant totaling nearly \$1 million to address the challenges of seminarian student debt. Together with funds and contributed services from ELCA units and partner institutions, this million dollar grant will make possible a \$2.1 million, three-year project called "Stewards of Abundance." This project aims to increase the financial savvy and steward leadership of seminarians and first-call leaders. In addition, Stewards of Abundance aims to generate new support both for seminarians and the theological education network that prepares them for service.

We are a faithful church that deliberates evangelically with the witness of the scriptures and the Lutheran confessions, the Gospel that Martin Luther called "the true treasure of the church." The work of faithful communal discernment that was so intense at the Churchwide Assembly has not ended, but continues in conversations of deepening theological discernment throughout the ELCA. Although this work is difficult and sometimes contentious, the conversations I have participated in since the assembly at several synod theological conferences and in parishes where I have preached give me hope that God will not disappoint those who wait in confident hope for the Holy Spirit to lead and empower us for mission.

In the midst of all the challenges and opportunities of this moment, and in the context of both the larger national and cultural debates and the world of narrowly focused details, I want to share two things that stand out:

- One is a **deep and abiding joy**. It is a joy that I have witnessed in the young people who whole-heartedly participated in the worship, service, and learning of the Youth Gathering in New Orleans and who have so strongly rejoiced in the actions of the Churchwide Assembly that witness the depth of God's love for the world in Jesus Christ. It is also a joy that I feel deeply within me as I serve in this office to which I am called and in which I have the blessing of working alongside

talented and devoted colleagues and of being sustained daily by the prayers of members across the church.

- The other is an equally **deep and enduring gratitude** for all who serve faithfully with such great generosity of time, ability, devotion, and wisdom—pastors, elected leaders and employed staff in congregations; ELCA members in their congregational service and witness and in their daily callings; and synodical and churchwide staff, partners on hundreds of campuses and agencies, and you in this particular service.

Mark S. Hanson
November 5, 2009

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Ecumenical and Inter-Religious Relations (ER)

Submitted by Pr. Donald J. McCoid

This report of the activities of the Ecumenical and Inter-Religious Relations section of the Office of Presiding Bishop is organized around the various areas of the section's responsibilities and ministry.

Full Communion Relationships

United Methodist Full Communion Agreement

The ecumenical highlight of the ELCA Churchwide Assembly was the strong and affirming vote to approve the ELCA's full communion relationship with the United Methodist Church. The next steps will include some transitional work on the interchangeability of ordained clergy, as well as developing an agenda for mutual ministry understanding and planning. In place of a national celebration, local conferences and synods and regions are encouraged to provide a worship service to mark the beginning of our relationship. A coordinating committee will be named in the months ahead.

Presbyterian Church USA, Reformed Church in America, United Church of Christ

A significant meeting of heads of communion and key staff persons from each of the partner churches met in early September for presentations, sharing, and planning. The focus before the gathering was a concise plan for the second ten years of our Formula of Agreement relationship. The areas of congregational renewal, the changing nature of middle judicatories, and collaboration and advocacy were highlighted. Follow up roles and responsibilities were identified and will be pursued in the coming months.

The Episcopal Church USA

The Lutheran-Episcopal Coordinating Committee (LECC) met in Chicago in June 2009. Building on the three year reception plan for LECC, a joint meeting on mission featured presentations by Stephen Bouman and his counterpart in The Episcopal Church, Suzanne Watson. Sharing of common ministries (i.e., campus, congregational), discussion of the two national churchwide gatherings in July and August, looking at proposed guidelines for Lutheran-Episcopal joint parishes, sharing over lunch with the Lutheran-Moravian Coordinating Committee (meeting at the same time), and plans for the 10th anniversary of Called to Common Mission (CCM) were shared.

The Moravian Church

January 27, 2010 marks the ten-year celebration of the full communion relationship between the ELCA and the Moravian Church USA. The day will begin with a meeting of heads of communion, bishops, those with oversight, and key staff persons from both communions. Focus on the structures of unity will include mission, young adult ministry, and congregational starts. The Lutheran-Moravian Coordinating Committee, already quite active in coordinating this relationship, will deliver a strategic summary for the coming five years immediately following the conference. The day will continue with a reception, liturgy, and worship.

Bilateral Dialogues, Discourses, and Cooperation

Roman Catholic Dialogue

The eighth meeting of the ELCA-Roman Catholic Dialogue, Round XI, was held in October 2009.

The round continues to consider issues germane to the Joint Declaration on the Doctrine of Justification (e.g. purgatory and prayers of the saints) under the current theme, "The Hope of Eternal Life." Plans are for the round to be complete in October 2009. The Lutheran-Catholic Ad Hoc Committee on the Eucharist will initiate its work in the fall of 2009.

On October 1, 2009, the service of evening prayer to celebrate the 10th anniversary of the signing of the Joint Declaration on the Doctrine of Justification was held at Old Saint Patrick's Roman Catholic Church in Chicago. Bishop Hanson and Cardinal George served as hosts and liturgists. Archbishop Gregory served as homilist and Dr. Ishmael Noko shared an address on the importance of the Joint Declaration on the Doctrine of Justification at the conclusion of the service. The United Methodist Church shared in this celebration. This is the first opportunity that all three churches celebrated this historic ecumenical accomplishment together. The service was planned by the Catholic Conference of Bishops and the Evangelical Lutheran Church in America.

African Methodist Episcopal Zion (AMEZ) Discourse

The ELCA-AMEZ Discourse will continue the process of constructing a mission statement between these two communions this fall. The anticipated mission statement items have been identified and staff will work with bishops in the AMEZ on the next steps for further consideration.

Mennonite Discourse

Staff of the ELCA and the Mennonite Church USA presented a workshop at the Mennonite General Convention this past June. Particular consideration was given to the creation of a document by the Lutheran World Federation (LWF) that seeks forgiveness and greater awareness of the sixteenth-century atrocities committed against Anabaptists, the forebears of the historic peace churches, including the Mennonites. Staff likewise brought greetings to the convention on behalf of the ELCA, which was met with an outpouring of stories where Lutherans and Mennonites collaborate in local contexts today. Staff are working together as well on the World Council of Churches Decade to Overcome Violence.

Lutheran Church-Missouri Synod (Cooperation)

The LCMS and ELCA Committee on Lutheran Cooperation met in Baltimore in September 2009. Presentations were provided by Lutheran World Relief (LWR), Lutheran Immigration and Refugee Service (LIRS), and Lutheran Services in America (LSA) on each ministry and on the partnership they share. Updates on ELCA ministry, the Churchwide Assembly, and mission were provided by Bishop Hanson, Wyvetta Bullock, David Swartling, Carlos Peña, Bishop Roy Riley, and Don McCoid. The LCMS leadership highlighted ministries and concerns before their church. There was opportunity for discussion about concerns and challenges.

Counciliar Relationships

Lutheran World Federation

Planning has begun for the LWF pre-assembly meeting to be held in Canada in January 2010. The LWF Assembly will take place in Stuttgart, Germany in July 2010. Delegates to the assembly are currently undergoing appointment. The search for a new LWF General Secretary and the LWF organizational 'renewal report' were highlights for the LWF Council meeting in October 2009.

Churches Uniting in Christ (CUIC)

Options about the future of CUIC were recommended by a special task force. Meetings of

ecumenical executives are scheduled to consider these options and make recommendations. At the present time, CUIIC committees are not meeting.

National Council of Churches of Christ in the USA (NCCC)

ELCA delegates experienced a renewed NCCC at the annual meeting in November 2008. Facing budget and staff reduction challenges, Dr. Michael Kinnamon, General Secretary of the NCCC, has brought a good balance of vision and realistic goals, an emphasis on Faith and Order and Life and Works, and a climate of confidence to respond to the needs of church and society. With the support of ELCA mentors and staff, our delegates were prepared and active participants.

World Council of Churches (WCC)

The WCC Council meeting was held in Geneva at the end of August. The Rev. Dr. Olav Fykse Tveit was elected as the new General Secretary of the WCC. The council had a wide range of social and ecumenical concerns on the agenda. The next general assembly of the WCC will be in Korea in 2013. Carlos Peña and Kathryn Lohre ably represented the ELCA as delegates. Don McCoid attended as an observer and advisor.

Church World Service (CWS)

Staff currently serve on the executive board of CWS, and are serving likewise on the steering committee for the CWS 2020 redirection and renewal process. The CWS board of directors will meet in October 2009 for a review and renewal of current global initiatives ranging from the CROP Walk to plans for CWS to become a more active partner in the European context. Staff visited with CWS staff in two regional offices this past year and participated actively alongside Global Mission staff, where CWS interests are concerned.

Inter-Religious Relations

Inter-religious relations in the life of the ELCA have grown rapidly in the past two years. In areas of advocacy, global partnerships and accompaniment, and sustaining relationships, the ELCA is an active partner alongside full communion partners in many inter-religious endeavors. The presiding bishop is fostering important relationships with inter-religious counterparts. On behalf of the presiding bishop, and in concert with Church and Society, staff participate on the White House Task Force for Interreligious Dialogue and Cooperation.

In October of this year staff assist Bishop Hanson in representing the ELCA at a major global conference with Muslim participation to be held at the Prince Alaweed Center on the campus of Georgetown University.

Staff are beginning the preliminary steps toward a greater consensus in the ELCA for a declaration or document on inter-religious relations in the life of this church.

ER works with the Global Mission program unit in providing expertise to the NCCC Jewish-Christian Dialogue table. ER staff likewise fill leadership positions on the NCCC Interfaith Commission, Religions for Peace USA, and other inter-religious venues.

Human Resources (HR)

Submitted by Else Thompson

Human Resources, a section of the Office of the Presiding Bishop, includes staffing, compensation and benefits, training and development, employee relations, volunteer coordination and art management.

Human Resources is committed to serving the mission of the churchwide organization by serving its people—those here, those deployed, and those who formerly served. The section accomplishes its goals by working with other units in staffing positions, by meeting needs for training and development, through fair compensation and benefit systems, and by promoting positive relationships.

The HR web site can be found at www.elca.org/humanresources

Staffing

A major effort in the staffing area in 2009 put Human resources staff in a close and ongoing partnership with the staff of Evangelical Outreach and Congregational Mission (EOCM) as well with the synodical bishops. Working together and crafting a variety of different arrangements, 61 of the 65 ELCA synods now have a director for evangelical mission (DEM). The remaining four synods are in the process of filling the positions.

The person who holds each position represents EOCM in the territory of the synod and is responsible for engaging synodical leaders, structures, and strategies in the formation and development of evangelical congregations which reflect the purposes, principles and commitments of the synod, EOCM and the ELCA as a whole. The person in each DEM position is expected to participate fully in the life and ministry of the synodical staff and in synodical initiatives. HR and EOCM worked together on recruiting, interviewing, and selecting as well as on background checks and orientation.

The churchwide office once again provided the opportunity for college and seminary students to serve in a paid summer internship program in 2009. As participants, students have the opportunity to develop numerous skills that they will find valuable as they prepare for the future as well as learn about the work of the ELCA.

This year human resources recruited 13 summer interns to work in various units. Twelve of the internships were Chicago-based and one took place at Luther Seminary in Minneapolis, working with the Book of Faith initiative. Students were placed in the following units: Church in Society, Communication Services, Development Services, Global Mission, Vocation and Education, and Women of the ELCA. Seven of the interns came from Lutheran colleges and seminaries. One additional intern has begun service in *The Lutheran* this fall.

Compensation and Benefits

During the last six months, a majority of time in the compensation and benefits area has been spent working with staff around the ELCA personnel policy related to staff reduction policy and procedures. Since the beginning of 2009, more than 30 positions filled by staff have been affected: some positions have been eliminated, some staff members have been given reduced hours or responsibilities, and some contracts have either not been renewed or have ended early. (In addition, a number of vacant positions also have been eliminated.)

The staff reduction policy describes specific procedures for a reduction in force process that includes a staff analysis conducted by the unit executive and HR, communication to employees that involves early warning (given as soon as it is practical after a potential separation has been identified), and formal notice to an employee regarding his or her status and separation date. All employees, regardless of their

creditable service, are assured a minimum separation notice of three months. Outplacement assistance designed to assist employees in securing employment outside of the churchwide organization is provided for all employees whose positions are being eliminated. All benefits continue through the three-month separation period. The entire policy is available in hard copy in each unit, on the churchwide Intranet, or at www.elca.org.

Lutheran Center Tours

Human Resources continues to carry the responsibility for giving tours to visitors at the Lutheran Center. A second group of 11 employees received training over the summer and joined the original group of guides. These employees welcome guests and share information about the Lutheran Center, the staff, the art collection, and other points of interest.

Staff Events

More than 500 employees and family members signed up to attend the annual summer outing, a picnic in Portage Park. Unfortunately, the day dawned dark and wet and by the 10 a.m. start time, significant flooding was occurring in the area. The picnic was turned into a "virtual" event, with employees who had planned to attend being given the day off. Thanks to Best Travel, there was nothing virtual about the door prize—four tickets to a Cubs baseball game, complete with a parking space. Maybe next year.

Research and Evaluation (RE)

Submitted by Kenneth Inskeep

The primary responsibility of the staff of Research and Evaluation (RE) is to provide decision-makers in this church with relevant and useful information through high quality empirical research. Staff continue to be engaged in a wide variety of research and evaluation projects.

Work in support of the ecology study design group has begun in earnest. Several reports have been completed that are designed to provide the group with a better understanding of the ecology of this church. The reports include “The Number and Size of Synods in the ELCA”; the “2008 Faith Communities Today Survey of ELCA Congregations”; and “Income and Expense Trends for ELCA Congregations of Different Sizes from 2000 to 2008.” Each of these reports is available from RE. Several additional reports are planned, including reports on the churchwide organization and on those who attend worship in the ELCA. The study of worship attendees, called the U.S. Congregational Life Survey, includes 369 randomly selected ELCA congregations with 29,976 respondents. This survey was also conducted in 2001.

RE also has completed reports on successful new mission developments and an evaluation of the ongoing stewardship consultations with congregations.

The unit also has worked with Multicultural Ministries to do needs assessments with each of the ethnic-specific communities. A review of the TEEM program also has been completed.

RE has completed a review of the churchwide strategic alliances. In support of the youth and young adult alliance, RE presented its finding on the “Generations in the Workplace” questionnaire.

RE completed an evaluation of the 2009 Churchwide Assembly. RE also worked with the Office of the Secretary to revise Congregational Report Forms A and C.

The unit is continuing to work with Youth Gathering staff to evaluate the impact of the 2009 Youth Gathering. Pre- and post-Gathering questionnaires have been fielded. There also is work related to the

Gathering on “service learning” in cooperation with Trinity Lutheran College in Everett, Wash. An evaluation of the multicultural youth leadership event (MYLE) also was completed.

RE has completed a review of campus ministry in the ELCA with five-year trends and presented the results of the college and university student survey.

RE is beginning a review of the mobility database.

The staff responds daily to requests from members, congregations, synods, and the churchwide staff for information about the members, congregations, synods, and rostered leaders.

The staff also responds daily to questions about the demographic context of the church, including many custom reports in support of the directors for evangelical mission in Evangelical Outreach and Congregational Mission. .

Synodical Relations (SR)

Submitted by Walter May, Jr.

Responsibility for synodical relations shall be exercised by the Office of the Presiding Bishop to coordinate the relationships between the churchwide organization and synods, develop and implement synodical staff, and provide staff services for the Conference of Bishops (15.11.G05).

Welcome to New Church Council Members

On behalf of Synodical Relations, I want to extend a warm welcome to the new Church Council members and to the new liaison bishops. We are glad you are here and grateful for your service.

Bishops' Academy 2010

The annual Bishops' Academy of the Evangelical Lutheran Church in America and the Evangelical Lutheran Church in Canada met in the Holy Land the beginning of January 2009. The follow-up to this, Bishops' Academy II, takes place November 28 - December 9, 2009. Ten bishops and eight spouses will be participating in this trip to the Holy Land with our colleagues in the Evangelical Lutheran Church of Jordan and the Holy Land and the Global Mission staff. Plans are also underway for the 2010 Bishops' Academy, which is scheduled January 4-9, 2010. Allan Johnson will be the presenter and bishops have been sent his book, *Privilege, Power, and Difference*, to read in preparation for this academy.

Bishops' Assistants and Associates Gathering

The biennial gathering of bishops' assistants and associates took place last March in San Francisco. We are organizing a planning team to begin the planning for our next gathering in March 2011. This past June, we welcomed 12 new bishops' assistants to Chicago for orientation to their new work and an opportunity to meet and learn from one another. We are also in the planning process for the executive assistants to bishops gathering in August 2010.

Conference of Bishops

The Conference of Bishops met October 1 - 6, 2009, at the churchwide office. The bishops spent time in worship, prayer, and discussion on finding ways to lead into the future. They also said farewell to retiring bishop, Gerald Knoche, with a farewell tribute given by Bishop Richard Graham. The bishops of Region 9 served as chaplains for this meeting.

Regional Coordinators

We gathered with the regional coordinators on September 29, 2009 at the churchwide office prior to

the Conference of Bishops. At that meeting, we celebrated Region 3 Coordinator Craig Boelke's ministry and his upcoming retirement, while we welcomed Paul Baglyos as the new coordinator for that region. We will all meet again in December 2009.

Federal Chaplaincy

The federal chaplaincy ministries continue to provide support for this church's nearly 400 active duty, guard, and reserve military chaplains, and the nearly 130 persons in other federal chaplaincy ministries. The "Care for Returning Veterans" workshop, which was prompted by a resolution of the 2007 Churchwide Assembly, continues to be a valuable resource to assist and prepare pastors and caregivers in learning more about the psychological, moral, spiritual, and family impacts veterans may face as they return home. The Moravian Church is taking steps for the ELCA to become the ecclesial endorser for the Moravian Church. Don McCoid, executive for ecumenical and inter-religious relations, has given his full support. We celebrate this as an exciting opportunity to live out one of our full communion relationships with one of our partners. Other exciting news for the federal chaplaincy program is that all three military chaplain schools have co-located to Fort Jackson, SC. Lutheran Theological Southern Seminary is about five miles from the main gate. Because of this proximity and the fact that all military chaplains will be going through Fort Jackson, the seminary is reaching out to the chaplain community. The seminary will also present its first 'for credit' course on the discernment of military chaplaincy to seminarians in January 2010.

Mission Support Consultations

Since the Churchwide Assembly in August, there have been eleven mission support consultations, with many more scheduled for 2010. These consultations address the importance of continued strong partnership between synods and the churchwide organization in sustaining support for our shared mission as the ELCA. Synodical Relations and staff of Research and Evaluation also continue to respond to the invitation of synods to conduct ministry reviews in the synod. These reviews provide synod leadership with a summary of the interviews conducted within the synod concerning the expectations and opinions of lay and rostered leaders in that synod. A report of the reviews is prepared and sent to the synod bishop and Synod Council for their use in planning. This is an important and valuable resource, especially during these times of relationship building and contingency planning. Synods are encouraged to schedule a mission support consultation if one has not occurred in the past biennium. Pastor Craig Settlage, director for mission support, can provide more information on this.

Synodical Vice Presidents' Gathering

Synodical vice presidents gathered for a meeting one day prior to the start of the Churchwide Assembly this past August to welcome new vice presidents and to learn from each other. They met around the theme, "Table Talk" and were inspired by a Bible study led by Rolf Jacobson from Luther Seminary. These leaders valued the time to be together for networking, sharing of ideas, and focusing on an area of skill building for their important work. This gathering also provided opportunity for Synodical Relations and other churchwide units to share our mutual work and decision-making that help us foster and build effective relationships with these valued servants of the church. We have begun planning for a vice presidents' gathering in September or October of 2010.

Synod Assembly Participation

Synodical Relations, on behalf of the Office of the Presiding Bishops and the Office of the Secretary,

has sent letters to the synods that will be conducting elections for bishop in 2010. Conference calls are being scheduled with each of these synods to review the election process as a means of good preparation for this very important event in the life of the synod. Assignments of churchwide representatives to synod assemblies are being worked on and we aim to honor as many synodical requests as possible. Churchwide representatives to synod assemblies meet with Synodical Relations and Presiding Bishop Hanson both for briefing and orientation prior to the assemblies and for debriefing following the assemblies.

Worship and Liturgical Resources (WP)

Submitted by Pr. Robert G. Schaefer

Responsibility for leadership of the worship life of this church shall be exercised by the Office of the Presiding Bishop. In so doing, efforts shall be undertaken to support the worship ministry of this church, oversee the development and review of worship resources intended for use throughout this church, and recommend, through the presiding bishop, policies related to worship and sacramental practices to the Church Council and the Churchwide Assembly. (15.11H05.).

Worship and Liturgical Resources (WP) planned and carried out three identical "Worship at the Center 2009" events around the country this past summer:

June 15-18	St. Olaf College, Northfield, Minn.
June 29-July 2	Messiah Lutheran Church, Fairview Park, Ohio
July 7-10	Christ Lutheran Church, Long Beach, Calif.

These events focused on the journey from Ash Wednesday to Easter. The event presenters also have developed two significant print and electronic resources (worship planning and music) on the subject with publication expected in late November 2009. While the economy adversely affected hoped-for attendance at the summer events, nonetheless the events were very well-received and provided a setting closer in size to typical ELCA congregations in which to experience and discuss these central liturgies of the church's year.

Planning and preparation for worship at the August 2009 ELCA Churchwide Assembly took much of the time, energy, and creativity of the entire WP staff this past spring and summer. Seven major worship services, including six diverse liturgies of Holy Communion, were celebrated with the participation of leaders and musicians from throughout this church. Several hundred people were involved in the assembly's worship during the week. We are deeply grateful to the many volunteers that make worship on this scale possible. New to our preparation this year was a full day spent at the churchwide office with the assembly preachers and the presiding bishop in study and prayer around the Scripture texts for the week.

In response to the biennium strategic priorities from the ELCA Plan for Mission, a plan has been developed since March by the section for a major new strategy for "the next chapter of worship renewal in the ELCA." This new model is based on the creation and training of relationship-centered, synod-based partners called partners in evangelical worship (PEWs) in each of the 65 synods. Each synod will have two of these partners, appointed in consultation with synod bishops, who will supplement and extend the ongoing work of WP. Non-geographic PEWs will come from the multicultural communities this church serves and will be appointed in consultation with the Multicultural Ministries program unit. These volunteer leaders in each synod will also work cooperatively with directors for evangelical mission in making the connection between worship and mission. A major initial

training event is being planned for spring 2010 in Chicago.

WP has been collaborating with the Evangelical Outreach and Congregational Mission program unit on the faith practices team. In particular, we have initiated a renewed year-long study of the catechumenate as an ancient/future model for welcoming people to baptism and forming disciples. A consultation team has been named, with representatives from different disciplines and communities from around this church, to reflect and report on a process of formation as well as on a set of rites that can be commended to this church and adapted to a variety of settings.

This section continues regular collaboration and a close working partnership with Augsburg Fortress, Publishers. The resource management team, consisting of WP staff and worship and music staff from Augsburg Fortress, last met in Chicago on September 21, 2009, for review, evaluation, conversation, and future planning. The following is a summary of our collaborative work in 2009 as well as plans for 2010:

Resources produced collaboratively with Augsburg Fortress for 2009 release:

- *Evangelical Lutheran Worship Occasional Services for the Assembly*
- *Evangelical Lutheran Worship Occasional Services for the Assembly* CD-ROM
- *Evangelical Lutheran Worship* Liturgies Audio Edition, vol. 3
- *Keeping Time: The Church's Years* (Using *Evangelical Lutheran Worship*, vol. 3)
- Sundays and Seasons-2010 resource family (*Sundays and Seasons, Worship Planning Calendar, Church Year Calendar, Calendar of Word and Season, Words for Worship, Bread for the Day, New Proclamation*)
- *SundaysAndSeasons.com*—addition of new worship planning content and content from *Occasional Services for the Assembly*
- *Fed and Forgiven* Communion Preparation and Formation Resources
- *Worship Guidebook for Lent and the Three Days*
- *Music Sourcebook for Lent and the Three Days*
- *Introductions and Alternate Accompaniments* - Organ, vol. 9 & 10; Piano, vol. 9 & 10
- (series is now complete, based on *Evangelical Lutheran Worship* hymns)
- *Vocal Descants for the Church Year—Evangelical Lutheran Worship* hymns
- Subscription Bulletins and Lectionary Inserts

Resources produced collaboratively with Augsburg Fortress scheduled for 2010 release:

- *Evangelical Lutheran Worship* Braille and Large Print resources
- *Evangelical Lutheran Worship* Simplified Accompaniment Edition-Liturgies
- Pocket Inserts for *Evangelical Lutheran Worship*
- *Hymnal Companion to Evangelical Lutheran Worship*
- Sundays and Seasons-2011 resource family (*Sundays and Seasons, Worship Planning Calendar, Church Year Calendar, Calendar of Word and Season, Words for Worship, Bread for the Day, New Proclamation*)
- *SundaysAndSeasons.com* 2.0
- *Washed and Welcome* Baptism Preparation and Formation Resources
- *Choral Hymn Stanzas—Evangelical Lutheran Worship* hymns
- *Hymns for Instrumental Ensembles—Evangelical Lutheran Worship* hymns
- *Festival Settings—Evangelical Lutheran Worship* Holy Communion Settings 8 and 9
- Subscription Bulletins and Lectionary Inserts

In addition to the ongoing work of the section, such as oversight of the Lutheran Center chapel, WP has provided consultation and liturgical review of worship services sponsored by the churchwide organization, and has produced and posted on the Web page prayers and resources for specific events.

Other specific projects carried out or currently under development by WP staff include the oversight of a new online congregational devotional guide for meetings and gatherings and a complete redesign of our Web page with regard to “frequently asked questions” about worship, including a new format for presenting information.

HIV and AIDS Strategy

Following the strong vote at the 2009 ELCA Churchwide Assembly, which authorized a comprehensive fundraising campaign to underwrite the implementation of the HIV and AIDS Strategy, there has been progress in several areas:

- The implementation team has been formed, and divided its work into several key emphasis areas: global implementation, domestic implementation, communication, fundraising. A core committee will function in a coordinating and oversight role for the team. Early work is focused on the elements of the strategy that can be implemented at no or low cost. The Team will then work on prioritizing items that need financial resources, which will assist in fundraising efforts.
- A job description has been developed for a lead development staff person who will focus on fundraising for the HIV and AIDS strategy. The goal is to have someone in that position and on board by early 2010. A critical initial responsibility would be to work on the fundraising plan for the strategy.
- Work is progressing in the area of communication, particularly Web design and marketing related to the strategy. Meetings are underway to determine the best strategy for staffing this key area.
- Global Missions is moving forward with a position for international coordinator for global health with a focus on both HIV and AIDS and malaria. This position would be based in Chicago, but have key responsibilities as the liaison to global companions around anticipated health-related projects and programs that could be recipients of funding from the strategy.
- There have been several inquiries since the Churchwide Assembly from synods and congregations wondering about projects, education events, and fundraisers they can be involved in as soon as possible.
- There will be several special emphases around HIV and AIDS in the coming months that are intended to be focus-events and awareness-building opportunities, particularly for congregations:
 1. The Week of Prayer for the Healing of AIDS, which is sponsored by Balm In Gilead, a non-profit group that has a history of AIDS-related work with faith-based groups. This week will be observed March 7-12, 2010.
 2. World AIDS Day, December 1, 2009. Worship resources are available online for that observance.
www.elca.org/Our-Faith-In-Action/Justice/Poverty-Ministries/HIV-and-AIDS/Worship.aspx
- As one of the recipients of the Churchwide Assembly offering, the HIV and AIDS strategy received \$23,640 and as one of the shared beneficiaries of the benefit concert (with LMI), the strategy received an additional \$6,982: a total of \$30,622.

Lutheran Malaria Initiative (LMI)

The nearly unanimous vote of endorsement for LMI at the 2009 ELCA Churchwide Assembly was an encouraging beginning for a challenging effort: to contain malaria in Africa over the next five years. The historic partnership of Lutherans involved in LMI—Lutheran World Relief (LWR), the Lutheran Church—Missouri Synod (LCMS), and the Evangelical Lutheran Church in America (ELCA)—is gearing up over the next biennium in preparation for the full launch of LMI in a comprehensive campaign for the whole ELCA.

Activity since Churchwide Assembly has been directed to that end, and includes the following:

- Identifying nine pilot synods to begin working with LMI during 2010 and 2011. Pilot synods will be provided with a basic LMI “tool kit” to facilitate bringing LMI to congregations. They also will be

asked to engage other Lutheran-affiliated ministries on their territory to ensure a broad and inclusive experience for LMI in all constituencies.

- Completing the details of the ELCA's LMI budget for the United Nations grant over the next several years. The budget will assist the churchwide organization to ramp up staffing in key areas such as communications and development in order to achieve the LMI fundraising and educational goals.
- LMI's program committee, made up of representatives from each of the partners, has been working on common guidelines for approval of projects and recipients of LMI funds. This planning will help the ELCA Global Mission program unit in its work to assist companion churches as they build their readiness to be recipients of LMI funds.
- LMI's operations committee has programmatic oversight for LMI and is working closely with fundraising personnel from the partners as they begin surfacing key relationships with individuals and groups that may be open to considering major financial gifts to LMI. The operations committee reports to the LMI executive committee, made up of the heads of the three LMI partners.
- The presence and support of LMI's fundraising counsel, Community Counseling Service (CCS) is critical as the plan for education, awareness, and fundraising begins to be implemented. We anticipate an onsite associate director for LMI by the first quarter of 2010, a position that will be funded by the UNF grant.
- The LMI executive committee has approved the plan for resource distribution. LMI donors who contribute through the ELCA will support malaria-related projects developed by ELCA global companion churches. In addition, the ELCA's partnership with LWR will result in shared LMI resources. LMI donations through the Lutheran Church–Missouri Synod or Lutheran World Relief will be expended through malaria-related projects approved by them.
- As one of the shared beneficiaries of the benefit concert (with the HIV and AIDS strategy), LMI received \$6,982

Report of the Vice President

I wasn't sure if this would be my last report as Vice President. While I can check off my list of lifetime events the experience of both a hurricane and a tornado, I wasn't sure I could check off surviving the ecclesiastical ballot. That was rough stuff!

I'm delighted to know that I will be your VP another 6 years. I know that God has a plan. I'm learning to sit back and listen for those plans. The last six years have taught me that. I pledge to you the same level of commitment, dedication, and service to God to which I have committed these past six years. Who knows, maybe I also will throw in a little humor.

Since last spring, I have attended four synod assemblies, the Lutheran Youth Organization's convention in Hattiesburg, Miss., the Churchwide Assembly, and a meeting of the World Council of Churches in Geneva, Switzerland. I was back in Galveston in time to celebrate the grand re-opening of our business. Then I attended a meeting of the Committee on Lutheran Cooperation in Baltimore and of course the Conference of Bishops in Chicago. I might be tired—I don't know because I haven't had chance to stop and find out yet!

Synod Assemblies

My four synod assemblies this year were in Alaska, Northwestern Ohio, Sierra Pacific, and Northwestern Pennsylvania synods. One of the greatest joys in my church work is to travel to different places in the United States and meet with my fellow Lutherans. It is so inspiring to me to see the power of our Lutheran community and the impact we have in this country. What congregants see as a small mission in their own corner is multiplied over and again in the work of congregations and synods across the land. I am blessed to be able to see the broader view of "God's work, our hands."

Lutheran Youth Organization Convention

Speaking of inspiration, the Lutheran Youth Organizations convention just about blew me away! I drove down to Hattiesburg from our son's home in the Dallas area. I have enjoyed observing the young adults of our church in various groups and meetings, but this experience topped them all. Their theme was "Open Eyes, Open Mind, Open Heart." They are committed to improving the world and are very tuned in to global problems. From Darfur to conservation to quality of life—these young people are aware and ready to take action. Resolutions were passed to limit the use of disposable water bottles, stand for a peaceful end to the violence in Darfur, and raise the awareness of poverty. As leaders, we are supposed to inspire the younger generations to serve and eventually to step up and lead. I left being the one who was inspired. There were so many young adults ready to serve and lead. Thanks be to God!

Random Acts of Nature

Minneapolis weather has a history of extremes for me. I think the last time I was in the Twin Cities, it was February and 20 degrees below zero, or at least it felt that way. (Don't forget, I'm from Texas and we tend to exaggerate a bit.) I had never experienced cold like that before. Nor have I been so close to a tornado. Been through hurricanes, yes, but a tornado that hit the building I was in, no. Now, lots of people want to try to make some kind of sign out of that occurrence, but not me. I've learned that with Mother Nature, stuff happens. You don't try to figure the message in a random act of nature. If I did, I'd be hiding under my bed still after Hurricane Ike last September 13, 2008.

2009 Churchwide Assembly

I knew this assembly would be filled with anxious moments, but wasn't sure what the tone would be. I had a front row seat to the assemblies in Orlando and Chicago. The atmosphere at each of these assemblies could not have been predicted. It is a "wait and see" thing and then you hope and pray that you are prepared for what transpires. It is interesting how voting members take on a personality of their own when they are gathered together. I am proud of our assembly and am pleased that discussions and business were conducted in a mostly calm manner, although we recognized the tensions present. I am pleased that the assembly gave a fair amount of time to the many important subjects of concern besides the social statement and policy issues. It is my hope and prayer that Lutherans will remember the mission and ministry of the ELCA is much bigger than one issue. We must not let the subject of sexuality define who we are. Since the close of the assembly, I am proud of the work of many who are trying so hard to inspire others to step back and "breathe" before making rash decisions. I have seen and heard so many step forward and encourage Lutherans and others to allow time to discern the will of God. We need to stand together now more than ever.

World Council of Churches

After that very full week in Minneapolis, I flew home on a Sunday afternoon, went to my office that night for a few hours, came home, and crashed. I went to work on Monday and did what I could to get caught up and make more preparations for our grand re-opening, then went home, finished unpacking, and started repacking. By Tuesday morning, I was headed for Geneva. Fortunately, I was able to sleep on the flight. I knew I had to hit the ground running in Geneva because I was arriving at 7:30 a.m. for a 9:00 a.m. meeting of the World Council of Churches—eight full days of meetings to be exact.

And what a week it was for the WCC. The election of a new general secretary—Rev. Dr. Olav Fykse Tveit, Norway—and the selection of the site for its next assembly (city of Busan, Republic of Korea, 2013) were highlights. We also issued a series of statements and minutes on wide-ranging religious, political, and social matters important to the Council's member churches—in addition to discussing issues of governance and finances. Those statements can be read in their entirety at www.oikoumene.org.

The WCC is facing challenging times as the financial results for 2008 showed a deficit of 4.2 million (CHF). The deficit was attributed mainly to reductions in contributions from its member churches and the fluctuation of foreign currency rates at year-end. It is anticipated that further reductions in 2009 could be in the range of 5 to 10 percent. The Central Committee recommended that programs be restructured and underscored the need for prioritization. As a member of the WCC Central Committee, I will keep you updated on the future work of this organization. The WCC is a fellowship of 349 churches in more than 110 countries. Member churches include most of the world's Orthodox churches as well as Anglican, Baptist, Lutheran, Methodist, Reformed, united, and independent churches. Their combined membership represents more than 560 million Christians.

Committee on Lutheran Cooperation

In September, I also traveled to Baltimore, Maryland to attend the Committee on Lutheran Cooperation with our counterparts of the Lutheran Church—Missouri Synod. While there was discussion on the recent actions of the CWA, most of our discussions centered on our joint social ministry efforts. We heard updates from Lutheran World Relief, Lutheran Immigration and Refugee Service, and Lutheran Services in America. It was heartening to hear how—together—our shared ministries are

making a difference in people's lives. It is a living testament to Mark 12:31, "Love your neighbor as yourself" whether your neighbor is poor, oppressed, hungry, undocumented, etc... It is a ministry Lutherans don't take lightly.

Conference of Bishops

In October, I attended the Conference of Bishops meeting in Chicago. I was honored to serve as a lector for the service marking the tenth anniversary of the signing of the Joint Declaration on Doctrine of Justification. It was an agreement signed by both Lutherans and Catholics in 1999 that reached a common understanding on justification, agreeing that believers are saved not by works, but through faith in Jesus Christ. The service was held in a beautiful, historic downtown Chicago church, Old St. Patrick's Church.

As always, I enjoy attending the Conference of Bishop's meeting because it's a glimpse of the discussions that are coming to Church Council. Many of the discussions this time centered around the possible revisions to ELCA ministry policies. Because of the complexity of all the issues involved, the bishops requested an opportunity to review any updated revisions at their next meeting in March 2010. There will be much more presented at our council meeting in November. I am always impressed with the insightful discussions among these church leaders and give thanks to God for all they do.

A letter I have written is printed in Exhibit A, Part 2b. It has been distributed to synod bishops, vice presidnets, and communicators and is available at www.elca.org.

Kleen Supply's Grand Reopening

Upon my return to Galveston, I threw myself into final plans for the grand reopening of Kleen Supply Co., my "other" business. The reopening was held almost a year to the day that Hurricane Ike battered Galveston Island with more than a 16- foot storm surge. Looking back, a lot has happened this past year. I am happy to report that Kleen Supply is back to pre-storm levels in terms of business, everyone has been rehired, and we have even added two more to our staff. I felt the grand reopening was a success—over 150 people showed up to see our new offices and showrooms.

I'm back on track after a very difficult year. It was an exhausting time for our family, but we have emerged stronger. I know there are challenges ahead not only in my personal life, but also in the life of this church. I am ready to get started. I have learned that, with God's help, all things are possible.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit A, Part 2a
Page 4

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Evangelical Lutheran Church in America

God's work. Our hands.

October 23, 2009

Dear ELCA Brothers and Sisters,

September 12, 2008, was a day that changed my life and many other lives forever. On that day, Hurricane Ike made a direct hit on my hometown, Galveston, Texas, bringing with it more than 100-mile-an-hour winds and a 16-foot storm surge.

The storm surge did the most damage, putting 80 percent of Galveston Island underwater, leaving massive destruction in its wake and the island in a jumbled mess. Salt water left plant life dried out and dead, even mighty 100-year-old oak trees throughout the city.

What I found at my business filled me with anguish: my building sustained major damage from the seven feet of water that rose up from the bay. Over 95 percent of the contents were mud-soaked, damaged, or destroyed. Years of building up a family business was totally ruined; the future I had planned was forever altered.

Statistically, Ike was the third costliest Atlantic hurricane of all time. It caused an estimated \$32 billion of damage and affected areas from the Bahamas to eastern Canada. I'm sure many others across the United States and Canada were thinking the same thing I was: **Why Lord?**

The answer did not come immediately. First, there was much cleaning and healing to be done. Lutherans from across the nation helped with physical presence and donations of money, clothing, and household items.

The sustaining power of prayer comforted us and gave us hope for a brighter future. We knew people throughout the world were praying for us.

One year later, I can see the benefits of this experience. Galveston is coming back stronger than before and welcoming citizens and businesses, both old and new. The island has received a face-lift: homes and buildings have been remodeled, rebuilt, renewed.

My business is better than ever. We just celebrated with a grand re-opening, I am employing more workers, and the business is stronger than pre-Ike levels.

I feel as though I have experienced a resurrection. Good things are coming to light out of the chaos and darkness of what seemed like a hopeless situation.

Why Lord? *Because sometimes we discover our strength and God's amazing grace through life-changing events. Because sometimes it takes a really big push to shake us out of complacency and head toward a new direction to which God calls us.*

It is my sincere hope that the good people of the Evangelical Lutheran Church in America see the actions of the recent churchwide assembly related to human sexuality as a catalyst to further strengthen our church and our relationships with each other. I have lived through vast changes and come out better and

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stronger for it. I know with all my heart that, with diligence and hard work, we can come through this together as a renewed church, boldly proclaiming God's mission for the sake of the world.

Why Lord? *Because it is time for a better understanding of the love of God for all people.*

If you are considering redirecting benevolence, I would urge reconsideration. We must remember that it is our congregations working together through the ELCA that bring about amazing things. Together, we *are* the church. If our numbers were to diminish, it would lessen our capacity to carry out God's mission. It is our benevolence dollars that fund seminaries that educate and prepare leaders for tomorrow and support the work of ELCA missionaries throughout the world. Working together, we help alleviate hunger close to home and abroad. Without our help, people around the world would have a harder time recuperating from disasters. They need us and we need each other.

Of course, the sustaining power of prayer will comfort us and give us hope. People throughout the world are praying for us.

I pray for the continuing efforts of the ELCA, my understanding of people different from me, and the future, though sometimes it is hard to predict. And I pray for my fellow Lutherans that they may have the strength to commit and weather the storm.

Your brother in Christ,

A handwritten signature in black ink, appearing to read 'Carlos Peña', with a stylized flourish at the end.

Carlos Peña
ELCA Vice President

Report of the Secretary

A. Oil in the Engine

On previous occasions with the Conference of Bishops and the Church Council and recently at the Churchwide Assembly, I have used the metaphor of “oil in the engine” to describe the function and work of the Office of the Secretary. This metaphor has taken on particular concreteness in the last six months. While the “regular” work of this office has continued, preparation for, participation in, and follow-up on the Churchwide Assembly have required even more time and energy than I anticipated. In all these activities, it has been the objective of this office to facilitate the mission and ministry of the churchwide organization, synods, congregations, rostered leaders, and others.

Because of the Churchwide Assembly, I will not address much of the regular work of the Office of the Secretary in this report. It is ongoing and especially challenging in light of the challenges in the aftermath of the Churchwide Assembly and the shortage of staff. Most of this report will address the Churchwide Assembly and follow-up issues. However, I do want to comment very briefly on the summary of congregational reports and several other matters.

B. Congregational Reports

The Summary of Congregational Statistics for 2008 was included as Appendix C in the Report of the Secretary to the Churchwide Assembly and is attached to this report as Appendix 1. Also, at the end of Appendix 1 is the press release that was issued following the posting of the statistical summary. Because of other issues on the agenda for this meeting, I will not review in detail or analyze the statistical data in this report.

The response rate for 2008 for congregations throughout this church was 81 percent. This represents a slight decrease from 81.9 percent for 2007. Kudos to the following synods for achieving a 100 percent response rate: Alaska, Southeastern Minnesota, Northern Great Lakes, and La Crosse Area. Honorable mentions go to the following synods with more than 95 percent of congregations responding: Grand Canyon and Lower Susquehanna.

After substantial work, in conjunction with Research and Evaluation and the Vocation and Education unit, Form A has been revised. (A copy of the revised Form A was included in the Report of the Secretary to the Churchwide Assembly and is attached to this report as Appendix 2.) We anticipate that this report will be easier for congregations to complete and will provide synods and the churchwide organization with more useable information.

We appreciate your efforts in encouraging congregations to complete the parochial reports. These reports are important for a variety of reasons and assist both the churchwide organization and synods in resource allocation and trend analysis, among other things. A gentle nudge: *S8.12.i.12. includes in the responsibilities of the bishop appointment of a synod statistician to secure parochial reports.

C. 2009 Churchwide Assembly

1. Planning and Preparation

From the perspective of the Office of the Secretary, there were a number of priorities in the planning and preparation for the 2009 Churchwide Assembly. In addition to complying with the requirements of the governing documents, the team in the Office of the Secretary worked diligently to provide more material and services electronically than in the past and to emphasize environmental stewardship. For example, for the first time, all registrations were accomplished electronically, and the *Pre-Assembly*

Report, as well as many other resources, was posted online at the ELCA Churchwide Assembly Web site. Numerous steps, detailed in the Program in the *Pre-Assembly Report*, were undertaken to be faithful stewards of God's creation. Based on these experiences in 2009, we anticipate that advancements will be made in both electronic communication and environmental stewardship in 2011.

Three other aspects regarding the preparation for the assembly warrant brief mention. First, the level of cooperation and collegiality among members of the Churchwide Assembly Planning Committee was remarkable. The team, including members from the Office of the Presiding Bishop, Worship and Liturgical Resources, Communication Services, and the Office of the Secretary, worked like a well-oiled machine. Thanks be to God for these amazing colleagues!

Second, as you know, the Office of the Secretary worked diligently with the Legal and Constitutional Review Committee of the Church Council to draft and vet the assembly's Rules of Organization and Procedure. This work included drafting proposed alternative rules for votes on the ministry policy recommendation. This effort saved substantial time and parliamentary maneuvering in the assembly itself and facilitated debate on the merits of the recommendation. I want to express my appreciation once again to the members of the Legal and Constitutional Review Committee for the conversations and consultations that assisted this process.

Third, the Office of the Secretary staffed the Nominations Committee, which did an excellent job of reviewing and providing the slates of nominees for elective positions. Significantly, the newly constituted Nominating Committee this fall will begin, much earlier than in prior years, the process of eliciting nominations for important leadership positions. Please encourage your Synod Councils to begin the process of identifying potential nominees and think about people who would be good churchwide leaders. The list of Church Council and Program Committee positions assigned to synods for election at the 2011 Churchwide Assembly is attached to this report as Appendix 4.

2. The Assembly in Minneapolis

I could spend considerable time recapping the logistic challenges, the decision-making, the worship, and other events of the 2009 Churchwide Assembly—as well as telling stories about it. I will resist the temptation! However, I do want to make two reflections and comment briefly on a preliminary assessment of the evaluations received from voting members.

First, I give thanks daily for the leadership of Presiding Bishop Mark Hanson and for the opportunity to serve as an officer of this church with him. As a parliamentarian, I observed his skillful preparation and his dexterity in addressing legislative debate; as secretary, I marvel at all aspects of Bishop Hanson's leadership. It was a joy and an honor (and a considerable educational experience) to work alongside him as Secretary at this assembly.

Second, I am in awe of and thankful for the work of the members of the Office of the Secretary. Everyone was superb and made substantial contributions. I would especially like to thank Mary Beth Nowak and Ruth Hamilton for their expertise, diligence, patience, and devotion to this church.

3. Preliminary Evaluations from Voting Members

Research and Evaluation has provided a preliminary report on the evaluations submitted by voting members, advisory members, congregational observers, and others. From organizational and governance perspectives, the results affirm the effectiveness of the preparation for and management of the assembly. (A copy of the preliminary report is attached to this report is printed in Exhibit R, Part 1. It represents responses from 731 voting members.)

Most importantly from the perspective of the Office of the Secretary, the evaluations reflect a remarkably high level of appreciation and understanding of relevant issues on the part of voting members. In response to question 15, an overwhelming percentage of respondents stated that they were adequately informed about the procedures for debate (97.4 percent) and the subject of each vote (97.0 percent). 74.1 percent of respondents rated the facilitation of debate in one of the top two categories. These results represent a strong affirmation of Presiding Bishop Hanson's work as chair of the assembly. When this data is considered along with his leadership at worship, his timely pastoral comments, and his concluding remarks, we should acknowledge that we are truly blessed by his leadership in these tempestuous times!

The high marks for levels of understanding also are found in response to questions regarding the process for discussion and action. On a scale of 1-7, with 7 being the highest, most respondents gave "6s" or "7s" about 70 percent of the time to the questions about the process for discussing various issues. For example, 70.6 percent of respondents said that the process for considering the ministry policies recommendation was either a 6 or a 7.

Responses regarding worship affirmed its centrality in the life of the Churchwide Assembly, with 74.4 percent responded by saying that a daily service of Holy Communion was very important.

From the perspective of preparation and logistics, the results were affirming. A high percentage of respondents provided positive feedback about registration, orientation, and the *Pre-Assembly Report*. These results encourage the Office of the Secretary in its efforts to reduce reliance on paper and to post more pre-assembly materials online. One significant response is that 81.1 percent of respondents do *not* want email addresses made public before the assembly. Although I anticipate that changes regarding mailing lists and information dissemination will be recommended for the 2011 assembly, we will not recommend dissemination of e-mail addresses based on this response.

D. Follow-up on the Churchwide Assembly

The actions of the Churchwide Assembly have required considerable work in the churchwide organization and collaboration with synod bishops, and the Office of the Secretary has worked diligently to assist colleagues and liaise as appropriate with partners in the churchwide organization and in synods. Much of the discussion at the fall Conference of Bishops meeting was devoted to issues that have arisen as the result of the Churchwide Assembly's actions. Let me briefly comment on issues that involve the Office of the Secretary, initially with respect to the ministry policies recommendation and then on other issues.

As a preliminary matter, the Office of the Secretary continues to see one of its principal roles as providing advice to and consultation with synods. Particularly, Pr. Ruth Hamilton and Phil Harris have worked hard and faithfully to be available to answer questions and provide guidance.

1. Ministry Policies Recommendation and related issues

In an effort to provide timely input to the Conference of Bishops and to prepare for the November meeting of the Church Council, staff in the Office of the Secretary, in addition to fielding a wide variety of questions, have been in close collaboration with the Vocation and Education unit and others regarding revisions to policy documents, including both those that are the responsibility of Vocation and Education and those that fall under the responsibility of the Office of the Secretary. Phil Harris also has facilitated and participated in a number of telephonic meetings of the Committee on Appeals so that it would have a preliminary draft of revisions to "Definitions and Guidelines for Discipline" for discussion at the Conference of Bishops meeting. In addition, we have been in communication with John Kapanke about

issues related to the Board of Pensions.

Much of the information and many of the documents that address implementation of the ministry policies resolutions were vetted through the Conference of Bishops liaison committee to Vocation and Education and discussed in small groups and in plenary sessions at the meeting. As you know, the strong consensus following these discussions was to defer any action by the Church Council on “Vision and Expectations” and “Definition and Guidelines for Discipline” pending further revision and review by the Conference of Bishops.

2. Other post-Churchwide Assembly Issues

There are a number of issues unrelated to the social statement and ministry policies recommendation that require follow up after the Churchwide Assembly. Let me highlight a few involving amendments to the *Constitution for Synods* and provisions in other governing documents that relate to synods.

First, amendments to the governing documents of each expression of the ELCA seek to implement greater participation by young adults and youth in the governance of this church. Continuing resolution *S6.04.BO9. empowers Synod Councils to develop plans for implementing the goal that 10 percent of voting members of Synod Assemblies, Synod Councils, committees, and organizational units be youth or young adults.

Second, requirements for background checks and screening for nominees for officers have been added to both the governing documents for the churchwide organization (continuing resolution 19.31.A09.) and the *Constitution for Synods* (*S9.12.). Early in 2010, we anticipate inventorying processes used by synods for background checks and screening and providing recommendations before synod assemblies in 2010.

Third, an audit committee is now a required synodical committee under *S11.01., and *S11.05. addresses the composition of the committee. These provisions were developed in consultation with the Office of the Treasurer, which has a number of helpful documents available online for setting up and facilitating the work of audit committees.

Fourth, provisions were amended in the governing documents of all expressions of the ELCA regarding relocation and development of additional sites for worship (so-called “satellite congregations”). The new provisions authorize development of new worship sites by existing congregations in consultation with the synod bishop and the appropriate unit of the churchwide organization, which is the Evangelical Outreach and Congregational Mission unit.

Fifth, when a parish arrangement involving multiple congregations terminates, the call of the rostered leader(s) serving that parish is automatically terminated (*C20.04.).

Finally, provisions were amended to allow synods, if they so desire, to make provisions for rostered persons on leave from call and on disability to attend Synod Assemblies with vote as well as voice (see, e.g., S7.22.).

If you have questions regarding the amendments to the governing documents or seek suggestions on implementation, do not hesitate to contact us.

3. Preparation for the 2011 Churchwide Assembly

Work already has begun in preparation for the twelfth Churchwide Assembly, which will take place August 15–20, 2011, at the Marriott World Center, Orlando, Florida.

One of the first important issues is providing for the number of voting members and their allocation. Under bylaw 12.41.11., synods are allocated one voting member for each 5,800 baptized members plus one voting members for each 50 congregations, with a minimum of two voting members from each synod. Historically, the Church Council has assigned additional voting members to synods with the minimum number of voting members.

Attached as Appendix 5 is a memorandum regarding allocation of voting members for the 2011 Churchwide Assembly. The Office of the Secretary intentionally did not recommend changes to bylaw 12.41.11. in 2009 and does not recommend changes in allocation of additional members for 2011. This is based on a variety of reasons, including the work of the ecology task force, which will make recommendations in 2010 relating to structure and governance for possible implementation at the 2011 Churchwide Assembly. In our opinion, modifying the voting member allocation now would be premature.

E. Non-Churchwide Assembly Work of the Office of the Secretary

In addition to the regular work of the Office of the Secretary (including work in the archives, library, records management, meeting planning, roster maintenance, legal matters, risk management, Yearbook preparation, constitutional and policy development and management, and consultations with synods and congregations), there are a number of projects that are underway, which we hope can be completed in the coming year.

Consistent with the “oil in the engine” metaphor, we continue to identify and develop tools that synods can use to facilitate their ministry. In 2010, I anticipate, in addition to the procedures for background checks and screening addressed above, to develop updated procedures for submission of memorials and resolutions. In addition, we have been working on Model Rules of Organization and Procedure for Synod Assemblies, and we anticipate disseminating these before 2011 Synod Assembly season. We also anticipate developing and implementing a policy concerning the service of lay rostered leaders in ecumenical settings.

Among the important new resources that deserve wider dissemination is the electronic newsletter to church leaders, *Administration Matters*. This represents a collaboration of a number of churchwide offices and units and provides important information to congregational and synodical leaders. It can be found at www.elca.org/administrationmatters.

The oral history project “Voices of Vision” also was present at the 2009 Churchwide Assembly to obtain oral histories of voting members. A number of important interviews have taken place, and more will occur later this year and next. Plans also are underway for several follow-up video interviews, which we hope can be used as part of a 25th anniversary celebration in 2013.

F. Concluding Remarks

Although 2009 has been tumultuous for many reasons, I give thanks daily for the opportunity to serve as secretary of the Evangelical Lutheran Church in America. From a personal perspective, the preparation for and participation in the Churchwide Assembly were uniquely remarkable events for which I always will be thankful. A significant part of my appreciation remains the friendship and collegiality of members of the Church Council and Conference of Bishops. In addition, my relationships among colleagues in the Office of the Secretary and other leaders in the churchwide organization remain a source of joy. How fortunate am I to be in ministry with all of you, doing God’s work in this church with our hands! Thanks be to God!

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PROGRAM: CDI70BN
 ELCA CONGREGATION TOTALS
 (8,262 CONGS FILED IN 2008)
 FORM A - SUMMARY OF CONGREGATIONAL STATISTICS AS OF 12/31/08
 EVANGELICAL LUTHERAN CHURCH IN AMERICA
 PAGE 1 OF 3
 RUN DATE 07/01/09

SUMMARY OF MEMBERSHIP STATISTICS		2007		2008		CHANGE	PER CENT	STATISTICAL ANALYSIS	
								AVERAGES PER CONGREGATIONS REPORTING	
TOTALS -- END OF YEAR									
TOTAL NUMBER OF CONGREGATIONS		10,448		10,396		52-			
BAPTIZED MEMBERS		4,709,956		4,633,887		76,069-		BAPTIZED MEMBERS	(/10,322)
CONFIRMED MEMBERS		3,533,956		3,483,336		50,620-		CONFIRMED MEMBERS	(/10,298)
COMMUNING MEMBERS -- CONFIRMED		2,496,723		2,439,494		57,229-		COMMUNING MBRs - CONF	(/10,275)
COMMUNING MEMBERS -- UNCONFIRMED		258,990		258,376		614-		COMMUN MBRs - UNCONF	(/7,972)
VOTING MEMBERS		2,476,691		2,499,877		23,186+		VOTING MEMBERS	(/10,269)

ANALYSIS OF MEMBERSHIP GAINS AND LOSSES

BAPTIZED MEMBERS --- ACCESSIONS

BY BAPTISM - CHILDREN UNDER 16	62,721	61,617	1,104-	1.76-
BY BAPTISM - ADULTS 16 AND OLDER	5,854	5,839	15-	0.25-
BY AFFIRMATION OF FAITH	49,295	47,586	1,709-	3.46-
BY TRANSFER FROM ELCA CONGS	52,501	49,522	2,979-	5.67-
BY TRANSFER FROM OTHER LUTHERAN CONGS	11,896	10,446	1,450-	12.18-
FROM NON-LUTHERAN CONGREGATIONS	16,576	17,104	528+	3.18+
FROM OTHER SOURCES AND STAT ADJS	19,056	23,511	4,455+	23.37+
TOTAL ACCESSIONS -- BAPT MBRs	217,899	215,625	2,274-	1.04-

BAPTIZED MEMBERS -- LOSSES

BY DEATH	45,154	45,225	71+	0.15+
BY TRANSFER TO ELCA CONGS	38,267	35,384	2,883-	7.53-
BY TRANSFER TO OTHER LUTHERAN CONGS	8,673	7,830	843-	9.71-
TO NON-LUTHERAN CONGREGATIONS	11,977	11,490	487-	4.06-
FOR OTHER REASONS AND STAT ADJS	183,958	193,133	9,175+	4.98+
TOTAL LOSSES --- BAPT MBRs	288,029	293,062	5,033+	1.74+

CONFIRMED MEMBERS -- ACCESSIONS

BY BAPTISM - ADULTS 16 AND OLDER	4,228	3,836	392-	9.27-
BY AFFIRMATION OF FAITH	37,249	35,746	1,503-	4.03-
BY TRANSFER FROM ELCA CONGS	39,120	36,496	2,624-	6.70-
BY TRANSFER FROM OTHER LUTHERAN CONGS	8,545	7,374	1,171-	13.70-
FROM NON-LUTHERAN CONGREGATIONS	11,589	12,110	521+	4.49+
FROM OTHER SOURCES AND STAT ADJS	17,955	24,060	6,105+	34.00+
BAPTIZED MEMBERS CONFIRMED	45,239	43,195	2,044-	4.51-
TOTAL ACCESSIONS -- CONF MBRs	163,925	162,817	1,108-	0.67-

CONFIRMED MEMBERS -- LOSSES

BY DEATH	42,075	42,231	156+	0.37+
BY TRANSFER TO ELCA CONGS	28,768	26,902	1,866-	6.48-
BY TRANSFER TO OTHER LUTHERAN CONGS	6,366	5,664	702-	11.02-
TO NON-LUTHERAN CONGREGATIONS	8,579	8,197	382-	4.45-
FOR OTHER REASONS AND STAT ADJS	126,117	130,859	4,742+	3.76+
TOTAL LOSSES -- CONF MBRs	211,905	213,853	1,948+	0.91+

ACTIVE NON-MEMBERS (INCL ASSOC MBRs) 162,782 177,090 14,308+ 8.78+

ELCA CONGREGATION TOTALS
(8,262 CONGS FILED IN 2008)

SUMMARY OF FINANCIAL STATISTICS		STATISTICAL ANALYSIS	
TOTALS -- END OF YEAR		AVERAGES PER CONGREGATIONS REPORTING	
	2007	2008	PER CENT
TOTAL RECEIPTS	2,815,930,629	2,741,313,099	2.64-
TOTAL DISBURSEMENTS	2,725,349,028	2,764,009,721	1.41+
ASSETS, VALUE ON DEC 31	20,663,332,394	20,616,480,228	0.22-
TOTAL INDEBTEDNESS ON DEC 31	1,781,435,454	1,770,824,328	0.59-
AVERAGE GIVING PER BAPT MEMBER	488.44	488.79	0.07+
AVERAGE GIVING PER CONF MEMBER	650.98	650.24	0.11-
		0.74-	
			265,811.41
			267,986.20
			1,999,076.91
			171,707.97
			8.58
			63.01

DETAIL OF FINANCIAL STATISTICS

RECEIPTS FOR REGULAR OPERATION

REGULAR GIVING BY MEMBERS	1,953,805,792	1,943,406,300	0.53-
DESIGNATED GIVING BY MEMBERS	346,732,154	321,610,482	7.24-
EARNED INCOME, UNRESTRICTED	95,206,073	88,195,438	7.36-
EARNED INCOME, RESTRICTED	66,273,498	57,717,694	12.90-
GRANTS AND OUTREACH SUPPORT	26,095,598	27,970,949	7.18+
CASH BORROWED	149,064,787	121,174,549	18.71-
OTHER RECEIPTS	178,752,727	181,237,687	1.39+

DISBURSEMENTS FOR REGULAR OPERATION

CURRENT OPERATING EXPENSES	1,885,298,911	1,926,284,447	2.17+
CAPITAL IMPROVEMENTS	259,231,686	261,089,360	0.71+
PAYMENT ON DEBTS	229,695,096	215,247,530	6.28-
MISSION SUPPORT	132,905,973	131,498,498	1.05-
SPECIFIC MISSION SUPPRT-DES GIV	9,506,771	9,111,124	4.16-
WORLD HUNGER APPEAL	11,126,748	11,123,138	0.03-
DISASTER RESPONSE	2,528,170	2,548,292	0.79+
MISSION PARTNERS	4,808,638	5,019,644	4.38+
MISSION FOUNDERS	191,904	347,468	81.06+
VISION FOR MISSION	451,823	400,037	11.46-
MISSIONARY SPONSORSHIP	7,303,684	7,741,124	5.98+
SYNODICAL BENEVOLENCES	18,984,526	19,851,432	4.56+
LOCAL COMMUNITY BENEVOLENCES	43,849,607	46,635,042	6.35+
OTHER BENEVOLENCES	22,913,611	22,616,233	1.29-
OTHER EXPENSES	96,551,880	104,496,352	8.22+

ASSETS, VALUE ON DEC 31

CHURCH EDIFICE AND LOT	16,413,523,443	16,593,866,599	1.09+
PARISH HOUSE AND LOT	694,331,270	699,488,249	0.74+
PARSONAGE(S) AND LOT(S)	542,627,461	540,359,325	0.41-
OTHER REAL ESTATE	567,213,056	539,136,212	4.94-
ENDOWMENT AND MEMORIAL FUNDS	1,253,381,083	1,093,785,974	12.73-
CASH, SAVINGS, BONDS, ETC.	907,224,666	869,634,754	4.14-
OTHER ASSETS	285,031,415	280,209,115	1.69-

NUMBER OF BEQUESTS RECEIVED

TOTAL VALUE OF BEQUESTS RECEIVED	82,795,864	66,615,167	65.42+
INTENDED MISSION SUPPORT	134,980,387	127,633,093	19.54-
		7,347,294-	5.44-

PERCENT OF TOTAL DISBURSEMENTS

CURRENT OPERATING EXPENSES	69.69
CAPITAL IMPROVEMENTS	9.44
PAYMENT ON DEBTS	7.78
MISSION SUPPORT	4.75
SPECIFIC MISSION SUPPORT (DES GIV)	0.32
WORLD HUNGER APPEAL	0.40
DISASTER RESPONSE	0.09
MISSION PARTNERS	0.18
MISSION FOUNDERS	0.01
VISION FOR MISSION	0.01
MISSIONARY SPONSORSHIP	0.28
SYNODICAL BENEVOLENCES	0.71
LOCAL COMMUNITY BENEVOLENCES	1.68
OTHER BENEVOLENCES	0.81
OTHER EXPENSES	3.78

NUMBER OF BEQUESTS PER 100 DEATHS

10.94

AVERAGE VALUE PER BEQUEST

13,463.04

STATISTICAL ANALYSIS

SUMMARY OF CONGREGATIONAL INFORMATION

	2007	2008	CHANGE	PER CENT
WORSHIP SERVICES				
TOTAL ATNDNCE AT WORSHIP EACH WEEK	1,362,120	1,330,709	31,411-	2.30-
AVG SUNDAY ATTENDANCE PER CONG	131	128	3-	2.29-
PCT BAPT MBRS ATTENDING WORSHIP	28.92	28.71	0.21-	0.72-

CONGS REPORTING ETHNIC GROUP MEMBERS

CONGS REPORTING ETHNIC GROUP MEMBERS	2007	2008	CHANGE	PER CENT	PCT OF CONGS REPORTING ETHNIC GROUP MEMBERS
AFRICAN AMERICAN/BLACK	3,578	3,615	37+	1.03+	AFRICAN AMERICAN/BLACK 34.77
AMERICAN INDIAN & ALASKA NATIVE PEOPLE	1,146	1,163	17+	1.48+	AMERICAN INDIAN & ALASKA NATIVE PEOPLE 11.18
ARAB/MIDDLE EASTERN	614	623	9+	1.46+	ARAB/MIDDLE EASTERN 5.99
ASIAN/PACIFIC ISLANDER	3,424	3,407	17-	0.49-	ASIAN/PACIFIC ISLANDER 32.77
LATINO/HISPANIC	3,254	3,287	33+	1.01+	LATINO/HISPANIC 31.61
MULTIETHNIC	2,508	2,706	198+	7.89+	MULTIETHNIC 26.02
WHITE	10,222	10,178	44-	0.43-	WHITE 97.90
OTHER	591	542	49-	8.29-	OTHER 5.21

TOTAL ETHNIC BAPTIZED MEMBERSHIP

TOTAL ETHNIC BAPTIZED MEMBERSHIP	2007	2008	CHANGE	PER CENT	PERCENT ETHNIC BAPTIZED MEMBERSHIP
AFRICAN AMERICAN/BLACK	52,896	52,661	235-	0.44-	AFRICAN AMERICAN/BLACK 1.13
AMERICAN INDIAN/ALASKA NATIVE	6,866	6,818	48-	0.69-	AMERICAN INDIAN/ALASKA NATIVE 0.14
ARAB/MIDDLE EASTERN	2,136	2,154	18+	0.84+	ARAB/MIDDLE EASTERN 0.04
ASIAN/PACIFIC ISLANDER	22,202	22,067	135-	0.60-	ASIAN/PACIFIC ISLANDER 0.47
LATINO/HISPANIC	39,760	42,621	2,861+	7.19+	LATINO/HISPANIC 0.91
MULTIETHNIC	15,417	18,098	2,681+	17.38+	MULTIETHNIC 0.39
WHITE	4,558,059	4,470,272	87,787-	1.92-	WHITE 96.46
OTHER	11,397	17,510	6,113+	53.63+	OTHER 0.37

DISTRIBUTION OF CONGREGATIONS BY SIZE

SIZE OF CONGS	CONGREGATIONS TOTAL CONGS	PERCENT	BAPTIZED MEMBERS TOTAL BAPT MBRS	PERCENT	CONGREGATIONS TOTAL CONGS	PERCENT	CONFIRMED MEMBERS TOTAL CONF MBRS	PERCENT
FORMING	74	0.71	0	0.00	98	0.94	0	0.00
VERY SMALL	3,256	31.31	329,416	7.10	4,261	40.98	414,457	11.89
SMALL	2,753	26.48	700,778	15.12	2,837	27.28	718,917	20.63
MODERATELY SMALL	1,428	13.73	598,975	12.92	1,251	12.03	522,767	15.00
MEDIUM SIZED	1,086	10.44	641,061	13.83	872	8.38	511,524	14.68
MODERATELY LARGE	765	7.35	620,412	13.38	493	4.74	397,734	11.41
LARGE	607	5.83	706,991	15.25	394	3.78	463,300	13.30
VERY LARGE	427	4.10	1,036,254	22.36	190	1.82	454,637	13.05

ELCA CONGREGATION TOTALS
(7,860 CONGS FILED IN 2008)

C H R I S T I A N E D U C A T I O N	PRE- SCHOOL	ELEM SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL	YOUNG ADULT	ADULT	INTER- GENRATNL	TOTALS
PARTICIPANTS ENROLLED	79,779	185,861	89,370	60,291	11,227	132,815	30,063	589,406
TEACHERS/LEADERS	21,121	37,622	17,450	9,127	1,533	13,033	2,694	102,580
SCHEDULE:								
SUNDAY	5,997	6,448	5,076	3,729	1,005	4,119	795	27,169
MID-WEEK	443	689	1,772	990	356	1,662	305	6,217
CLASS FORMAT:								
SELF-CONTAINED	5,012	5,015	4,907	3,687	995	4,053	702	24,371
LEARNING CENTERS	816	1,282	526	188	42	65	95	3,014
CURRICULUM (PRIMARY)								
AUGSBURG FORTRESS	2,081	2,270	2,070	838	195	1,051	143	8,648
CONCORDIA PUBLISHING	481	524	355	125	18	70	11	1,584
INDEPENDENT PUBLISHERS	1,717	1,843	1,338	1,119	260	1,053	203	7,533
CREATED OWN MATERIALS	747	804	953	1,290	376	1,428	311	5,909

GRADES/GROUPINGS:

INDIVIDUAL	1,163	1,028	793	297	41	138	24	3,484
GROUP GRADED	3,132	3,938	3,073	1,944	255	663	112	13,117
ALL IN ONE	1,640	1,574	1,783	1,815	651	2,779	627	10,869

V A C A T I O N
B I B L E S C H O O L

	PRE- SCHOOL	ELEM SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL	YOUNG ADULT	ADULT	INTER- GENRATNL	TOTALS
PARTICIPANTS ENROLLED	93,503	168,018	16,697	3,151	622	5,909	11,872	299,772
TEACHERS/LEADERS	30,172	46,835	5,663	2,386	704	2,923	4,051	92,734
SCHEDULE:								
HALF-DAY	2,041	1,961	621	138	21	37	60	4,879
FULL DAY	196	458	161	39	6	8	14	882
EVENINGS	2,064	2,230	1,007	372	156	395	245	6,469
DAY CAMP MODEL	323	681	216	59	14	16	17	1,326

CLASS FORMAT:

SELF-CONTAINED	997	772	392	168	73	306	69	2,777
LEARNING CENTERS	3,259	3,980	1,361	322	67	107	200	9,296

CURRICULUM (PRIMARY)

AUGSBURG FORTRESS	1,186	1,254	476	115	32	95	65	3,223
CONCORDIA PUBLISHING	247	267	101	30	11	19	12	687
INDEPENDENT PUBLISHERS	1,608	1,727	569	152	35	97	79	4,267
CREATED OWN MATERIALS	423	580	252	92	28	133	83	1,591

GRADES/GROUPINGS:

INDIVIDUAL	687	564	170	38	10	24	11	1,504
GROUP GRADED	2,646	3,343	1,172	289	54	99	94	7,697
ALL IN ONE	926	926	459	188	78	262	185	3,024

ELCA CONGREGATION TOTALS
(7,860 CONGS FILED IN 2008)

C30 EDUCATIONAL MINISTRY PROVIDED

CHRISTIAN EDUCATION
YES 7,385 NO 475 NO RESP 0
VACATION BIBLE SCHOOL
YES 5,560 NO 2,300 NO RESP 0

C31 SHORT-TERM FOREIGN MISSION, SERVICE OR
LEARNING TRIPS TAKEN BY CONGREGATION

NONE..... 6,648 THREE..... 55
ONE..... 716 FOUR..... 20
TWO..... 220 FIVE OR MORE..... 22
NO RESPONSE TO ANY..... 179

C32 DISABILITY ASSISTANCE PROVIDED

BUILDING WHEELCHAIR ACCESS..... 6,133
BRAILLE/LRG PRINT WORSHIP MATLS 2,978
ASSISTIVE HEARING DEVICES..... 3,018
SPECIAL NEEDS OUTREACH/SUPPORT. 2,793
NO RESPONSE TO ANY..... 943

C40 HOLY COMMUNION CELEBRATIONS

FREQUENCY OF SUNDAY HOLY COMMUNION
WEEKLY..... 3,923
TWICE A MONTH..... 966
THREE A MONTH PLUS FESTIVALS... 1,618
MONTHLY..... 365
MONTHLY PLUS FESTIVALS..... 772
QUARTERLY..... 9
OTHER..... 159
NO RESPONSE TO ANY..... 48

OFFERED AT NON-PRINCIPAL SERVICE

YES..... 557 NO..... 2,918
DON'T KNOW. 53 NO RESPONSE 4,332

COMMUNION CUP DISTRIBUTION OFFERINGS

WINE..... 7,385
JUICE..... 5,678
DE-ALCOHOLIZED WINE..... 152
NO RESPONSE TO ANY..... 237

C41 FIRST HOLY COMMUNION RECEIVED

AFTER CONFIRMATION 506
GRADE 6+, BEFORE CONFIRMATION... 311
GRADE 5 (AGE 10)..... 2,817
GRADES 3 OR 4 (AGES 8 TO 9)..... 1,550
GRADE 2 (AGE 7)..... 866
KINDERGARTEN OR GRADE 1 (AGE 6) . 608
AFTER BAPTISM AND BEFORE AGE 5... 836
AT BAPTISM (INFANCY)..... 152
NO RESPONSE TO ANY..... 214

C42 NUMBER OF ADULTS IN BIBLE STUDY GROUPS

1-10..... 1,735 31-40..... 655
11-15..... 1,104 41-50..... 453
16-20..... 838 51-80..... 528
21-30..... 1,112 81+..... 515
NO RESPONSE TO ANY..... 920

C43 DISASTER PREPAREDNESS PLAN DEVELOPED

YES..... 929 NO..... 6,005
DON'T KNOW. 776 NO RESPONSE 150

C44 'GOD'S WORK, OUR HANDS' ON LETTERHEAD

YES..... 251 NO..... 7,367
DON'T KNOW. 118 NO RESPONSE 124

C45 'GOD'S WORK, OUR HANDS' ON PUBLICATIONS

YES..... 756 NO..... 6,861
DON'T KNOW. 115 NO RESPONSE 128

C46 SALARIED STAFF

MINISTRY AREA: ADDED ADDING
2007-8 2009-10

ADMINISTRATION..... 573 238
ARTS..... 27 14
CHRISTIAN EDUCATION..... 289 137
COMMUNITY ORGANIZING..... 35 29
DEV ANOTHER WORSHIP SITE. 26 35
DEV A NEW CONGREGATION... 25 23
EARLY CHILDHOOD ADMIN... 98 63
DISCIPLESHIP/EVANGELISM.. 102 74
MUSIC/WORSHIP..... 579 256
PARISH NURSING/HEALTH... 67 73
SENIOR MINISTRIES..... 70 52
SPIRITUAL FORMATION..... 44 40
VOLUNTEER COORDINATION... 129 91
YOUTH/FAMILY MINISTRIES.. 621 419
NO RESPONSE TO ANY..... 6,139 6,819

C47 CONGREGATION HIV/AIDS STEPS TAKEN

DISCUSSION, SERMON, OR PRAYER
THAT ENGAGES HIV/AIDS TOPIC... 1,633
PROVIDED SERVICES, FUNDS, OR
SUPPORT FOR THOSE LIVING WITH OR
AFFECTED BY HIV AND AIDS..... 501
ENGAGED HIV/AIDS IN OTHER WAYS. 465
NO RESPONSE TO ANY..... 5,737

C48 PLANNED CAPITAL/DEBT REDUCTION APPEAL/
IN THE NEXT THREE YEARS

YES..... 1,650 NO..... 4,067
DON'T KNOW. 1,869 NO RESPONSE 274

C49 NUMBER OF CONGREGATION LAY EMPLOYEES
(WORKING AT LEAST 20 HOURS A WEEK)

1..... 1,564 5..... 256
2..... 1,053 6-7..... 245
3..... 697 8-10..... 181
4..... 427 > 10..... 234
NO RESPONSE TO ANY..... 3,203

C50 INVOLVED AND AFFILIATED WITH COMMUNITY
ORGANIZING INSTITUTE(S)/NETWORK(S)

DIRECT ACTION AND
RESEARCH TRAINING (DART).... 21
THE GAMALIEL FOUNDATION..... 74
INDUSTRIAL AREAS FOUNDATION... 43
PACIFIC INSTITUTE FOR
COMMUNITY ORGANIZING (PICO) . 37
REGIONAL CONGS & NEIGHBORHOOD
ORGANIZATIONS (RCNO)..... 46
THE INTERVALLEY PROJECT (IVP). 5
INDEPENDENT OR OTHER..... 493
NO RESPONSE TO ANY..... 7,186





EVANGELICAL LUTHERAN CHURCH IN AMERICA
CONGREGATIONAL REPORT FOR THE YEAR ENDING DECEMBER 31, 2009
This report can be filed online. Connect to the Web site (www.elca.org/congregationreport) and enter your congregation's ID and password (printed below).
If you decide not to file electronically, complete this paper form and return it to your synod office by February 15, 2010.

FORM A

Latest report on file:

INFORMATION ABOUT MEMBERS BAPTIZED (Total Membership)

- 1. Membership at end of 2008
- 2. Members received during 2009
 - a. By Baptism: children (15 yrs. and younger)
 - b. By Baptism: adults (16 yrs. and older)
 - c. By affirmation of faith
 - d. By transfer
 - e. From other sources and statistical adjustment
 - f. Total members received this year
- 3. Members removed during 2009
 - a. By death
 - b. By transfer
 - c. For other reasons and statistical adjustment
 - d. Total members removed this year
- 4. Membership, end of 2009

- 5. Number of people confirmed in 2009
 - a. Total confirmed membership, end 2009
- 6. Average weekly worship attendance in 2009

7. Total number of people (including children) actively participating in the life of the congregation in 2009

8. Race / ethnic origin of ACTIVE PARTICIPANTS. Must equal active participants on line 7:

African American/ Black	Amer. Ind./ Alaska Native	Arab/ Middle Eastern	Asian/ Pacific Islander	Latino/ Hispanic	Multi-racial	White/ Caucasian	Other	TOTAL

Verify the following congregation information; correct as necessary.

- 9. Phone: _____ 10. Fax: _____
- 11. E-mail: _____
- Web site: Corrections can be made online (www.elca.org/congregationurl)

- Congregation ID# _____
- Online Password (2009 only): _____
- Synod: _____ Conference: _____
- 12. Location address describes where the church or place of worship is physically located. This may differ from the mailing address, but must identify a street name. Corrections should be made below:

13. Please indicate how much emphasis the following programs/activities have received in your congregation in the past 12 months.
- | | do not have | some emphasis | a lot emphasis | congregation's specialty |
|---|-----------------------|-----------------------|-----------------------|--------------------------|
| a. worship | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. music | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Christian ed. for those 15 or younger | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. other activities for children | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| e. Confirmation ministry | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| f. Christian ed. for those 16 to 19 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| g. other activities for those 16 to 19 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| h. Bible study or other adult Christian ed. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| i. prayer, meditation or spiritual development activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| j. fellowship or other social activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| k. support groups (bereavement, divorce, 12-step) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| l. evangelism or recruitment activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| m. stewardship | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| n. identifying and using the spiritual gifts of active participants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| o. social justice activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| p. community service activities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

INFORMATION ABOUT THE CONGREGATION'S FINANCIAL STEWARDSHIP ((Please round all figures to nearest dollar. Omit cents.))

- 14. Receipts during 2009
 - a. Regular giving
 - b. Designated giving
 - c. Earned income (any source)
 - d. Grants (any source)
 - e. All other receipts
 - f. TOTAL RECEIPTS
- 15. Assets as of December 31, 2009
 - a. Church real estate
 - b. Endowment and memorial funds
 - c. Cash, savings, bonds, etc.
 - d. All other assets
 - e. TOTAL ASSETS
- 16. Total indebtedness as of Dec. 31, 2009
- 17. Bequests received during 2009
 - a. Number of bequests received
 - b. TOTAL VALUE of bequests received
- 18. Budgeted/projected 2010 Mission Support

- 19. Disbursements during 2009
 - a. Current operating expenses
 - b. Capital improvements
 - c. Payments on debts
 - d. Mission Support (regular synod benevolence)
 - e. Other benevolence sent directly to the synod (for any synod OR churchwide appeal including the World Hunger Appeal, Disaster Response, missionary sponsorship, etc.)
 - f. Other benevolence sent directly to the churchwide office (for any churchwide appeal including World Hunger Appeal, Disaster Response, missionary sponsorship, etc.)
 - g. Benevolence sent directly to any of the following:
 - 1. an activity in another country including a missionary, a congregation, a companion synod, a hunger program, disaster response, etc.
 - 2. a camp(s)
 - 3. a college(s)
 - 4. a seminary(s)
 - 5. a social service group, agency or institution
 - h. All other benevolence sent directly to the recipient
 - i. Other expenses and realized losses
 - j. TOTAL DISBURSEMENTS

Pastor _____ Council Officer _____ Date _____



EVANGELICAL LUTHERAN CHURCH IN AMERICA

Office of the Secretary

8765 W. Higgins Road • Chicago, IL 60631-4197

Telephone: 773.380.2809 • Facsimile: 773.380.2977

MEMORANDUM

To: Bishops of synods of the Evangelical Lutheran Church in America

From: Secretary David D. Swartling

Date: September 28, 2009

Subject: 2011 Nominations from Synods

Church Council

Sierra Pacific Synod (2A), Clergy
Rocky Mountain Synod (2E), Lay Male
Eastern North Dakota Synod (3B), Lay Male
Northwestern Minnesota Synod (3D), Clergy
Texas-Louisiana Gulf Coast Synod (4F), Clergy
Southeast Michigan Synod (6A), Lay Male
Indiana-Kentucky Synod (6C), Clergy
Southern Ohio Synod (6F), Lay Female
Metropolitan New York Synod (7C), Lay Female
Lower Susquehanna Synod (8D), Clergy
West Virginia-Western Maryland Synod (8H), Lay Female

Program Committees

Southwest California Synod (2B), Church in Society, Lay Male (PC/L)
Western North Dakota Synod (3A), Vocation and Education, Clergy
Northeastern Minnesota Synod (3E), Evangelical Outreach and Congregational Mission, Clergy
Southwestern Texas Synod (4E), Evangelical Outreach and Congregational Mission, Lay Female
Northeastern Iowa Synod (5F), Global Mission, Lay Female (PC/L)
North/West Lower Michigan Synod (6B), Church in Society, Lay Female
Northwestern Ohio Synod (6D), Global Mission, Lay Male
Northeastern Ohio Synod (6E), Vocation and Education, Lay Female
Upstate New York Synod (7D), Vocation and Education, Lay Male
Southwestern Pennsylvania Synod (8B), Global Mission, Clergy
Upper Susquehanna Synod (8E), Evangelical Outreach and Congregational Mission, Lay Male
Southeastern Synod (9D), Church in Society, Clergy



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MEMORANDUM

To: Bishops of synods of the Evangelical Lutheran Church in America
Secretaries of synods of the Evangelical Lutheran Church in America

From: Secretary David D. Swartling

Date: September 29, 2009

Subject: Voting Members for the 2011 Churchwide Assembly

Voting members for the 2011 Churchwide Assembly, to be held August 14–20, 2011, at the Marriott World Center, Orlando, Florida, must be elected at your 2010 Synod Assembly.

Voting members may be nominated by whatever process your synod wishes to use. The Synod Assembly, however, must be the electing body.

Note that the number of voting members allocated to each synod may have changed on the basis of the 2008 parochial statistics and the formula of allocation, as defined in bylaw 12.41.11 in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

Process:

The composition of the voting members elected by your synod for service in the Churchwide Assembly reflects the representation principles of this church:

- At least 60 percent of the voting members shall be laypersons—half of them female and half of them male.
- About 40 percent shall be ordained ministers.
- Ten percent of the voting members are to be persons of color or persons whose primary language is other than English.
- Ten percent of the voting members are to be youth and young adults.

For example, if your synod has been allocated ten voting members, at least six of them must be lay—three female and three male—and four may be clergy, one of whom is the synodical bishop. A minimum of one of the ten must be a person of color or person whose primary language is other than English. A minimum of one of the ten must be a youth or young adult.

Allocation of Voting Members for 2011:

In all cases the total of voting members includes the bishops.

<u>Synod</u>	<u>Total Voting Members</u>
1A Alaska Synod	4*
1B Northwest Washington Synod	10
1C Southwestern Washington Synod	8
1D Eastern Washington-Idaho Synod	8
1E Oregon Synod	9
1F Montana Synod	12
2A Sierra Pacific Synod	14
2B Southwest California Synod	10
2C Pacifica Synod	12
2D Grand Canyon Synod	14
2E Rocky Mountain Synod	17
3A Western North Dakota Synod	16
3B Eastern North Dakota Synod	23
3C South Dakota Synod	26
3D Northwestern Minnesota Synod	23
3E Northeastern Minnesota Synod	16
3F Southwestern Minnesota Synod	28
3G Minneapolis Area Synod	40
3H Saint Paul Area Synod	28
3I Southeastern Minnesota Synod	27
4A Nebraska Synod	25
4B Central States Synod	15
4C Arkansas-Oklahoma Synod	4*
4D Northern Texas-Northern Louisiana Synod	8
4E Southwestern Texas Synod	14
4F Texas-Louisiana Gulf Coast Synod	11
5A Metropolitan Chicago Synod	22
5B Northern Illinois Synod	19
5C Central/Southern Illinois Synod	13
5D Southeastern Iowa Synod	20
5E Western Iowa Synod	15
5F Northeastern Iowa Synod	19
5G Northern Great Lakes Synod	8
5H Northwest Synod of Wisconsin	22
5I East-Central Synod of Wisconsin	20
5J Greater Milwaukee Synod	18
5K South-Central Synod of Wisconsin	22
5L LaCrosse Area Synod	9

6A	Southeast Michigan Synod	13
6B	North/West Lower Michigan Synod	12
6C	Indiana-Kentucky Synod	16
6D	Northwestern Ohio Synod	20
6E	Northeastern Ohio Synod	17
6F	Southern Ohio Synod	21
7A	New Jersey Synod	16
7B	New England Synod	15
7C	Metropolitan New York Synod	16
7D	Upstate New York Synod	17
7E	Northeastern Pennsylvania Synod	31
7F	Southeastern Pennsylvania Synod	19
7G	Slovak Zion Synod	3*
8A	Northwestern Pennsylvania Synod	6
8B	Southwestern Pennsylvania Synod	18
8C	Allegheny Synod	10
8D	Lower Susquehanna Synod	25
8E	Upper Susquehanna Synod	10
8F	Delaware-Maryland Synod	19
8G	Metropolitan Washington, D.C., Synod	8
8H	West Virginia-Western Maryland Synod	5*
9A	Virginia Synod	10
9B	North Carolina Synod	19
9C	South Carolina Synod	13
9D	Southeastern Synod	12
9E	Florida-Bahamas Synod	17
9F	Caribbean Synod	4*



Office of the Secretary
Evangelical Lutheran Church in America
God's work. Our hands.

TO: Synod Bishops and Vice Presidents
From: David Swartling
Date: October 13, 2009
Subject: Termination of the relationship between a congregation and the ELCA

Questions have arisen regarding the constitutional requirements for terminating the relationship between a congregation and the ELCA as well as "best practices" for consulting with congregations regarding termination issues and for implementing the constitutional requirements. This memorandum will address these issues. It also will address briefly issues of property ownership that arise in the context of termination. If questions arise in a particular context, please consult with the Office of the Secretary.

A. The Constitutional Requirements

The *Constitutions, Bylaws and Continuing Resolutions* of this church provide parallel provisions regarding the process for termination of a congregation's relationship with the ELCA. They are found in provision 9.62. of the ELCA constitution and *C6.05. in the *Model Constitution for Congregations*.

Provision 9.62. of the ELCA constitution provides as follows:

- A congregation may terminate its relationship with this church by the following procedure:**
- a. A resolution indicating desire to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds majority of the voting members present.**
 - b. The secretary of the congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.**
 - c. The bishop of the synod shall consult with the congregation during a period of at least 90 days.**
 - d. If the congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the synodical bishop or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.**
 - e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between the congregation and this church shall be terminated.**
 - f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.**
 - g. Congregations which had been members of the Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.**

- h. Congregations that are established by the Evangelical Lutheran Church in America shall be required, in addition to the foregoing provisions in 9.62., to receive synodical approval before terminating their membership in this church.**

Provision 9.22. of the ELCA constitution states that “[a]ll congregations of this church shall abide by the provisions of 9.21., 9.62., and 7.46. Thus, the termination provision quoted above applies to all congregations in this church.

Termination requires a multi-step process. For simplicity, here is a checklist of the requirements:

- Adoption by a 2/3 vote at a legally called and conducted special congregational meeting of a resolution indicating intent to terminate relationship.
- Notification to the synodical bishop and all voting members of the congregation within 10 days of adoption of the initial resolution.
- Consultation with the synod bishop during a period of at least 90 days.
- Notice of a second special congregational meeting mailed to all voting members at least 10 days in advance of the second meeting.
- Adoption by a 2/3 vote at a legally called and conducted special congregational meeting, at which the bishop or a representative is present, of a resolution to terminate the relationship.
- Synod Council approval if the congregation was established by the ELCA, if the congregation was a former member of the Lutheran Church in America (LCA), or if the congregation will become independent or relate to a non-Lutheran church body.
- Transmission to the synodical bishop of a certified copy of the resolution to terminate adopted at the second special congregational meeting.
- Notice to the Office of the Secretary.

The relationship officially terminates only upon transmission to the synod bishop of the certified copy of the resolution to terminate adopted at the second congregational meeting, unless Synod Council approval is necessary. In cases where Synod Council approval is necessary, termination occurs upon transmission to the synod bishop of the certified copy of the resolution or approval by the Synod Council, whichever is later.

B. Practices to Implement Termination Provisions

The constitutional provisions are designed to ensure that voting members of the congregation have an opportunity to evaluate thoroughly the issues involved with terminating the relationship between the congregation and the ELCA. Synods and the churchwide organization also need to evaluate issues involved with a possible termination. Such evaluations presuppose a consultative process and the opportunity for conversation and reflection before a final step is taken.

In addition, almost all ELCA congregations are corporations in the state in which they are located. This means that issues of state and federal law also are embedded in the termination decision. (For example, many congregations have tax-exempt status through the ELCA’s group ruling from the IRS, which will not apply if a congregation terminates its relationship.) Because congregations and synods are corporations, members of the Congregation Council and the Synod Council also have fiduciary responsibilities to follow these processes.

David Swartling memorandum/October 13, 2009/Page 3

Here are suggested practices and hints for facilitating the decision-making process:

1. Attempt to learn about a potential meeting to take an initial vote on termination before it occurs. To the extent that consultation and mediation can occur before an initial vote, there is more time for discussion and an opportunity for communal discernment and deliberative decision-making.
2. Obtain an up-to-date copy of the congregation's constitution. (If you discover that the congregation's constitution does not contain *C6.05, please provide a copy of the constitution and consult with the Office of the Secretary.)
3. Check to see that the first special congregational meeting was "legally called and conducted," the resolution clearly stated, and the required approval received by a 2/3 vote. (A "legally called and conducted" special meeting is one that is called according to the requirements of the congregation's constitution. This means that the meeting must be initiated properly, adequate notice provided, *Robert's Rules of Order* followed, and action taken for the specific purpose described in the notice. See C10.02. and C10.03.)
4. Check to see that the resolution adopted at the first congregational meeting was mailed (not emailed or posted on a Web site) to all voting members of the congregation.
5. Acknowledge receipt of the notice of the first vote and advise the congregation when the 90-day period will run.
6. Determine, as soon as reasonably possible, if the congregation will join another church body or become independent. (See 9.71., *C7.03., and *C7.04.)
7. Evaluate potential property ownership issues under provision 9.71. of the ELCA constitution and Chapter 7 of the *Model Constitution for Congregations*. This may involve a title search to determine legal ownership of the congregation's property and consultation with the Mission Investment Fund (MIF) to determine if it has a mortgage on the property.
8. Confer with the Evangelical Outreach and Congregational Mission (EOCM) unit of the churchwide organization to determine if the congregation has received partnership support and if repayment is called for in a Partnership Support Covenant. Also explore new mission opportunities in the area.
9. Describe your expectations regarding consultation to the congregation's leadership. (Note that the language of 9.62.c. and *6.05.c. provide a period of consultation with the members, not a single meeting.) In some cases, it may be desirable to develop a protocol or a template for the consultation process.
10. Consider who will engage in the consultation process on the part of the synod and who should be part of the process in the congregation. With respect to the former, consider involving members of the Synod Council, conference or cluster deans, and other colleagues, including those with differing views. With respect to the congregation, seek to have conversations with as many members of the congregation as reasonably possible. This also should involve identifying members who do not favor termination and discussing their options and plans.
11. Encourage conversations among congregational members, including those with differing views.
12. Share stories about ministry that occurs on behalf of the congregation through the ELCA.
13. Consider providing written materials regarding shared ministries and the case statement for staying in the ELCA.
14. Be sure that the second special congregational meeting is "legally called and conducted" and that the bishop or designee attends. Clarify the role of the bishop or designee at the meeting.
15. Ask for a certified copy of the resolution to terminate taken at the second meeting.
16. Bring the issue to the Synod Council, if the congregation was formed by the ELCA or a former congregation of the Lutheran Church in America or if the congregation intends to become independent or join a non-Lutheran church body. Be sure that the issues involved in the termination, including the extent of a minority position, are evaluated by the Synod Council. A majority vote of the Synod Council is required to approve termination of the relationship. (Note that consideration by the Synod Council can occur before the second vote is taken by the congregation.)

C. Property Issues Relating to Termination of a Congregation's Relationship with the ELCA

A congregation's decision to terminate its relationship with the ELCA may raise issues regarding property ownership. Provision 9.61.g. and h. in the ELCA constitution and Chapter 7 of the *Model Constitution for Congregations* address property ownership issues.

As a threshold matter, an evaluation must be made during the termination process regarding legal ownership of the property and any liens and mortgages on it. In rare instances, the churchwide organization or the synod may actually be the property owner of record, and in some instances the Mission Investment Fund (MIF) may hold a mortgage. Mortgages and liens on the property may also affect the decision of the Synod Council, if it is required to vote on termination.

Under provision 9.71. in the ELCA constitution and *C7.03. and *C7.04. of the *Model Constitution for Congregations*, the disposition of a congregation's property may depend on the church body to which the congregation will transfer. Under 9.71.d. and *C7.03., if the congregation transfers to another Lutheran church body, title to the property will continue to reside in the congregation. (Other Lutheran church bodies are identified in the Yearbook.) If a congregation terminates its relationship with the ELCA and becomes independent or relates to a non-Lutheran church body, title to the property will reside in the congregation only with the consent of the Synod Council following consultation. (See 9.71.e. and *C7.04.) The consultation process will include careful consideration of the interests of the ELCA and those members of the departing congregation who desire to remain in this church.

If the Synod Council denies approval, the congregation remains in the ELCA and congregational members who do not want to be affiliated with this church may leave.

DDS/mbf

Report of the Treasurer

The Office of the Treasurer manages the financial, business, information technologies, and building management affairs of the churchwide organization. The governing description of this office appears in constitutional provision 13.50. and continuing resolution 13.52.A05. Two function areas of the churchwide organization report to the Office of the Treasurer: Information Technology and Management Services. Reports on activities and major directions for these areas are included in this report.

The Office of the Treasurer serves to support the mission of ELCA congregations, synods, and the churchwide organization. The Office of the Treasurer has concentrated its efforts on improving efficiency and effectiveness, including continued strengthening of internal controls, while looking for ways to decrease costs for infrastructure and thereby maximize dollars available for mission. Major areas of concentration include:

Synod and Congregation Assistance

The electronic bi-monthly newsletter, "Administration Matters" was launched on January 15, 2009. It is developed to be timely with topical items of interest for all church leaders with an interest in financial, legal, and general administrative issues. This newsletter is created with assistance of the Office of the Treasurer, the Office of the Secretary, Communication Services, and Synodical Relations. Other units participate in providing content as needed. As of November 1, 2009, there are over 1,930 subscribers. All Church Council members are encouraged to subscribe at <http://www.elca.org/adminmatters>.

Internal Audit

Internal auditing continues to work with operations and systems of the churchwide organization to ensure proper control, safety, and security. Recent efforts have focused on:

- *Data Security:* Internal audit partnered with IT to create and implement an identity theft program, which will further enhance the churchwide organization's compliance with many governmental identity theft regulations, such as the Red Flag Act and Payment Card Industry. Internal audit had implemented a series of workshops aimed at educating churchwide staff about how to spot identity theft and guard against it. In June, the director of internal audit gave a similar presentation to the large membership congregation participants attending the "Let the River Flow" conference in Minneapolis. This presentation was well-received and generated follow-up contacts on this subject.
- *Information Technology:* Internal audit recently has completed a comprehensive review of IT operations including the policies, procedures, processes, and programs put in place after the last audit. The results of this audit have been very positive, indicating a high degree of compliance with these new initiatives. This review also is intended to lay the foundation for a review to be conducted by FishNet, an outside IT audit firm. This external review will focus on the churchwide organization's overall security architecture as well as technical IT issues that cannot be addressed by internal audit due to lack of audit tools or expertise.
- *Expansion of the Audit Plan:* The internal audit's plan continues to expand, with the addition of the Sarbanes-Oxley compliance, IT reviews, regional audits, SAS 70 reviews, and loan and investor obligation confirmations being added to the list of audits over the last several years. This year, a new

audit of fixed assets was completed, and an audit of contracts is being added for 2010. These audits are being added without the need for additional resources. This is because other audits are beginning to take less time due to a reduced learning curve, improved controls, and control weaknesses being addressed promptly by management.

Accounting System Update

The new web-based accounting system went live in August 2009. With extensive IT support, the conversion was remarkably smooth. The new system allows users to have easier access for reporting and verifying the accuracy of entries. A revised budget input form provides an efficient way to budget by unit and program. Policies and procedures were updated to reflect the new technology. Leadership teams are continuing to meet to address further enhancements for taking advantage of the new platform.

Services to Units

The Office of the Treasurer strives continually to enhance the service and financial information provided to the units of the churchwide organization. Some enhancements made over the past six months include:

- Centralizing the accounting in the Office of the Treasurer for the 2009 Youth Gathering was highly successful. New procedures and reports were developed to allow the staff of the Youth Gathering to manage the gathering more easily. By all accounts, this collaboration between Vocation and Education and the Office of the Treasurer staff contributed to the smoothest operating gathering yet.
- As self-supporting and separately incorporated units continue to seek more efficient financial operational systems, the Office of the Treasurer has been requested to provide additional financial services and support following the model of the Youth Gathering. The Office of the Treasurer has thus far been able to provide that support without the addition of staff. New understandings of service agreements have recently been made with *The Lutheran*, Lutheran Men in Mission, and Women of the ELCA.

Budget and Contingency Planning

The Office of the Treasurer continues to work closely with the Office of the Presiding Bishop and churchwide unit leadership to assist in the budget revision and contingency planning processes.

Information Technology (IT)

Submitted by Mr. Jonathan Beyer

The treasurer shall provide for information technology in support of the work of this church and the operation of Chicago-based churchwide units. In so doing, the treasurer shall have an executive for information technology, appointed by the treasurer, who shall be responsible for the development and review of guidelines and policies for computer standards, security of electronic data, application development, data storage and data retrieval, and shall enable use of electronic technologies for churchwide staff to assist in support of congregations, synods, and related institutions and agencies of this church (13.52.B05.).

ELCA Constituent Information System (ECIS)

The project to unify all sources of information regarding constituents of the ELCA churchwide organization is moving ahead. Software has been chosen and system and process requirements gathering are underway to define how the system should function, how organizational processes can be modified in support of the system, and how to bring more efficiency to the entire organization.

Several committees and work groups with representatives from all areas of the organization are contributing to this initiative. The first phase of development and delivery of this system will take place over the next year. Key deliverables during this phase will be the consolidation of numerous constituent tracking databases, replacement of the current roster and congregation databases, and creation of a tracking system for new congregation starts.

Integrated Financial and Administrative Solution (IFAS)

The Web-based version of IFAS, the core financial and accounting system, was planned as the next major upgrade. As part of IT's continuous efforts to standardize the ELCA environment, reduce maintenance costs, streamline processes, and provide more efficiency and availability to the users, this project was central to the financial and accounting processes of the organization.

Mission Investment Fund Core Banking System Upgrade

The Mission Investment Fund technology team has updated MIF's core banking system application, which manages all of the accounts for the fund. The upgrade was delivered on time over a single weekend, outside of business hours, with no significant issues to operations, file transfers, or reports. The upgrade provides a much-improved user experience and also enhances security, ensuring tighter control over user access.

Online Giving Technology Upgrade

NetCommunity is used for sharing files in an effort to go "green" for certain events and receive online donations. The Office of the Presiding Bishop, Vocation and Education, and the Mission Investment Fund are the first units to use NetCommunity for this purpose with other units such as Global Mission soon to follow. The online donation features are being used by Resource Information Services to process gifts received via telephone, and the online version of the new Good Gifts catalog will leverage this technology when it is released in fall of 2009.

The ELCA's credit card processing system was converted to a more secure and automated platform that increased the efficiency, security, and privacy of all credit card transactions processed for donations and event registrations.

Call and Mobility Process

Launched in the spring of 2009, an upgrade to this Web application allows clergy and lay rostered leaders to post their mobility forms online, searchable only by synods. Congregations and other ministries are able to post jobs searchable by synod approved persons.

Companion Synod Profile

This Web application was developed for Global Mission to illustrate the connections of 65 ELCA synods in over 120 international companion relationships. Synods will be able to login to submit the profile online. Global Mission will review the submitted profiles and allow them to be seen on the ELCA website.

IT Business Continuity Planning

The churchwide organization has done a lot of work to identify disasters or events that could disrupt normal business operations. Information Technology has installed technology to mitigate disruption in event of disasters that may cause technology outages, including virtual server clusters (see below), storage area network, database clusters, redundant telecommunications circuits and providers, and the planned installation of a generator for backup power.

Information Technology contracted with an outside service to provide text or voice based informational alerts to employees in event of a disaster. Should an event occur, Human Resources can send short communication updates to all employees.

In partnership with the Board of Pensions, IT has failover technology in place. In case of major events or system failures at the Lutheran Center, this technology will be able to recover critical systems in Minneapolis and restore designated (or use predetermined) technology services to the staff of the churchwide organization.

Server Virtualization Initiative

Throughout 2009, IT has been converting the majority of ELCA servers from physical machines to “virtual” machines. Rather than have one product or service tied to one physical server, IT is now able to have many products or services running as discrete instances on each host server. These host servers are then linked together into logical groupings, allowing for the virtual machines to move seamlessly from one physical host to another in the event of a hardware failure or planned maintenance.

To date, over 50 physical servers have been virtualized onto six host servers.

Among the many benefits of virtualization are improved uptime, greater reliability, and energy savings. By aggregating multiple discrete instances onto each host server, we have greatly reduced the number of physical servers in the environment.

Human Resources Information System

Information Technology has been working collaboratively with Human Resources (HR) and the Office of the Treasurer (OT) to evaluate new systems to automate personnel and payroll management. If any potential can meet our requirements within the available budget, Information Technology will work with the chosen vendor and churchwide units on an implementation plan.

Key Performance Indicators

A system to keep unit leaders informed of how Information Technology is providing services to them

has been developed. Telephone, system access, and technical support metrics are sent to each unit executive on a monthly basis. Information Technology pulls information from many different systems and then leverages its Cognos business intelligence tool to consolidate and distribute the reports.

IT Churchwide Assembly Support

With the support of the entire Information Technology team, six members of the team travelled to Minneapolis in support of the Churchwide Assembly. Applications were built and supported for assembly registration, credentialing, and voting. Telephones, computers, Internet access, and Lutheran Center network access was provided to all churchwide staff in Minneapolis to allow them to perform their specific functions for the Assembly. In conjunction with Communication Services, multiple forms of streaming media were offered to thousands on the internet to participate virtually in the assembly. In addition, a thirty-station e-mail center was constructed using leading edge technology to minimize setup and increase security.

IT Internal Security Audit and External Security Assessment

Internal audit is currently conducting an audit of IT and data security for the churchwide organization. This audit will be completed and findings delivered in November 2009. Following this internal audit of IT policies and procedures, an external firm will perform a detailed assessment of the technical components in support of the policies and procedures to ensure the security of the systems and data of the churchwide organization.

IT Service Management

Information Technology has been working throughout the year to update procedures in order to work more effectively and efficiently based on the 2008 IT assessment. With that came the IT Service Management project based on the ITIL (Information Technology Infrastructure Library) framework. The objectives to be completed by the end of 2009 include: incident management, change management, a draft of the service catalog, and a service level agreement. These objectives are the beginning of a journey of building and improving service through these processes with partnership and collaboration of the churchwide organization. IT service metrics are available by request.

Hardware Refresh

IT has successfully refreshed 130 laptops in 2009 through replacement. Phase 2 is planned for 2010.

IT Fixed Assets Management and Auditing

IT has tightened procedures for auditing fixed assets with asset discovery, barcode scanning, and asset management through the current call tracking system. With the laptop rollout, the new asset naming convention allows for better tracking. Reporting is provided through the call tracking system.

Audio and Visual Upgrades

Due to the call for more efficient use of speakerphones and projectors in conference rooms, IT has worked in conjunction with other units to equip specified conference rooms with built-in projectors, screens, and, in the future, speakerphones. This project will improve the efficiency of holding conference calls within the Lutheran Center.

Donation and Disposal

Another IT focus in 2009 was to increase our efforts being "green" through recycling and reusing of assets. IT will be putting still-useful assets to good use by making donations of laptops to ELCA-related entities. Information Technology prevents any accidental data loss by diligently wiping the hard drives with software meeting Department of Defense standards.

Information Technology disposes of non-working ELCA computer equipment responsibly so that it will not end up in landfills or be exported to other countries for irresponsible disposal.

Management Services

Submitted by Ms. Karen Rathbun

The treasurer shall make provisions for facilities management in support of the operation of the Lutheran Center and the function of Chicago-based churchwide units and, in so doing, the treasurer shall maintain management services with an executive for management services appointed by the treasurer who shall be responsible for building management for the churchwide organization and the coordination of central services for Chicago-based churchwide units (13.52.C05.).

Section responsibilities

Management Services has responsibility for the operation of the Lutheran Center premises in Chicago, Ill., the archives building in Elk Grove Village, Ill., and leased properties in Washington, D.C. and New York City. Management Services also provides infrastructure services including: a copy center; maintenance of floor copiers; office supplies; mail management services; scheduling and maintenance of the conference center; building concierge/reception; and the ELCA Advantage Program, a national cooperative buying program. A building management contractor, Jones Lang LaSalle (JLL), manages the facilities, including garage maintenance, cleaning, and security functions.

At this time the Lutheran center is 92 percent occupied with the loss of one tenant, the Augsburg Fortress bookstore.

Projects

The archives facility shelving project, required due to a change in the city's fire code, has been completed. Shelving had to be changed from 48" to 36." We were able to reuse the present 24" shelves that were back-to-back and add a 12-inch shelf to reduce the cost.

In 2010, the roof of the Lutheran Center is scheduled to be replaced as it is original to the facility and has been patched many times. With the assistance of our management company, JLL, we will be reviewing options for a new roof that will meet objectives of good financial and environmental stewardship.

Management Services now is responsible for servicing printer and multi-function copier units within the Lutheran Center. A new contract was negotiated for both copiers and printers and will reduce the total cost of providing these services to the organization.

The HVAC systems (Liebert) in the computer rooms have reached the end of their lifecycles. We are currently looking at replacing one at the end of 2009 and one in 2010. One unit is 23 years old and the other was purchased used and it is now 28 years old. One is currently working on one compressor only, so the need for a replacement has to be addressed immediately. The replacement units will be Energy Star rated, which will provide energy savings.

Environmental Stewardship

The executive for Management Services is part of the environmental stewardship planning team for the churchwide organization. The team's focus is a better utilization of resources to improve efficiency and promote good stewardship. These are some of its recent initiatives in the area of building operations:

1. Electrical usage at the Lutheran Center

We have significantly reduced the Lutheran Center's electrical usage through our purchasing choices and a few small actions taken by all employees. Here are some facts about electricity usage at the Lutheran Center:

- a. Light Fixtures: Energy efficiency was improved by re-lamping all floors with low-voltage lamps. Sensors have been installed in elevators and freight lobbies to turn lights off when not in use.
- b. Cooling Tower: Installation of the new water tower has reduced energy usage by 40 percent over the old unit, which was not Energy Star efficient.
- c. Xerox multifunction (print/copy/fax) units. All units are Energy Star compliant. We reduced energy consumption by consolidating multiple devices into one throughout the building..

2. Technology Recycling Program

In September, the Lutheran Center held its first techno trash recycling pick up. GreenDisk Technotrash will recycle our media, including CDs, DVDs, diskettes, cassettes, cameras, and cell phones, and securely dispose of any confidential and private information. Premier Waste & Recycling will recycle larger electronics such as computers, monitors, printers. Any equipment in working condition will be "cleaned" of any data and donated to congregations and other not-for-profit organizations that may be able to support older technology.

3. Paper Usage Reduction

The multi-function printing and copying units have reduced paper consumption considerably by scanning documents and emailing them rather than producing paper copies. Also, the implementation of NetCommunity as a resource for delivering meeting materials has meant a considerable reduction in paper, cost of copying, and mailing costs. The actual decrease in copies is about 25,000 a month. With the new multi-function units the Lutheran Center uses recycled paper for both copying and printing.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit A, Part 4a
Page 6

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Report of the Conference of Bishops

The 57th meeting of the ELCA Conference of Bishops began with a joyful service of Evening Prayer commemorating the tenth anniversary of the Joint Declaration on the Doctrine of Justification. Representatives of the Vatican and the Lutheran World Federation affirmed this agreement on October 31, 1999, in Augsburg, Germany. Later the World Methodist Council affirmed the agreement. On October 1, 2009, ELCA Bishops, prominent leaders of the Roman Catholic Church, and members of the United Methodist Council of Bishops were joined by several representatives of the wider ecumenical community at Old St. Pat's Church in downtown Chicago. It was a strong affirmation of the JDDJ covenant, as well as an opportunity to solidify commitment to continuing dialogue.

The following morning the Conference of Bishops gathered for Eucharist in the Lutheran Center chapel. Following worship we witnessed the presentation of the *Biblia Polyglotta* to Presiding Bishop Mark Hanson from Dr. Richard Jeske, representing the American Bible Society.

A significant portion of the bishops' six-day meeting was devoted to conversation about the implications of, and reactions to, actions of the recent Churchwide Assembly. Without exception, the bishops of this church have been working very hard to stay in conversation with rostered leaders, congregations, and coalitions of concerned members within the ELCA. Among ourselves, we have discovered that the best use of our time as a conference is in extended conversation. Using the World Café model, we have found structured conversation most helpful in working through issues of concern.

There is much important and careful work to be done following the assembly's actions, and we heartily commend the work of Dr. Stan Olson and his team in the Vocation and Education unit. In addition, the Committee on Appeals, chaired by Pr. Don Main, is working on proposals for revisions to "Definitions and Guidelines." Secretary David Swartling and General Counsel Phil Harris continue this work as well, along with many, many others. These partners were present for our meeting. Each provided invaluable assistance as we explored the implications of the proposed revisions to our policy documents.

The bishops of this church continue to be among the primary implementers of ministry policies and procedures. Working with these matters on a daily basis, they understand the complexities and possible pitfalls. From this perspective, the COB unanimously agrees that the changes we implement must be accomplished without undue delay. At the same time, it is paramount that the work be done with profound care. In that spirit, the bishops wish to offer their experience to the Church Council in any and every way it may be helpful. We expect this partnership will be expressed primarily through the Liaison Committee to the Vocation and Education unit. In addition, the nine advisory bishops to the Church Council are present with you as a valuable resource.

Bishop Allan Bjornberg, Chair
ELCA Conference of Bishops

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit A Part 5
Page 2

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Synodical Resolutions for Referral

1. Implementation of Revised Ministry Policies Southwestern Pennsylvania Synod (8B)

A Word to the Church Council of the
Evangelical Lutheran Church in America
from the Synod Council
of the Southwestern Pennsylvania Synod.
Adopted September 25, 2009

This synod, at our June Synod Assembly, expressed its desire to reject the Proposed Social Statement and the Ministry Policies Recommendation in assembly action. That action was based on a conviction held by many in this synod that the language of the social statement that allows divergent conclusions of “bound conscience” to be recognized as valid expressions of this church’s faith and teaching is both internally inconsistent with other language of the social statement and unfaithful to Scripture, the Ecumenical Creeds, and the Lutheran Confessions.

We, the Synod Council of the Southwestern Pennsylvania Synod, find the term “bound conscience” to be an inadequate basis on which this church took action to change its ministry policies and approve a teaching document. The resulting actions, with no firm foundation underneath, have left many in this synod confused, feeling hurt, angry, and betrayed, and moved to react in bold ways. Lifetime members are leaving our congregations; faithful and active congregations are withholding their mission support; pastors are disassociating themselves from the Evangelical Lutheran Church in America or considering affiliating with associations like Lutheran CORE; congregation members are losing their trust in their pastors who either do express their convictions powerfully or who refrain from doing so out of respect for the various positions in the social statement; some among us who have felt marginalized institutionally now feel marginalized personally and emotionally; the ministry of the gospel to which we have been called is already suffering and is in danger of being put to the side as long as this question remains unresolved for us. This is a deeper reality for us than simple disagreement. It is the great stress of trying to live in a structure that has a foundation too weak to support it.

The particular expression of the “bound conscience” approach found in the ministry policies action creates so troublesome an ecclesiology that its logical conclusion seems to be one of these two: either that the synods, congregations, pastors and lay members of this church re-arrange themselves into new groups (as many as four, based on the social statement list?) in which each group can believe, teach and confess with internal integrity; or that this church become a collection of so many “bound consciences” that it has no teaching voice on the matter of the authority of scripture, except that voice which demands the recognition of each one’s “bound conscience” by all the others. We do not believe that either of these alternatives is a faithful and sustainable one for our synod or for the ELCA.

Our synod bishop has counseled patience, love and respect for each other, and a renewed study of Scripture, Creeds, and Confessions, as we wait to see how the churchwide assembly actions may be put into practice. For the moment, that patience has been exercised. We do not believe it can be exercised widely in this synod for very much longer, and for some it has already been too long. We do not wish to create in this synod the same deep marginalization of some voices among us that others in this synod have newly felt resulting from Churchwide Assembly actions.

This Synod Council is aware that some members of this synod are requesting a churchwide referendum on the actions taken in August concerning sexuality, because they believe that the convictions of the membership of this church were not faithfully reflected in the actions of the assembly. Others among us desire to call a Special Synod Assembly to make a formal response to the Churchwide Assembly actions. It is the sincere desire of this Synod Council for the members of this synod to remain in the ELCA, and it is our deep hope to resist a reactionary path that dishonors other members of the Body of Christ or compromises our church's ministry. But we also deeply desire to remain faithful to the witness of Scripture, Creeds, and Confessions, which we believe the "bound conscience" language of the assembly actions (more so than the actual outcomes) has made very difficult if not impossible to do.

We urge the program units of the Churchwide Organization, the Conference of Bishops, and the Church Council not to make the current situation more difficult, but to act with deliberate restraint and with respect for those in this church who are still waiting to see clear scriptural, creedal, and confessional warrant to be established as the foundation underneath the assembly actions. In particular, we counsel the following:

- Please hear that this part of our church is struggling very deeply to love and respect each other, to remain faithful to the source and norm of our faith, and to exercise patience in responding to the Churchwide Assembly actions.
- Please do provide a succinct summary of the scriptural basis on which the assembly actions were taken, that can be distributed to our congregations.
- Please discontinue the use of the phrase "bound conscience." We encourage this church to take up the task of finding words that can provide a much more secure foundation on which to build a rationale for making difficult choices about which members disagree, and we offer ourselves to help in the service of that task.
- Please do not move quickly to admit, transfer, or reinstate to this church's roster those who have been removed from the roster for reasons of discipline, or who underwent candidacy and ordination outside this church's recognized procedures, without using great care and collaborative decision making.

Thank you for your consideration of these things.

**Response to the Southwestern Pennsylvania Synod Council:
"A Word to the Church Council of the Evangelical Lutheran Church in America"**

Overview

The Evangelical Lutheran Church in America has been involved in conversations about human sexuality and about the rostering of those in same-gender relationships since it became a church body. Those 20 years of thoughtful, passionate, and sometimes painful and contentious conversations among faithful members of this church culminated in the approval by the 2009 Churchwide Assembly of "Human Sexuality: Gift and Trust" as a social statement of this church. The assembly also approved four resolutions related to the ministry policies of this church. Conversation in this church about these issues is not at an end, however. In continuing the conversation, the ELCA has committed itself to "bear one another's burdens, love the neighbor, and respect the bound consciences of all."

The Southwestern Pennsylvania Synod Council is continuing the conversation in a letter to the Church Council, which describes the depth of reaction to the Churchwide Assembly's action on the social

statement and its decisions on ministry policies. The letter articulates the sense of the Synod Council that the term "bound conscience" is "an inadequate basis on which this church took action to change its ministry policies and approve a teaching document." The letter also asks for the following:

- A succinct summary of the scriptural basis for the assembly's actions that can be distributed to congregations to assist in further conversations;
- Cessation of the use of the phrase "bound conscience" and development of a stronger "rationale for making difficult choices about which members disagree." The synod also offers its help in this work; and
- "Great care and collaborative decision-making" in the process of implementing the assembly's decisions on the ministry policies of this church.

The background information that follows was prepared in response to the synod's letter by the Church in Society program unit and the Vocation and Education program unit.

Response from the Church in Society program unit: Perspectives provided by existing documents

In its published resources, the Task Force for ELCA Studies on Sexuality anticipated and responded to questions concerning the portrayal of same-gender sexuality in the Bible. The report that accompanied the recommendation on ministry policies contained the following in its brief summary of points of disagreement:

Advocates for change affirm the strong witness of the same seven biblical texts that refer to same-gender sexual conduct in their literary, historical, and theological contexts. They also understand, however, that the witness of these texts is to condemn abusive or coercive sexual behavior, or sexual behavior that expresses a rejection of God's sovereignty. In interpreting the seven texts, advocates for change conclude that these scriptures oppose unhealthy and unfaithful conduct by people oriented to the same gender. They believe the texts do not in fact address the contemporary situation of people seeking to live in lifelong, monogamous, same-gender relationships marked by the same levels of mutuality, love, and trust as are found in heterosexual marriages. They believe these texts and others convey neither a rejection of those Christians whose orientation is to people of the same gender nor a rejection of publicly accountable, lifelong, monogamous, same-gender relationships that bless the world.¹

The same section of the report also cited other biblical passages sometimes referenced in support of changing the understanding of same-gender sexual relations:

Some advocates for change place primary emphasis on the biblical message that each Christian is called to loving service in all circumstances of her or his life. They note that the reformers argued against the requirement of celibacy among clergy and that the Apostle Paul, though he favored singleness for Christians, nevertheless gave great weight to the human realities of longing and loneliness, writing, "It is better to marry than to be aflame with passion" (1 Corinthians 7:9). Advocates for some level of change say that the Christian community must help each individual discern in his or her own life what constitutes sinful rebellion against God and

¹Report and Recommendation on Ministry Policies from the Task force for ELCA Studies on Sexuality, lines 169-178.

what constitutes faithful obedience.²

As part of the task force's early work, biblical scholars Arland Hultgren and Walter Taylor wrote an essay in which they examined in some detail the seven texts referring directly to same-gender sexual conduct. This essay is available at www.elca.org/faithfuljourney.

Additionally, and perhaps most importantly, the ELCA's social statement, "Human Sexuality: Gift and Trust," lays a biblical and confessional foundation for changing our understanding of same-gender sexual relations out of concern for the good of the neighbor. The statement includes the following section:

Lutheran theology prepares us precisely to hold in creative tension the paradoxes and complexities of the human situation. This is also the case with regard to human sexuality. God has created human beings as part of the whole creation and with the intention that we live actively in the world (Romans 12-13; Ephesians 5-6).

In his letter to the Galatians, Paul testifies that the foundation of Christian identity is what God has done for us through Christ (Galatians 2:20; 3:24-28). Luther echoes this affirmation in his treatise, "The Freedom of the Christian," claiming that Christians are at one and the same time radically freed by the Gospel and called to serve the good of the neighbor:

A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all.³

Luther believed that these two affirmations were the key to understanding the entirety of Christian life in the world. Following Paul, he understood freedom to be the basis for Christian life and ethics.⁴

Bound conscience

The Southwestern Pennsylvania Synod Council has expressed deep concern that the term "bound conscience," used both in the social statement and in the report and recommendations on ministry policies has created confusion and presents "an inadequate basis on which this church took action to change its ministry policies and approve a teaching document."

It is the case that many ELCA members find the concept of bound conscience new and sometimes confusing or troubling. While respect for other peoples' consciences-bound to different understandings of the Scriptures-is a call to honor one another's convictions and bear the burden of these differences, the term sometimes is being used inappropriately to belittle the other. At the same time, others in this church affirm the concept as both biblical and confessional.

Given all these factors, it is clear that the term and the concept "bound conscience" require intentional reflection, scholarship, and explanation in order to develop broader understanding and right

²Report and Recommendation on Ministry Policies from the Task Force for ELCA Studies on Sexuality, lines 193-199.

³Martin Luther, *The Freedom of a Christian* in *Luther's Works* 31 (Philadelphia: Muhlenberg Press, 1957), 344. This treatise is also available as part of *Three Treatises*, a printing of three key essays from 1520 (Philadelphia: Fortress Press, 1973), 277.

⁴Luther wrote that this book "contains the whole of Christian life in a brief form, provided you grasp its meaning." *Ibid.*, 343. See also the editor's introduction, 329.

Revised November 13, 2009

use. The Church Council, at its November 2009 meeting, will refer respond to Motion F, which called for this church the assembly's request "...to undertake a study of the concept of 'bound conscience'..." [CA09.06.39c] with a proposal for a theological conversation on foundations for decision-making. to the Church in Society program unit in consultation with the Office of the Presiding Bishop, the Vocation and Education program unit, and Lutheran Teaching Theologians. The Church Council will request that a response, including a proposed plan, be brought to the April 2010 meeting of the Church Council.

Response from the Vocation and Education program unit: Implementing changes in candidacy and rostering

The Southwestern Pennsylvania Synod Council writes, "Please do not move quickly to admit, transfer, or reinstate to this church's roster those who have been removed from the roster for reasons of discipline, or who underwent candidacy and ordination outside this church's recognized procedures, without using great care and collaborative decision making."

The Vocation and Education unit, the Office of the Secretary, the Committee on Appeals, the Conference of Bishops, and the Church Council all have roles in the implementation of these Churchwide Assembly actions. The first three, by assembly action and because of ELCA bylaws, have the responsibility to draft amendments to key documents including "Vision and Expectations" for rostered leaders, "Definitions and Guidelines for Discipline," the "Candidacy Manual," and the "Manual for the Management of the Rosters of the ELCA."⁵ Those drafts are to be prepared in consultation with the Conference of Bishops and approved by the Church Council.

Initial work has begun on amendments directed by the assembly. The first drafts were prepared by the staff and presented for discussion at the Conference of Bishops at its October 2009 meeting. As second drafts are ready, they are being posted for broad comment on the website cited in footnote 5. The Church Council considered the drafts at its November 2009 meeting and made suggestions for further revision. The Church Council also approved a protocol to guide the process from November 2009 - April 2010, acknowledging the request that the Conference of Bishops have an opportunity to consider again all the re-drafted documents in March 2010. Thus, with the exception of the policy on reinstatement to the roster, action will not be taken on these matters before the April 2010 meeting of the Church Council.

Due to the nature of the policy and procedure documents, it is not anticipated that the documents themselves will define or make much explicit use of the term "bound conscience." Rather, the documents will attempt to show carefully how the mandated changes can be made so that there is uniform policy for the whole church, as we have now, and to show ways in which other positions can be acknowledged without violating the governing documents of this church.

Other related questions about process also are being discussed carefully, including the one mentioned in the synod council's letter: the means by which persons ordained through Extraordinary Lutheran Ministries (ELM) could come onto the clergy roster of the ELCA.

The intent of this careful process laid out in bylaws, assembly actions, and Church Council actions is to accomplish precisely what the synod's letter requests: policies and procedures developed with great care and collaborative decision-making. The expectation of the council and others working in drafting and consultation is that this church can implement well and carefully the actions of its assembly-both the mandate to allow rostered service by women and men in publicly accountable, lifelong, monogamous,

⁵These documents can be accessed at www.elca.org/ministry/policies.

Revised November 13, 2009

same-gender relationships and the mandate to respect the convictions of those who disagree with the decisions. Though it is certainly appropriate to move forward to implement the actions of the Churchwide Assembly, it is equally important to take the time needed to do that in ways that will be commended throughout this church responsible and faithful.

CC ACTION ~~[EN BLOC]~~

Recommended:

To receive with deep gratitude the letter from the Southwestern Pennsylvania Synod Council;

To acknowledge the painful theological, moral, and institutional struggle of the Southwestern Pennsylvania Synod Council, congregations, and members as a result of the decisions of the 2009 Churchwide Assembly on the social statement on human sexuality and the recommendation on ministry policies;

To honor the Synod Council's efforts to communicate this struggle and practice leadership in the face of disagreement and to encourage its "effort to maintain the unity of the Spirit in the bond of peace" (Ephesians 4:3);

To acknowledge note that many of the concerns of the Southwestern Pennsylvania Synod Council are present elsewhere in this church shared by others in this church and are acknowledged in the work of the Task Force for the ELCA Studies on Sexuality;

To emphasize this church's commitments to recognize the conviction of members who believe that this church should not call or roster people in a publicly accountable, lifelong, monogamous, same-gender relationship as it implements the decisions of the 2009 Churchwide Assembly on the social statement on human sexuality and the recommendation on ministry policies;

To encourage affirm that continued use of Scripture, the Confessions, and theology are foundational in this church's decision-making; biblical interpretation and biblical and confessional foundations provided by the task force and other scholars in the shared work of understanding the decisions of the 2009 ELCA Churchwide Assembly;

To acknowledge that the scriptural, theological, and confessional foundations that underlie the decisions of the assembly, as well as the concept of "bound conscience," continues to require explanation, theological exploration, and deeper and broader conversation, and more extensive communication; and

To support respond, therefore, to the request of Motion F of the 2009 Churchwide Assembly for the Church in Society program unit, in collaboration with the Office of the Presiding Bishop, the Vocation and Education program unit, and Lutheran teaching theologians of the ELCA, "to undertake a study of the concept of 'bound conscience'" and "to disseminate widely through appropriate mechanisms the results of this study" with a commitment to a theological conversation on the foundations of this church's decision-making, the results of that conversation to be disseminated to this church;

To refer the conversation to the Office of the Presiding Bishop, in collaboration with the Church in Society program unit, the Vocation and Education program unit, and Lutheran teaching theologians of the ELCA;

To anticipate the active involvement of the Southwestern Pennsylvania Synod and the rest of this church in the conversation; and

To request that the secretary of this church inform the synod of this action, providing the background information provided above as part of the response of the Church Council to the Synod Council's letter.

Proposed Responses to Synodical Resolutions

Previously referred to units by Church Council or Executive Committee

1a. Benefits for Domestic Partners

South-Central Synod of Wisconsin (5K)

WHEREAS, the South-Central Synod of Wisconsin adopted the “Resolution on ELCA Board of Pensions and Domestic Partners” at its 2008 assembly; and

WHEREAS, economic impacts have only worsened in that time; and

WHEREAS, the ELCA Board of Pensions has not changed its policy of unjustly preventing unmarried partners to “unbundle” pensions from other parts of the program; therefore, be it

RESOLVED, that the 2009 Assembly of the South-Central Synod of Wisconsin memorialize the 2009 Churchwide Assembly of the Evangelical Lutheran Church in America (ELCA) to call on the ELCA Board of Pensions to change the policies of the Pension and Other Benefits Program to more justly support domestic partners by allowing them to opt out of health benefits in the same fashion as current policy allows for married participants; and be it further

RESOLVED that the bishop of this synod report to the 2010 Synod Assembly how the president and trustees of the ELCA Board of Pensions have responded to this concern.

1b. Board of Pensions Health Plan

New England Synod (7B)

RESOLVED, that the Board of Pensions of the Evangelical Lutheran Church in America (ELCA) shall offer health and benefit packages for same-sex domestic partners that are equal in value and coverage to those plans offered to heterosexual spouses, and that the ELCA Board of Pensions consult with its insurance contractors to determine how best to accomplish this mandate in a timely and equitable fashion; and

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

Executive Committee Action

The Executive Committee of the Church Council voted [EC09.08.24]

To receive the resolutions of the South-Central Synod of Wisconsin and the New England Synod related to benefits for same-gender domestic partners and other health care issues;

To acknowledge that pending actions of the 2009 ELCA Churchwide Assembly may inform response to these resolutions;

To refer the resolutions to the ELCA Board of Pensions in consultation with the Office of the Secretary with the request that a report and possible recommendations be brought to the November 2009 meeting of the ELCA Church Council; and

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

Response from the ELCA Board of Pensions

It should be noted that the Board of Pensions initially responded to the South-Central Synod of Wisconsin regarding the memorial to the Churchwide Assembly prior to the August Churchwide Assembly (copy attached dated July 10, 2009).

Following the affirmative action of the Churchwide Assembly on “Human Sexuality: Gift and Trust” Implementing Resolutions and, specifically, Implementing Resolution #7, “To call upon the ELCA to

amend the eligibility provisions of the ELCA Pension and Other Benefits Program, consistent with the policies of this church,” the staff of the Board of Pensions has been researching the implications of this resolution, fully aware that the Churchwide Assembly action requires “policies of this church” to be developed and approved by the ELCA Church Council. Specifically, policy changes to ELCA documents, “Vision and Expectations” and “Definition and Guidelines for Discipline” are to be approved by the ELCA Church Council. It is important that amendments to the ELCA Pension and Other Benefits Program be consistent with the policy changes.

Preliminary work on plan amendments already has commenced and introductory discussions were held at the October/November 2009 Board of Trustees’ meeting.

While it is challenging to draft plan amendments prior to the approval of policy changes by the ELCA Church Council, the Board of Pensions intends to draft provisional amendments for the February/March 2010 Board of Trustees’ meeting, with the understanding that this time line precedes the spring 2010 Conference of Bishops and Church Council meetings. The Board of Pensions has been and intends to continue working with the ELCA Office of the Secretary and the Vocation and Education unit in order to be informed and updated with pertinent policy change recommendations as they develop.

Consequently, plan amendments approved by the Board of Trustees in February/March 2010, will be viewed as preliminary and subject to further revisions as necessitated by actions of the 2010 Conference of Bishops and Church Council meetings.

CC ACTION [EN BLOC]

Recommended:

To receive the update provided by the Board of Pensions as the initial response to the resolutions of the South-Central Synod of Wisconsin related to benefits for domestic partners and the New England Synod related to the Board of Pensions health plan for same-sex domestic partners;

To authorize a delay in the final response to these resolutions until the April 2010 meeting of the Church Council; and

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

2. Health Care

New England Synod (7B)

RESOLVED, that the New England Synod join with the Evangelical Lutheran Church in America (ELCA) in acknowledging the issue of affordable healthcare coverage for all as a justice issue that calls for action and that guidance for such action is found in the 2003 social statement on health and healthcare; and be it further

RESOLVED, that the New England Synod direct the ELCA Board of Pensions to re-evaluate its policies and procedures for the purpose of providing support to rostered leadership with benefit coverage that is equalized and affordable; and be it further

RESOLVED, that the New England Synod further direct the ELCA Board of Pensions to develop a program that empowers rostered leadership to better health without infringing on their individual rights or using information for data gathering; and be it further

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

Executive Committee Action

The Executive Committee of the Church Council voted [EC09.08.24]

To receive the resolutions of the South-Central Synod of Wisconsin and the New England Synod related to benefits for same-gender domestic partners and other health care issues;

To acknowledge that pending actions of the 2009 ELCA Churchwide Assembly may inform response to these resolutions;

To refer the resolutions to the ELCA Board of Pensions in consultation with the Office of the Secretary with the request that a report and possible recommendations be brought to the November 2009 meeting of the ELCA Church Council; and

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

Response from the ELCA Board of Pensions

The Board of Pensions already fulfills the stated request of this resolution by providing equalized benefit coverage in accordance with current ELCA policies and procedures as adopted by the Church Council, and as applied to the question of benefit eligibility.

In addition, the ELCA Medical Dental Benefits Plan provides a single health benefits plan to all active, sponsored plan members (clergy and lay) who have ELCA-primary coverage. This single benefit plan approach is consistent with the ELCA's philosophy of benefits, since it provides equal coverage to all enrolled plan members regardless of their age, gender, health status, or geographic location. In the past, the Board of Pensions has examined benefit designs that vary in relation to member compensation, but concluded that significant administrative and other challenges associated with maintaining fairness under such an approach are too great to work effectively.

The ELCA Medical Dental Benefits Plan has been designed so that, on average, members pay about 20 percent of the allowable medical, pharmacy, and mental health charges through the mechanism of plan deductibles, coinsurance, and copayments. Compared to health plans offered by many other U.S. employers, the ELCA health benefit is considered to be moderate, or about average. Even so, the average cost of coverage under the plan is higher than other employers primarily because of the advanced average age and health status of our membership. For comparable benefits and age, the ELCA Medical Dental Benefits Plan is competitively priced with commercial insurer alternatives. The Board of Pensions has implemented several benefits and supportive programs to engage plan members in the act of improving and maintaining their health. In fact, members' health status already has shown measurable improvement. These benefits and supportive programs enhance members' ability to fulfill their calling and ultimately affect our collective ability to manage the cost of health care.

The Board of Pensions has implemented several programs that empower all plan members to lives of better health. In delivering these programs, the Board of Pensions is careful to maintain a participating member's confidentiality and does not have access to individual member health data emanating from any health enhancement program. Whether or not individuals participate in health enhancement programs is not shared with employers or synod bishops; neither is individual health data shared with the Board of Pensions, an employer, or a synod bishop.

It is critical however, that the Board of Pensions be able to gather aggregate data from which benefit decisions can be made to further enhance the health of plan members. To that end, health data is currently sent from the plan's various benefit administrators to a data warehouse where it is de-identified. The Board of Pensions staff accesses this information on an aggregated basis to perform necessary analyses.

The Board of Pensions has clearly stated—both in printed form and on our Website—the following

information regarding health assessment results, always maintaining member confidentiality.

- Mayo Clinic Health Solutions will use your information to customize your view of the web portal, allowing it to be more interactive and useful for you.
- The data may be forwarded to Ingenix, a health information company hired by the Board of Pensions, where it is de-identified (any information connecting the data to an individual is removed) and aggregated into statistics so we can assess the health strengths and risks of our member population as a whole.
- Your de-identified information may also be forwarded to The Health Institute, a division of Clinical Care Research, Tufts-New England Medical Center, an organization contracted by the Board of Pensions to analyze and assess the impact of health on workplace productivity.

CC ACTION [EN BLOC]

Recommended:

To receive the resolution of the New England Synod related to health care and to acknowledge the information above, provided by the Board of Pensions, as the response of the Church Council to the synod's action; and

To request that the secretary of this church inform the synod of this action.

3. Increasing Church Involvement in Mental Illness

Central States Synod (4B)

WHEREAS, in Matthew 14:14 we read, "When Jesus landed and saw a large crowd, he had compassion on them and healed their sick" (NIV), and in Luke 4:40 we read, "When the sun was setting, the people brought to Jesus all who had various kinds of sickness, and laying his hands on each, he healed them" (NIV), which shows that Jesus had compassion on the sick and healed them—the blind, the deaf, the lepers, the lame, and many other sicknesses, even those who were possessed with demons, who would likely today have their illnesses diagnosed as schizophrenia or companion brain disorders; and

WHEREAS, one of five families cope with mental illness, and individuals and families affected by mental illness are members of our congregations; and

WHEREAS, mental illness is a disease of the brain, similar to and yet unique compared to many physical illnesses; and

WHEREAS, mental illness is often a sickness that is no fault of the patient, yet the stigma associated with mental illness continues to deter individuals and their families from seeking timely treatment; and

WHEREAS, persons suffering from mental illness sense being shunned by society and thus tend to isolate themselves from social contacts, which results in the loss of a support system that can be an essential part of a treatment plan; and

WHEREAS, health care professionals may treat the physical and psychological aspects of mental illness but are ill prepared to treat the spiritual or to be available outside of scheduled structured appointments; and

WHEREAS, a 2008 study by the Rand Corporation shows that nearly 20 percent of military service members who have returned from Iraq and Afghanistan—300,000 in all—report symptoms of post-traumatic stress disorder (PTSD) or major depression; and

WHEREAS, this same report states if PTSD and despair go untreated or are undertreated, there is a cascading set of consequences—drug use, suicide, marital problems, and unemployment—which affect a widening circle of people in our congregations and communities; and

WHEREAS, the Healthcare Clinicians Network of the National Healthcare for the Homeless Council states, "It is an outrage that here in America—the wealthiest country on earth in the year 2000—so many people who suffer from mental illness remain homeless. . . . These individuals are among the most vulnerable, not only to multiple co-morbidities including substance abuse, but also to stigmatization, exploitation, and brutal

victimization. Consequently, they are at highest risk for prolonged homelessness”; and

WHEREAS, great progress to improve the quality of life has been made in treatment of persons afflicted with mental illness and even more can be made; and

WHEREAS, Jesus has directed us to care for the sick and homeless and all of the “least of these”; therefore, be it

RESOLVED, that the Central States Synod in assembly recommend to its congregations:

1. That they become “the rod and the staff” that “comfort” all persons who suffer from illnesses, including the individuals and families who cope with mental illness;
2. That they designate and make known to the congregation a member (preferably a volunteer) to be the liaison for the congregation on matters related to mental illness who will help members understand mental illness and be a source of information on where individuals and families who cope with the illness can get treatment and find a support group;
3. That they seek opportunities for pastors, pastoral ministry associates, parish nurses, and other interested members to receive training for their unique role in providing spiritual guidance to individuals even as they are being treated by mental health professionals who might not recognize that the patient’s faith is important to the patient and should be considered when developing a treatment plan;
4. That the church provide a non-judgmental meeting place for persons who avoid being seen in public places because of their illness;
5. That the congregation in its role of supporting members with mental illness communicate to its legislative representative the need for increased funds and resources that will help people access mental health services; and be it further

RESOLVED, that the Central States Synod in assembly

1. memorialize the 2009 Churchwide Assembly of the Evangelical Lutheran Church in America (ELCA) to direct development of a social statement on mental illness to serve as a companion to “Caring for Health: Our Shared Endeavor,” a 2003 social statement on health, healing, and health care; and
2. direct the Central States Synod Council to refer this resolution to the ELCA Church Council, requesting that it direct development of congregational resources for use in ministry to those afflicted with mental illness, in addition to those resources currently available from the Lutheran Network for Mental Illness/Brain Disorders.

NOTE: The Central States Synod requests that this action be treated as a resolution since the social statement “Caring for Health” addresses issues of mental illness.

Executive Committee Action

The Executive Committee of the Church Council voted [EC08.10.22a]

To receive the resolution of the Central States Synod requesting increasing ELCA involvement in mental illness through the development of a social statement on mental illness;

To refer the resolution to the Church in Society unit in accordance with the “Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns” and to request that a report and possible recommendations be brought to the November 2009 meeting of the ELCA Church Council; and

To request that the secretary of this church inform the synod of this action.

Response from the Church in Society unit

The medical understanding of mental illness as a disease of the brain has made immense strides since the 1990s (often called the Decade of the Brain) and new means of treatment show hopeful signs. At the same time, it now is estimated that as many as one out of five families cope with mental illness and that members of the military returning from war zones may suffer post-traumatic stress disorder (PTSD) at a rate as high as 20 percent. Despite the possibilities of better medical response and new awareness of the widespread presence of mental illness in our society, individuals with mental illness and their families continue to experience considerable suffering—including homelessness and victimization for some—and isolation. The social stigma, lack of access to health care, reduction of social services in this economic climate, and especially the general lack of understanding, deter individuals and their families from seeking treatment or experiencing appropriate support and care, both in society and in ELCA congregations and at other ministry sites.

Biblical injunctions and Jesus' example of care for the mentally ill, as well as the ELCA's social statement on health care, "Caring for Health: Our Shared Endeavor," provide firm grounding for the development of a message on mental illness. Such a message should provide a focus for teaching, deliberation, engagement, and action within this church that will enable a deeper understanding of current needs and issues, as well as the means to address mental illness for individuals and as a social concern.

Cost and timeline

The development of an ELCA message requires approximately \$17,000 in order to hold a small consultation, provide for miscellaneous expenses, and print and mail the document. It requires the quarter-time commitment of a studies staff member for about six months. Staff time and dollars should become available for such work in the middle of 2010, permitting a proposed message to be brought to the spring 2011 meeting of the Church Council. It is anticipated that it would be formatted for both Web and print distribution by late spring of that year.

CC ACTION [EN BLOC]

Recommended:

To thank the Central States Synod for its concern for people with mental illness and their families;

To authorize staff of the program unit for Church in Society, in accordance with "Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns," to initiate the development of an ELCA message on mental illness to be brought to the Church Council for adoption in April 2011; and

To request that the secretary of this church inform the synod of this action.

**4. Creation of a Department of Peace in the U.S. Government
Northwestern Minnesota Synod (3D)**

WHEREAS, Jesus Christ is the Prince of Peace, who calls us to love our neighbors and to be a peace with one another; and

WHEREAS, in our worship and liturgy we pray for peace on earth (Kyrie, Hymn of Praise, post-Communion

canticle, hymns and songs of praise); and

WHEREAS, our baptismal covenant binds and calls us to “care for others and the world God made, and work for justice and peace” (*ELW*, baptismal order of service); and

WHEREAS, Scripture calls us to pursue what makes for peace (Romans 14:19), peace in marriage (1 Corinthians 7:15), peace in our relationships with others (2 Corinthians 13:11), and to strive for peace with all people (Hebrews 12:14); and

WHEREAS, Jesus admonishes us with the words, “Blessed are the peacemakers, for they shall be called the children of God” (Matthew 5:9); and

WHEREAS, in the 109th Congress a resolution was introduced in the United States House of Representatives, and a companion bill was introduced in the United States Senate, to create a Cabinet-level Department of Peace and Nonviolence, and on February 5, 2007, the resolution was re-introduced in the House of Representatives of the 110th Congress as House Resolution 808 (HR808); and

WHEREAS, the Churchwide Assembly of the Evangelical Lutheran Church in America (ELCA) on August 20, 1995, adopted “For Peace in God’s World,” a social statement on the responsibility of the church to work for peace; and

WHEREAS, House Resolution 808 (HR 808) to create a Cabinet-level Department of Peace and Nonviolence would implement action in keeping with the goals stated in “For Peace in God’s World” (p.6; p. 73B bottom paragraph; p. 12 3rd paragraph); and

WHEREAS, the ELCA’s then Director for International Relations and Human Rights, the Rev. Dr. James Vigen, wrote in a letter dated November 14, 2005, that “The goals of the legislation [to establish a Department of Peace and Nonviolence in the U.S. government (now HR808)] are worthy and well in line with our ELCA social statements on seeking peace, and are certainly ones we would support”; and

WHEREAS, the 1999 Churchwide Assembly committed this church to work with other churches and organizations to build a Culture of Peace and Non-Violence in the decade of 2001-2010; and

WHEREAS, the mission of the Department of Peace and Nonviolence will be to work to reduce domestic and international violence, to gather and coordinate information and recommendations from America’s peace community, to teach violence prevention and mediation to America’s school children, to treat and dismantle gang psychology, to rehabilitate the prison population, to build peace-making efforts among conflicting cultures both here and abroad, and to support our military with complementary approaches to ending violence; and

WHEREAS, we applaud, support, and seek to augment the marvelous work the Evangelical Lutheran Church in America (ELCA) does to promote peace in our world; therefore; be it

RESOLVED, that the Northwestern Minnesota Synod, in Assembly, adopt this resolution in favor of enactment of HR 808 and the reintroduction of legislation in the Senate to create a Department of Peace and Non-Violence; and be it further

RESOLVED, that the Northwestern Minnesota Synod, in Assembly, commend Rep. James Oberstar for being a co-sponsor and urge Rep. Collin Peterson to become a co-sponsor of HR 808 to create a Department of Peace and Nonviolence; and be it further

RESOLVED, that the Northwestern Minnesota Synod, in Assembly, urge Senator Norm Coleman and Senator Amy Klobuchar to support the reintroduction of legislation in the Senate to create a Department of Peace and Nonviolence; and be it further

RESOLVED, that the Northwestern Minnesota Synod, in Assembly, memorialize the 2009 Churchwide Assembly to support HR808 by encouraging the Church in Society unit to notify its co-workers in the nationwide network of state public policy advocacy offices, and the members of the United States House of Representatives of this church’s support for HR808; and be it finally

RESOLVED, that the Northwestern Minnesota Synod, in Assembly, memorialize the 2009 Churchwide Assembly to encourage the Communication Services unit to provide ELCA congregation members and staff, through the appropriate media, with information about HR808.

Executive Committee Action

The Executive Committee of the Church Council voted [EC09.03.12]

To receive the resolution of the Northwestern Minnesota Synod related to a Department of Peace within the U.S. government;

To refer the resolution to the Church in Society program unit with a request that a report and possible recommendations be brought to the November 2009 meeting of the ELCA Church Council; and

To request that the secretary of this church inform the synod of this action.

Background from the Church in Society unit

The idea for a United States Department for Peace has been discussed for a number of years. Based on this discussion, a United States Institute for Peace was established to provide "the analysis, training and tools that prevent and end conflicts, promote stability and professionalize the field of peacebuilding" (<http://www.usip.org/about-us>). While the institute's information and resources are made available both to the executive and legislative branches of the federal government and the general public, it lacks authority to be directly involved in the implementation of public policy.

Currently, the concept for a Department for Peace is promoted by a bill sponsored by Rep. Dennis Kucinich (D-OH). To date, this bill has not garnered bi-partisan sponsorship and is unlikely to move through legislative committees to final passage.

The goal of peacemaking, however, is of central concern for people of faith and one of several long-standing thematic foci for ELCA ministries, programs, and relationships. The ELCA has made a commitment to peacemaking in substantive ways. In 1995, the ELCA adopted the social statement, "For Peace in God's World," which recognizes "sin's persistent, pervasive, and subtle power" to undermine peace, but declares that "God continues to work through people, their communities, and structures to make earthly peace possible" (p. 7). One implication of this faith is the task of building a culture of peace (p. 13). The social statement calls upon "nations to provide leadership, education, structures, and funds for the peaceful resolution of conflict" with "the same commitment that they prepare people to settle disputes with military force" (p. 15). Because of its commitment to peace-building, the 1999 ELCA Churchwide Assembly voted to participate in the United Nations Decade for a Culture of Non-violence (2000 to 2010). Lutheran Peace Fellowship, an independent Lutheran organization that relates to the ELCA through the Church in Society unit, has provided resources, experiences, and advocacy for peace-building for nearly 70 years.

The proposed Department for Peace would include in its purview domestic issues and priorities, such as sentencing, domestic violence, criminal justice, and conflict resolution, as well as international and foreign policy priorities. In support of these, the ELCA has worked to address criminal justice and community and domestic violence. It has promoted peace abroad through inter-religious dialogue, multilateral peace-building efforts through the United Nations, sustainable development through the Lutheran World Federation and Lutheran World Relief, and poverty-focused foreign assistance, among other activities.

There is a convergence of the ELCA's peace-building priorities with the constitutive goals of a United States Department for Peace worthy of further exploration by the ELCA's expressions and affiliated and related independent organizations.

CC ACTION [EN BLOC]

Recommended:

To thank the Northwestern Minnesota Synod for its support for peacemaking;
To acknowledge the response of the Church in Society program unit, including its ongoing peace-building priorities, as the response of this Church Council to the synod's resolution;
To request that the Church in Society continue to monitor the convergence of the peace-building priorities of this church with the constitutive goals of a United States Department for Peace, but to decline specifically to support pending legislation on this issue;
To request that the secretary of this church inform the synod of this action.

5. Missionary for Morogoro Diocese [EC08.06.11a] [CC09.03.35f]

Arkansas-Oklahoma Synod (4C)

WHEREAS, the Arkansas-Oklahoma Synod is in a companion-synod relationship with the Morogoro Diocese of the Evangelical Lutheran Church of Tanzania; and

WHEREAS, the synod and the diocese currently are involved in joint ministries in the areas of evangelism, mission building (church construction), community health (e.g., basic sanitation, HIV and AIDS, malaria), water well development and maintenance, economic sustainability, and global awareness and advocacy; and

WHEREAS, the Morogoro Diocese has issued a request to the Global Mission unit of the churchwide organization of the Evangelical Lutheran Church in America for a missionary to work in the area of evangelism; and

WHEREAS, the synodical Global Mission Committee has identified several ways both to strengthen and be supportive of these ministries with the Morogoro Diocese; therefore, be it

RESOLVED, that each of the five conferences in the Arkansas-Oklahoma Synod be encouraged to establish an on-going relationship with districts of the Morogoro Diocese for the purpose of mutual support through prayer and development of a deeper understanding of one another's ministries, cultural context, concerns, and gifts; and be it further

RESOLVED, that the Arkansas-Oklahoma Synod as a whole continue its relationship with the Mission District of the Morogoro Diocese; and be it further

RESOLVED, that the Global Mission Committee of the Arkansas-Oklahoma Synod explore with Asbury Methodist Church, Tulsa, Oklahoma, the possibility of bringing a youth choir from the Morogoro Diocese to visit the Arkansas-Oklahoma Synod and Asbury Methodist Church in 2009, possibly at the time of the 2009 Arkansas-Oklahoma Synod Assembly; and be it further

RESOLVED, that every congregation in the Arkansas-Oklahoma Synod be encouraged to become a Living Water Congregation through participation in the "Living Water: Small Change for a Big Change" campaign, which seeks to collect change (coins) for the water well and other water-ministry projects in the Morogoro Diocese; and be it further

RESOLVED, that the Arkansas-Oklahoma Synod convey to the Global Mission unit of the churchwide organization its support in regards to the Morogoro request for a missionary for evangelism; and be it further

RESOLVED, that, in support of the work of said missionary, congregations and individuals in the Arkansas-Oklahoma Synod be encouraged to raise up to \$20,000 to provide a vehicle for this missionary's ministry in the Morogoro Diocese; and be it further

RESOLVED, that the Arkansas-Oklahoma Synod and its Global Mission Committee continue to invite and welcome other persons and parties beyond the synod to be in partnership with it in the companion relationship with and support of the Morogoro Diocese of the Evangelical Lutheran

Church in Tanzania.

Executive Committee Action

The Executive Committee of the Church Council voted [EC08.06.11a]

To receive the resolution of the Arkansas-Oklahoma Synod related to a missionary for the Morogoro Diocese of the Evangelical Lutheran Church in Tanzania;

To refer the resolution to the Global Mission unit with the request that a report and possible recommendations be brought to the November 2008 meeting of the Church Council; and

To request that the secretary of this church inform the synod of this action.

Church Council Action

The Church Council voted [CC09.03.35f]

To authorize a delay in the response of the Global Mission unit to the resolution of the Arkansas-Oklahoma Synod related to a missionary for the Morogoro Diocese of the Evangelical Lutheran Church in Tanzania;

To request that a report and possible recommendations be brought to the November 2009 meeting of the ELCA Church Council;

To request that the secretary of this church inform the synod of this action.

Response from the Global Mission program unit

The ELCA Global Mission program unit appreciates the commitment of the Arkansas-Oklahoma Synod to renew and extend its companion synod relationship with the Morogoro Diocese of the Evangelical Lutheran Church in Tanzania (ELCT). It also appreciates the synod's intentional partnership with GM in exploring options relating to the placement of an ELCA missionary in that diocese.

As a result of creative three-way conversations (ELCT, GM, and the A-OK Synod), the Rev. Joshua and Susan Magyar began their service as ELCA missionaries in July 2009, serving in a two-year placement in the Morogoro Diocese. Pastor Magyar was called by Global Mission to serve as pastor and leader of evangelism in the diocese. Under the guidance of Tanzanian church leadership, he will be working to strengthen the parishes and sub-parishes in the Mission District and engage in evangelical outreach and leadership development in new areas that have as yet not been reached with the Gospel.

CC ACTION [EN BLOC]

Recommended:

To acknowledge the strong commitment of the Arkansas-Oklahoma Synod to renew and extend its companion synod relationship with the Morogoro Diocese of the Evangelical Lutheran Church in Tanzania (ELCT);

To celebrate the partnership of the ELCT, the ELCA's Global Mission program unit, and the Arkansas-Oklahoma Synod that has resulted in the placement of an ELCA missionary within the Morogoro Diocese as pastor and leader of evangelism; and

To request that the secretary of this church inform the synod of this action.

**Actions of the Eighth Triennial Convention of the
Lutheran Youth Organization
July 26-30, 2009**

Group One: Resolutions Concerning ELCA Leadership Roles

1a. Youth Role in Church Council (LYO resolution 8)

WHEREAS, the youth advisory members of the ELCA Church Council are full advisory members with voice on all matters, and are invited to every meeting of the Council to represent and advocate for the youth of this church;

WHEREAS, it has been common practice to invite these advisory members to the Churchwide Assembly in the past to serve as resource persons with voice in accordance with their position and expertise;

WHEREAS, the youth advisory members were not invited by the Office of the Secretary to attend the 2009 Churchwide Assembly in Minneapolis as resource persons;

WHEREAS, if these advisory members did attend the assembly they would be seated as visitors with no voice or vote, and would receive no financial reimbursement for any of their expenses;

WHEREAS, youth voice is highly valued in the ELCA to initiate positive changes and youth and young adults are encouraged to be involved in church issues;

WHEREAS, the recent National Youth Gathering held in New Orleans, La promoted youth intervention in national and international issues; and

WHEREAS, traditionally youth have been full partners in ministry to offer unique perspectives and ideas, and often possess some of the most comprehensive knowledge pertaining to the ELCA; therefore be it

RESOLVED, that the 2009 Lutheran Youth Organization convention expresses its disappointment with the decision of the Office of the Secretary that the male and female youth representatives for the ELCA Church Council not be invited as resource persons to the Churchwide Assembly; and be it further

RESOLVED, that this convention requests that a copy of the resolution be sent to the Office of the Secretary and the ELCA Church Council.

1b. LYO-Churchwide Relations (LYO resolution 14)

WHEREAS, the purpose statement of the Vocation and Education unit: "The purpose of the Vocation and Education unit is to equip people for their callings by developing and supporting leaders—from the Gospel, through the ELCA, for the world" (Delegate Handbook Section 2, Page 29);

WHEREAS, the current system of review and oversight of the Lutheran Youth Organization's actions by the Vocation and Education unit hinders the actual decision making power of the Lutheran Youth Organization;

WHEREAS, an important piece of leadership development is for young people to make their own decisions and the Lutheran Youth Organization is the main ministry for raising up youth leaders; and

WHEREAS, the Lutheran Youth Organization has traditionally given young people voice and options for changes as evidenced by [its constitution] Chapter 2.01.c and 2.01.d ("C. Assure that the voice of the youth is heard in the various areas of decision-making in the church. [and] D. Enable youth to grow as stewards in the church."); therefore, be it

RESOLVED, that the Lutheran Youth Organization strongly encourages the Vocation and Education

executive director to work in conjunction with the VE program committee to reevaluate how young leaders can have active roles in the decision making process.

CC ACTION [EN BLOC]

Recommended:

To acknowledge the actions of the 2009 Lutheran Youth Organization convention in adopting the resolutions reported to the Church Council;

To commend the LYO delegates for engaging challenging issues and the opportunities of our time;

To encourage the LYO board to continue to exercise leadership and facilitate the leadership of youth throughout this church; and

To acknowledge the disappointment expressed in LYO resolution 8, "Youth Role in Church Council," specifically that the male and female youth advisors to the Church Council were not invited to be resource persons for the 2009 ELCA Churchwide Assembly.

Group Two: Resolutions Concerning Issues and Opportunities

2a. Don't Bottle it Up! (LYO resolution 1)

WHEREAS, throughout Scripture, water is clearly seen as a gift from God for all creation: "When the poor and needy seek water, I will open rivers on the bare heights, and fountains in the midst of the valleys; I will make the wilderness a pool of water, and the dry land springs of water." (Isaiah 41:17-18);

WHEREAS, bottled water creates more trash and uses more energy than a re-useable bottle refilled from the tap. Disposable plastic bottles fill our landfills and take up to 1000 years to biodegrade. They also require substantial energy to manufacture, fill and transport. The majority of the energy used comes from fossil fuels like oil and coal, which emit carbon dioxide and are a primary cause of global warming [SOURCES: Earth Policy Institute, "Pouring Resources Down the Drain" (2006); Natural Resources Defense Council, "Bottled Water: Pure Drink or Pure Hype?" (1999)];

WHEREAS, tap water in the United States is generally clean and safe. The United States has water systems to provide safe tap water, which is subject to dozens of state and federal regulations and testing requirements. Testing standards for bottled water are much less strict;

WHEREAS, from a financial stewardship perspective, bottled water as a regular source of water can be seen as a luxury. Bottled water can cost as much as \$10 per gallon, much more than a gallon of gasoline. A 2006 report found that globally we spend \$100 billion on bottled water; and

WHEREAS, the New Jersey Synod's youth ministry mission team created a pledge campaign, "Don't Bottle It Up!," calling on individuals, families, groups and congregations to "pledge to reduce my/our use of bottled water, which means: opting for public tap water over bottled water; and advocating for healthy, strong water systems both locally and globally"; therefore be it

RESOLVED, that convention delegates, their congregations, and their synods prayerfully consider taking the "Don't Bottle It Up!" pledge and actively find ways to abide by it, including bringing action before synod assemblies; and be it further

RESOLVED, that youth voting members attending the 2011 Churchwide Assembly and their synods take action to bring the "Don't Bottle It Up!" pledge before the assembly as a memorial.

2b. Servanthood in the Community (LYO resolution 2)

WHEREAS, the LYO constitution in chapter 2.01.h calls for "opportunities for study and action on global issues from a theological perspective";

WHEREAS, as Lutherans we are servants of the Lord; and

WHEREAS, as servants we spread God's grace throughout the community, including through servanthood projects; therefore be it

RESOLVED, that the 2009 LYO convention encourages servant opportunities in every synod; and be it further

RESOLVED, that these servanthood opportunities include but not be limited to disaster areas inside or outside of that local area in which the leadership conducting the servanthood project resides.

2c. A Resolution to Address Issues Facing the Youth of our Generation (LYO resolution 3)

WHEREAS, the media and social pressures encourage unhealthy behaviors such as sex, and drug and alcohol abuse;

WHEREAS, the church has not always been seen as an open and non-judgmental environment for youth to confide in;

WHEREAS, young people have turned away from the church because they have not felt welcomed; and

WHEREAS, youth involvement in the church has shown positive influence on the decisions that young people make; therefore, be it

RESOLVED, that the 2009 Lutheran Youth Organization convention encourages congregations in the ELCA to provide a safe place where young people can engage in open conversations about unhealthy behaviors; and be it further

RESOLVED, that congregations provide individuals who are open to having these conversations, which help youth deal with stressful and unhealthy situations.

2d. Darfur (LYO resolution 7)

WHEREAS, in John 13:34, Jesus Christ stated "...Love one another: as I have loved you, that you also love one another";

WHEREAS, the Universal Declaration of Human Rights states in the first article, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood";

WHEREAS, the respected "Save Darfur Campaign" states, "The Sudanese government's genocidal, scorched earth campaign has claimed hundreds of thousands of lives through direct violence, disease and starvation, and continues to destabilize the region"; and

WHEREAS, millions have fled their homes and live in dangerous camps in Darfur, and hundreds of thousands are refugees in neighboring Chad; therefore, be it

RESOLVED, that the youth of the Eighth Triennial Convention of the Lutheran Youth Organization support a peaceful end to the violent acts in Darfur, encourage all members of the ELCA to study this human rights issue, and encourage our church and government to act prayerfully and justly for the people of Darfur.

2e. We're the Youth, We Can be Loud! (LYO resolution 11)

WHEREAS, youth are the future of the Evangelical Lutheran Church of America;

WHEREAS, LYO board members and synod youth representatives have been lifted up into positions of leadership;

WHEREAS, Scripture states, "Let no one despise your youth, but set the believers an example in speech and conduct, in love, in faith, in purity." (1 Timothy 4:12 NRSV);

WHEREAS, youth bring a new visionary perspective to church gatherings and assemblies;

WHEREAS, some synod LYO boards and youth representatives have managed to gain voice and/or vote in their Synod Assemblies; and

WHEREAS, the 2006 LYO convention passed a resolution stating that "the LYO Convention strongly encourages congregations to increase youth representation at synod assemblies where youth are currently underrepresented"; therefore, be it

RESOLVED, the 2009 LYO convention implores synod LYO boards and other youth in positions of leadership to make a strong effort to attend their synod assemblies; and be it further

RESOLVED, that youth in attendance at synod assemblies involve themselves in the assembly process and rally adult support to gain more respect and influence in their synods; and be it further

RESOLVED, that youth in attendance at synod assemblies attempt to make constitutional or bylaw changes in order to attain youth voice and/or vote in their synod assemblies.

2f. Resolution for the Intentional and Full Inclusion of LGBTQ People in all ELCA Congregations
(LYO resolution 12)

WHEREAS, the LYO constitution states in section 2.01.j. that the purpose/function of the Lutheran Youth Organization is to "actively seek and encourage membership from all people, regardless of culture, color, heritage, gender, sexual orientation, socioeconomic status, or ability"; and

WHEREAS, Romans 15:7 states, "Accept one another, then, just as Christ accepted you, in order to bring praise to God"; therefore be it

RESOLVED, that the Lutheran Youth Organization encourages all ELCA congregations to prayerfully consider including an intentional welcome to all lesbian, gay, bisexual, transgendered, and queer (LGBTQ) people into full participation in the church by including a welcoming statement in their mission statement or other church documents.

2g. Adoption of the Proposed Social Statement and Ministry [Policies] Recommendations (LYO resolution 15)

WHEREAS, the 2009 ELCA Churchwide Assembly will be considering a proposed social statement on human sexuality and the proposed ministry [policies] recommendations;

WHEREAS, the LYO has delegates who are also voting members at the 2009 ELCA Churchwide Assembly;

WHEREAS, Romans 15:7 states, "Accept one another, then, just as Christ accepted you, in order to bring praise to God"; and

WHEREAS, the 2003 LYO convention RESOLVED that "the Lutheran Youth Organization supports the blessing of same-sex unions and the ordination of non-celibate individuals in committed relationships of all sexual orientations"; therefore be it

RESOLVED, that the LYO support the adoption of the proposed social statement on human sexuality and the proposed ministry [policies] recommendations through a letter from the BLYO to the presiding bishop of the ELCA, secretary of the ELCA, executive director of the Vocation and Education unit of the ELCA, vice president of the ELCA, and the executive director of the Church and Society unit of the

ELCA; and be it further

RESOLVED, that LYO convention delegates who are also voting members of the Churchwide Assembly are encouraged to share the contents of this resolution from the LYO relating to the two documents to the voting members of the Churchwide Assembly.

2h. Resolution for Support for Victims of Hurricane Katrina and Hurricane Rita (LYO resolution 19)

WHEREAS, 37,000 ELCA youth traveled to New Orleans for the 2009 ELCA National Youth Gathering, witnessing the destruction that hurricanes Katrina and Rita brought to the Gulf Coast of the United States;

WHEREAS, the 37,000 youth at the Youth Gathering listened to the stories of those affected and served in the city and surrounding areas of New Orleans;

WHEREAS, the LYO convention convened in Mississippi, another state greatly affected by the hurricanes;

WHEREAS, many of those affected by Katrina and Rita are still living in severely damaged neighborhoods and deplorable conditions;

WHEREAS, nearly four years after the storm, many victims still live in temporary housing;

WHEREAS, the victims of the storms are looking for hope and need to continue to improve their conditions and rebuild their lives; and

WHEREAS, there are environmental issues such as the rapid destruction of wetlands that make areas in the Gulf Coast susceptible to more severe storms; therefore be it

RESOLVED, that the BLYO find ways to continue to confront this issue for the victims and the environment on the national level, and be it further

RESOLVED, that synod youth leaders encourage their synods to take action to bring justice to the victims of the hurricanes; and be it further

RESOLVED, that the youth of the ELCA are continuously encouraged to share news of the injustice and need for help in these areas to their congregations and others.

Group Three: Resolutions that speak to the LYO itself

3a. Restructuring Committee (LYO resolution 4)

WHEREAS, the 2006 convention of the Lutheran Youth Organization passed resolution number 6 entitled "A resolution to study the mission and structure of the LYO" (Section 5, page 38 in delegate handbook);

WHEREAS, the study process committee has presented their findings to the LYO; and

WHEREAS, the BLYO and study process committee deem it appropriate to move forward with this work; therefore be it

RESOLVED, that the restructuring committee will work with the board of the Lutheran Youth Organization to complete this process by developing and assisting in the implementation of all recommended and approved changes.

3b. Greener, Environmentally Friendly Options (LYO resolution 6)

WHEREAS, we are all called to be good stewards of what God has provided;

WHEREAS, the Lutheran Youth Organization (LYO) convention uses mass amounts of paper; and

WHEREAS, many people own and use electronics suitable for the passing of information; therefore be it

RESOLVED, that at future conventions all materials normally placed in binders be available online or in some electronic format; and be it further

RESOLVED, that the BLYO prayerfully consider setting up a sub-committee focused on creating greener, more environmentally friendly options; and be it further

RESOLVED, that at future conventions people have the option not to have a binder, and be allowed to bring laptops, etc. to view documents.

3c. Poverty in the United States (LYO resolution 9)

WHEREAS, 58.5 percent of Americans between the ages of 25 and 75 will spend at least one year below the poverty line at some point in their life¹;

WHEREAS, the United States has the ability to mitigate the effects of extreme poverty within its borders;

WHEREAS, the LYO should strive to educate people on the issues of poverty in the United States;

WHEREAS, the LYO has and will continue to work for the ending of poverty in the United States; and

WHEREAS, the Lord commands his disciples to help those living in poverty: "...Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me" (Matthew 24:40, NRSV); therefore be it

RESOLVED, that the BLYO, synodical LYO boards or like organizations, and all members of the LYO will work to raise awareness and to advocate for the issues of poverty in the United States.

3d. Including Students Entering Grades 9 and 12 and/or Age 14 (LYO resolution 10)

WHEREAS, the document "A Future Vision for the LYO Restructuring" proposes that the age requirement be 15-17 AND entering grades 10-11;

WHEREAS, people entering 10th grade may not feel as prepared for as great of a responsibility as BLYO membership; and

WHEREAS, students entering 12th grade are still part of the Lutheran youth body; therefore be it

RESOLVED, that the LYO restructuring committee reconsider the proposed age and grade requirements, specifically the inclusion of students entering grade 9 and 12 and/or age 14.

3e. Multicultural and Definitely-Abled Synodical Membership (LYO resolution 13)

WHEREAS, the BLYO makes provision for multicultural and definitely-abled youth representatives to have voice and vote on the BLYO;

WHEREAS, synods are encouraged to be intentional and inclusive of all brothers and sisters in Christ; and

WHEREAS, the ELCA values and supports the voice and opinion of definitely-abled and multicultural youth in our church; therefore be it

RESOLVED, that the 2009 LYO convention strongly recommend that synod LYO structures or like organizations make provisions for intentional multicultural and definitely-abled representatives to have

¹Hacker, J. S. (2006). *The Great Risk Shift: The New Insecurity and the Decline of the American Dream*. New York: Oxford University Press (USA).

full voice and vote in synod youth leadership positions, as equal partners in ministry.

3f. Continuing Study and Discernment of the LYO (LYO resolution 16)

WHEREAS, in 2.01.f of the constitution of the LYO, the board is committed to "Engage in research of trends, problems, and issues which affect youth and youth ministry..." and to take action accordingly;

WHEREAS, social change within the youth participants of LYO is continuous and therefore requires constant study;

WHEREAS, the LYO study process committee is currently ad-hoc and plans to disband upon the completion of the plan for restructuring LYO;

WHEREAS, by continuously observing ongoing programs and the reactions of Lutheran youth to programs (whether national or synod-wide), the BLYO can benefit as the highest level of youth representation in the ELCA; and

WHEREAS, by continuing study, the BLYO as well as adult advisors can be more informed as to the attitude of youth on a national scale; therefore be it

RESOLVED, that a standing committee should exist to continue the work of the current study process committee, including (but not limited to):

- 1) Administering annual surveys to synods for each synod to complete regarding the relationship of the synod to the BLYO;
- 2) Inquiries into the active vs less active synod LYOs, including possible causes, effects, and solutions, and how to increase participation as a whole; and
- 3) Working to increase the information available about the BLYO to confused and/or curious youth; and be it further

RESOLVED, that a study committee remain intact throughout the restructuring of LYO to evaluate changes as they happen; and be it further

RESOLVED, [that] the committee should communicate on a synodical level to receive and analyze feedback.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit B, Part 1c
Page 8

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Revised November 13, 2009

2009 Churchwide Assembly List of Actions
 Referrals to Churchwide Units

Augsburg Fortress, Publishers		CA09.06.36	Strategy for Engagement in Israel and Palestine
CA09.03.12	Category B8: Worship and Liturgical Materials in Braille, Large Print, and Audio (<u>VE</u> with WP, AFP, FO)		Ongoing
	Information	CA09.06.37	Proposed Social Statement on Human Disability
CA09.04.17	Social Statement Implementing Resolutions (Educational resources)		Information
	Ongoing	CA09.03.09d	Category B2: Race, Gender, and Immigration
			Information
Board of Pensions		CA09.03.09f	Category B6: Environmental Stewardship
CA09.04.17	Social Statement Implementing Resolutions		Due: November 2010 (update)
	Ongoing	CA09.03.09g	Category B7: Human Rights and Just Peace in Colombia
			Ongoing
Church Council		CA09.03.09i	Category E1: Advocacy for Legal Protection and Fairness
CA09.05.27	Recommendation on Ministry Policies #4		Due: April 2010 (update)
	Ongoing		
CA09.06.39a	Motion C: Blue Ribbon Committee on Mission Funding		
	Due: 2011 Churchwide Assembly	Conference of Bishops	
CA09.06.39c	Motion F: Proposed Study on Bound Conscience (CS with RE OB and VE) <u>(OPB with CS and VE)</u>	CA09.05.27	Recommendation on Ministry Policies #4
	Due: April 2010		Ongoing
		CA09.03.09k	Category E5: Decreased Support for Vital Ministries
			Information
Church in Society			
CA09.02.06	Lutheran Malaria Initiative		
	Ongoing	Development Services	
CA09.03.08	Funding of HIV and AIDS Strategy	CA09.02.06	Lutheran Malaria Initiative
	Ongoing		Ongoing
CA09.03.11	Comprehensive Immigration Reform	CA09.03.08	Funding of HIV and AIDS Strategy
	Due: November 2009		Ongoing
CA09.03.13	“Human Sexuality: Gift and Trust”	CA09.06.39b	Motion E: Wills and Living Trusts
	Ongoing		Due: April 2010
CA09.04.17	Social Statement Implementing Resolutions		
	Due: April 2012	Ecumenical and Inter-Religious Relations	
CA09.04.18	Motion A: Health Care Reform	CA09.04.15	Full Communion Agreement with The United Methodist Church
	Ongoing		Ongoing
CA09.04.21	Category E3: Lutheran Disaster Response	CA09.04.16	Joint Commission on Full Communion
	Due: April 2010		Ongoing
CA09.06.31	Social Statement on Justice for Women		
	Due: 2015 Churchwide Assembly		

Foundation of the ELCA

CA09.03.12 Category B8: Worship and Liturgical
Materials in Braille, Large Print, and
Audio (VE with WP, AFP, FO)
Information

Global Mission

CA09.02.06 Lutheran Malaria Initiative
Ongoing
CA09.03.08 Funding of HIV and AIDS Strategy
Ongoing
CA09.06.36 Strategy for Engagement in Israel and
Palestine
Ongoing

Lutheran Men in Mission

CA09.02.06 Lutheran Malaria Initiative
Information
CA09.04.17 Social Statement Implementing
Resolutions
Ongoing

Lutheran Youth Organization

CA09.02.06 Lutheran Malaria Initiative
Information
CA09.04.17 Social Statement Implementing
Resolutions
Ongoing

Multicultural Ministries

CA09.03.10 Category B9: Fullness of Leadership
Ongoing

Office of the Presiding Bishop

CA09.02.06 Lutheran Malaria Initiative
Due: 2011 Churchwide Assembly
CA09.03.10 Category B9: Fullness of Leadership
Ongoing
CA09.04.17 Social Statement Implementing
Resolutions
Ongoing
CA09.03.09j Category E2: Increased Support for
Seminaries
Information

Office of the Secretary

CA09.05.27 Recommendation on Ministry Policies
#4
Ongoing

Research and Evaluation

CA09.06.39c Motion F: Proposed Study on Bound
Conscience (RE with VE)
Due: April 2010

Synodical Relations

CA09.03.09k Category E5: Decreased Support for
Vital Ministries
Information

Vocation and Education

CA09.03.12 Category B8: Worship and Liturgical
Materials in Braille, Large Print, and
Audio (VE with WP, AFP, FO)
Due: November 2010
CA09.04.17 Social Statement Implementing
Resolutions
Ongoing
CA09.05.27 Recommendation on Ministry Policies
#4
Ongoing
CA09.03.09a Category A1: Parish Nurses
Ongoing
CA09.06.39c Motion F: Proposed Study on Bound
Conscience (RE with VE)
Due: April 2010
CA09.03.09j Category E2: Increased Support for
Seminaries
Information

Worship and Liturgical Resources

CA09.03.12 Category B8: Worship and Liturgical
Materials in Braille, Large Print, and
Audio (VE with WP, AFP, FO)
Information
CA09.04.17 Social Statement Implementing
Resolutions (Liturgical resources)
Ongoing

Women of the ELCA

CA09.02.06 Lutheran Malaria Initiative
Information
CA09.04.17 Social Statement Implementing
Resolutions
Ongoing

2009–2011 CHURCH COUNCIL COMMITTEE MEMBERS AND RELATED ADVISORY COMMITTEE MEMBERS

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Pablo Obregon
2015: William Horne
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Ann Niedringhaus
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John Emery
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Ivan Perez
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Advisors: Beth Wrenn, Jaime Dubon
Staff: Wyvetta Bullock, Craig Settlage

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Blair Smith
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2011: Baron Blanchard
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David Truland
2013: Karin Graddy
Susan Langhauser (chair)
Pablo Obregon
2015: Rebecca Carlson
William Horne

Heather Lubold

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Holloway,
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Kvam, Arielle Mastellar, Fuad Nijim, Chris
Repp, Alfred Sagar
*Staff: Wyvetta Bullock, Kenneth Inskip,
Walter May*

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2013: Rebecca Brakke
Rachel Connelly
John Munday
Mark Myers
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Susan McArver
Kathryn Tiede
Philip Wold
Liaison bishops: Murray Finck, Gerald
Mansholt, Herman Yoos
Advisors: Michael Cooper-White, David Keller,
O. Dennis Mims, Paul Ostrem, Kai Swanson,
Kyle Teague
Staff: Myrna Sheie

Church Council Task Forces

PRAYER TEAM

Rebecca Jo Brakke
Rebecca Carlson
Rachel Connelly
John Emery
Karin Graddy
Keith Hunsinger
Raymond Miller
John Munday
Blair Smith
Jeff B. Sorenson
Philip Wold

Church Council liaison positions

COMMUNAL DISCERNMENT

Susan Langhauser

CORPORATE SOCIAL RESPONSIBILITY

John Emery

CRIMINAL JUSTICE TASK FORCE

John Munday

ECOLOGY TASK FORCE

Deborah Chenoweth

GENETICS TASK FORCE

Sandra Schlesinger

THE LUTHERAN MAGAZINE

Deborah Chenoweth

JUSTICE FOR WOMEN ADVISORY COMMITTEE

Karin Graddy

**EVANGELICAL OUTREACH AND
CONGREGATIONAL MISSION**

Ann Niedringhaus

GLOBAL MISSION

Keith Hunsinger

VOCATION AND EDUCATION

David Anderson

CHURCH IN SOCIETY

David Truland

MULTICULTURAL MINISTRIES

Pablo Obregon

UNITED CHURCH OF CHRIST LIAISON

David Anderson

WOMEN OF THE ELCA

Mark Myers

Name	2009-2011	B/F	LCR	P/S	P/E	BD	LU	JW	CSR	Program Unit	PT	Other
<i>Heather Lubold</i> NEW	PE	4	3	2	1							
<i>Susan McArver</i> NEW	PS			1	2					EOCM		
<i>Raymond Miller</i> NEW	LCR	4	1	2	3		X			CS or VE	X	
John Munday	PS			X						CS	X	Criminal Justice TF (CS)
Mark Myers	PS			X						GM		R&C Memorials
Ann Niedringhaus	BF, Audit	X								EOCM		
Pablo Obregon	PE, BD				X	X				MM		
<i>Ivan Perez</i> NEW	BF	2	4	1	3							
Lynette Reitz	LCR, BD		X			X						
Sandra Schlesinger	PS			X					X			Genetics TF (CS)
<i>Michael Schmidt</i> NEW	LCR	4	2	3	1					MM		
<i>Blaire Smith</i> NEW	LCR	4	2	1	3				X		X	
Jeff Sorenson	PE				X						X	R&C
<i>Kathryn Tiede</i> NEW	PS	3	4	1	2							
David Truland	PE				X	X		X		CS		
Philip Wold	PS	3	4	1	2						X	

(highlights indicate current assignment)

Revised November 12, 2009

Church Council Member Synod Visit Summary

A full report is available in a notebook on the resource table located in the Council room.

#	Synod Name	Representative	Event	Date of Visit
1A	Alaska	M. Johnson		
1B	Northwest Washington	M. Johnson		
1C	Southwest Washington	D. Chenoweth		
1D	Eastern Washington-Idaho			
1E	Oregon	D. Chenoweth		
1F	Montana			
2A	Sierra Pacific	M. Myers		
2B	Southwest California			
2C	Pacifica			
2D	Grand Canyon	M. Myers		
2E	Rocky Mountain	S. Loy		
3A	Western North Dakota			
3B	Eastern North Dakota			
3C	South Dakota	J. Sorenson		
3D	Northwest Minnesota	P. Obregon		
3E	Northeast Minnesota	A. Niedringhaus	Synod Council, Meet with disaffected congregations, Meet with new bishop	2/23, 4/24, 7/28, 8/20, 10/26, 11/2
3F	Southwest Minnesota	P. Obregon		
3G	Minneapolis Area	J. Munday		
3H	Saint Paul Area	J. Munday		
3I	Southeastern Minnesota	A. Neidringhaus		
4A	Nebraska	S. Langhauser		
4B	Central States	S. Langhauser		
4C	Arkansas-Oklahoma	R. Brakke		
4D	N. Texas-N. Louisiana	R. Brakke		

#	Synod Name	Representative	Event	Date of Visit
4E	Southwestern Texas	M. Helmke		
4F	Texas-Louisiana Gulf Coast	M. Helmke		
5A	Metropolitan Chicago	K. Graddy		
5B	Northern Illinois	K. Graddy		
5C	Central/Southern Illinois	K. Graddy		
5D	Southeastern Iowa			
5E	Western Iowa			
5F	Northeastern Iowa			
5G	Northern Great Lakes			
5H	Northwest Synod of Wisconsin			
5I	East-Central Synod of Wisconsin	J. Emery		
5J	Greater Milwaukee			
5K	South-Central Synod of Wisconsin	J. Emery		
5L	La Crosse Area			
6A	Southeast Michigan	S. Schlesinger		
6B	North/West Lower Michigan	S. Schlesinger		
6C	Indiana-Kentucky	K. Hunsinger		
6D	Northwestern Ohio	K. Hunsinger		
6E	Northeastern Ohio	D. Anderson		
6F	Southern Ohio	D. Anderson		
7A	New Jersey			
7B	New England	D. Truland		
7C	Metropolitan New York			
7D	Upstate New York	D. Truland		
7E	Northeastern Pennsylvania			
7F	Southeastern Pennsylvania			

#	Synod Name	Representative	Event	Date of Visit
7G	Slovak Zion	D. Truland (<i>if needed</i>)		
8A	Northwestern Pennsylvania	L. Reitz		
8B	Southwestern Pennsylvania			
8C	Allegheny			
8D	Lower Susquehanna			
8E	Upper Susquehanna	L. Reitz	Meet with members, listen to their concerns	9/17/09
8F	Delaware-Maryland			
8G	Metropolitan Washington, D.C.			
8H	West Virginia-Western Maryland			
9A	Virginia			
9B	North Carolina	R. Connelly		
9C	South Carolina	R. Connelly		
9D	Southeastern			
9E	Florida-Bahamas			
9F	Caribbean			

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**Church Council Member Synod Contacts
 2009 - 2011**

#	Synod Name	Representative
1A	Alaska	Mr. Mark Johnson
1B	Northwest Washington	Mr. Mark Johnson
1C	Southwest Washington	Ms. Deborah Chenoweth
1D	Eastern Washington-Idaho	Pr. Phil Wold
1E	Oregon	Ms. Deborah Chenoweth
1F	Montana	Pr. Phil Wold
2A	Sierra Pacific	Mr. Mark Myers
2B	Southwest California	
2C	Pacifica	
2D	Grand Canyon	Mr. Mark Myers
2E	Rocky Mountain	Pr. Steven Loy
3A	Western North Dakota	Mr. Baron Blanchard
3B	Eastern North Dakota	Mr. Baron Blanchard
3C	South Dakota	Pr. Jeff B. Sorenson
3D	Northwest Minnesota	Pr. Pablo Obregón
3E	Northeast Minnesota	Ms. Ann Niedringhaus
3F	Southwest Minnesota	Pr. Pablo Obregón
3G	Minneapolis Area	Mr. John Munday
3H	Saint Paul Area	Pr. Kathryn Tiede
3I	Southeastern Minnesota	Ms. Louise Hemstead
4A	Nebraska	Pr. Susan Langhauser
4B	Central States	Pr. Susan Langhauser
4C	Arkansas-Oklahoma	Ms. Rebecca Brakke
4D	N. Texas-N. Louisiana	Ms. Rebecca Brakke
4E	Southwestern Texas	Mr. Mark Helmke
4F	Texas-Louisiana Gulf Coast	Mr. Mark Helmke
5A	Metropolitan Chicago	Mr. Ivan Perez
5B	Northern Illinois	Ms. Karin Graddy

#	Synod Name	Representative
5C	Central/Southern Illinois	Ms. Karin Graddy
5D	Southeastern Iowa	Pr. Michael Schmidt
5E	Western Iowa	Pr. Michael Schmidt
5F	Northeastern Iowa	Pr. Michael Schmidt
5G	Northern Great Lakes	Ms. Ann Niedringhaus
5H	Northwest Synod of Wisconsin	Ms. Rebecca Carlson
5I	East-Central Synod of Wisconsin	Mr. John Emery
5J	Greater Milwaukee	Mr. Ivan Perez
5K	South-Central Synod of Wisconsin	Mr. John Emery
5L	La Crosse Area	Ms. Louise Hemstead
6A	Southeast Michigan	Ms. Sandra Schlesinger
6B	North/West Lower Michigan	Ms. Sandra Schlesinger
6C	Indiana-Kentucky	Pr. Keith Hunsinger
6D	Northwestern Ohio	Pr. Keith Hunsinger
6E	Northeastern Ohio	Pr. David Anderson
6F	Southern Ohio	Pr. David Anderson
7A	New Jersey	Ms. Judith Barlow-Roberts
7B	New England	Mr. David Truland
7C	Metropolitan New York	Ms. Judith Barlow-Roberts
7D	Upstate New York	Mr. David Truland
7E	Northeastern Pennsylvania	Pr. Raymond Miller
7F	Southeastern Pennsylvania	Pr. Raymond Miller
7G	Slovak Zion	Mr. David Truland (if needed)
8A	Northwestern Pennsylvania	Mr. Blaire Smith
8B	Southwestern Pennsylvania	Pr. Heather Lubold
8C	Allegheny	
8D	Lower Susquehanna	Ms. Lynette Reitz
8E	Upper Susquehanna	Ms. Lynette Reitz
8F	Delaware-Maryland	
8G	Metropolitan Washington, D.C.	Pr. Amsalu Geleta

Revised November 15, 2009

#	Synod Name	Representative
8H	West Virginia-Western Maryland	Pr. Heather Lubold
9A	Virginia	Pr. Rachel Connelly
9B	North Carolina	Pr. Rachel Connelly
9C	South Carolina	Ms. Susan McArver
9D	Southeastern	Ms. Susan McArver
9E	Florida-Bahamas	Mr. William (Bill) Horne
9F	Caribbean	Mr. William (Bill) Horne

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Proposal for Church Council Process Observation
Process Observation
A Practice of Church Council Leaders

Background

The ELCA Church Council is committed to lead the church toward racial and gender justice and full inclusion and participation. In October 2007, the ELCA Church Council began a multi-year racial justice process observation pilot as a way to address racism within the Church Council itself. Process observation is the practice of observing what happens during the process of a meeting. The observer focuses less on content and more on the process of how the group interacts with content and with one another. Process observation is a leadership competency used both in plenary and committee sessions.

The council uses process observation to surface and identify practices, cultural norms, and behaviors among its members that impact racial and gender justice and full inclusion and participation. Once identified, these practices and cultural norms are shifted, strengthened, or eliminated to support the Church Council's meeting of this commitment.

The pilot concludes with the Church Council's November 2009 meeting. The Board Development Committee has assessed this pilot and proposes the following.

Proposal

To institutionalize the Church Council's commitment to racial and gender justice and full inclusion and participation, the Board Development Committee proposes that the Church Council adopt process observation both as a leadership competency expected of its members and as a critical practice to incorporate permanently into Church Council procedure. Council members, advisors, and guests use process observation in plenary sessions and committee meetings; a small group of members and advisors are trained to serve as lead observers.

Steps for implementation

1. Current pilot observers serve as lead observers for Church Council meetings in 2010.
2. By February 2010, current pilot observers prepare and submit to the Board Development Committee a plan for building the process observation capacity of council members, including the training of lead observers.
3. By April 2010, the Board Development Committee submit to the Church Council a proposal, including budget, for building the process observation capacity of council members, including the training of lead observers.

Procedure for process observation

1. Lead observers, council members, advisors, and guests observe plenary sessions using a daily observations form. Process observation is also used in committee meetings.
2. Daily Reporting
 - a. Lead observers give an oral report of observations to the plenary session and submit a written report of observations.
 - b. Council members, advisors, and guests submit completed observations forms to the lead observers.
 - c. Written reports and observation form comments are compiled and distributed to council members

the next morning. Taking into consideration reported observations, individual members adjust practices, cultural norms, or behavior.

3. Lead observers give a final verbal report during the final plenary session of each meeting.

Integrating Observations

1. All daily written reports and comments are compiled into a complete report for the entire meeting and submitted to:
 - a. Office of the Secretary for inclusion in meeting minutes;
 - b. Executive Committee for monitoring and information; and
 - c. Board Development Committee for analysis.
2. The Board Development Committee analyzes the report and makes recommendations to the Executive Committee for corresponding changes in council policy, procedure, or practices.

Advisory Committee for *The Lutheran*

Clergy [Term 2015]

1. a. Pr. Jennifer M. Ginn, Salisbury, N.C. [9B]
- b. Pr. Amaretta J. Onstad, Conyers, Ga. [9D]

Lay Female [Term 2015]

1. a. Ms. Judy R. Korn, Morris, Minn. [3F]
- b. Ms. Kathleen Fick, Grand Forks, N.D. [3B]

Lay Male [Term 2015]

1. a. Mr. Jack H. Palmer, Defiance, Ohio [6D]
- b. Mr. John A. Wagner, Toledo, Ohio [6D]

Board of Trustees for ELCA Foundation

Clergy [Term 2015]

Pr. Susan J. Crowell, Greenville, S.C. [9C]

Lay Female [Term 2015]

Ms. Teresa Chow, Hoffman Estates, Ill. [5A]

Lay Male [Term 2015]

Mr. James E. Willis, Rockwell City, Iowa [5E]

Committee of Hearing Officers

Clergy [Term 2015]

Pr. Gerald R. Kliner, Jr., Hurricane, W. Va. [8H]

Lay Female [Term 2015]

Ms. Leslie M. Frost, Saint Paul, Minn. [3G]

Lay Male [Term 2015]

Mr. William R. Lloyd, Jr., Somerset, Pa. [8C]

Board of Trustees of the Board of Pensions

Term [2013] - *to replace the resignation of Kelly L. Birch*

Mr. Cecil D. Bykerk, Omaha, Neb. (4A)

Mr. Daniel E. Meylink, Sr., Lake Mills, Wisc. (5K)

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit C, Part 1a
Page 2

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The Lutheran: Clergy

Pr. Jennifer M. Ginn

North Carolina (9B)

- 1) *Congregational membership*
Cross and Crown Lutheran Church, Matthews, NC
- 2) *Experience relevant to this position*
ELCA pastor, 9 yrs, worked closely with ministry development in several settings
Project mgmt, ms development, marketing for publishing arm of major software co
published in The Lutheran, Christian Century, Christ in Our Home, Women at Well
- 3) *Church-related service*
Lutheran Family Services Carolinas, Bd of Trustees, Fund Development Com.
NC Synod Council, Finance Committee
Churchwide Assembly voting member 2005, 2007, 2009
- 4) *Education*
B.A., Wake Forest University, Winston-Salem NC; M.A., University of Tennessee, Knoxville;
M.DIV., Lutheran School of Theology at Chicago
- 5) *Occupation*
Pastor; Cross and Crown Lutheran Church
- 6) *Community service*
Civitan Club of Salisbury
Board of Trustees, Lutheran Family Services Carolinas
Co-founder, Barnabas Connection, mentoring ministry for middle school youth
- 7) *Year of birth*
1953
- 8) *Primary language*
English

Why do you believe you would serve well as a member of the Committee?

I am passionate about the church and helping people catch the excitement of its ministries and message. The Lutheran is a wonderful vehicle for sharing the church's story through the stories of individual people and their congregations, as well as for helping people feel connected to the larger church and each other as Lutheran Christians. Having served on other boards, I have learned to speak out when I have questions or concerns. I'm not afraid of conflict, though I certainly don't look for it. I am pretty good at facilitating compromise. Insofar as I might be participating in decisions about content and focus of the magazine, I have good intuition about people and what draws and touches them. Unlike many pastors, I enjoy meeting with boards and committees and feel energized by the give-and-take of discussion and decision-making.

Are there particular perspectives that you would contribute as a Committee member?

Give that female clergy are still a small minority in the ELCA, I speak with a voice that is not heard often enough in traditional circles. As a preacher I am a storyteller, and I find that perspective can be helpful in group situations in which visioning and long-range planning are taking place. I am good at asking the question, "What would it look like if...?" Having come to rostered ministry from a business setting, I pay attention to issues of efficiency and organization. Finally, having joined the Lutheran church as an adult, after a childhood in the Southern Baptism tradition, I find I am able to talk about differences among people of faith in ways that unite rather than divide.

The Lutheran: Clergy

Pr. Amaretta J. Onstad

Southeastern (9D)

- 1) *Congregational membership*
Epiphany Lutheran Church, Conyers, GA
- 2) *Experience relevant to this position*
Assistant to Bishop in Southeastern Synod under two bishops
Voting member at LCA Convention (1986) when structure of ELCA was decided
High School English teacher
- 3) *Church-related service*
Synod staff liaison to Candidacy Committee, First Call Theological Education, work with call committees
Former and current Pastor and Interim Pastor in several synods and regions
Frequent participant in ELCA and synodical gatherings, assemblies, workshops
- 4) *Education*
M.S., Kansas State University; M.DIV., Lutheran Theological Southern Seminary;
B.A., University of Montana
- 5) *Occupation*
Interim Senior Pastor; Christ Our Shepherd Lutheran Church
- 6) *Community service*
Hospice volunteer
Reading volunteer in local school
Volunteer among families in military community during First Gulf War
- 7) *Year of birth*
1949
- 8) *Primary language*
English

Why do you believe you would serve well as a member of the Committee?

I have served well on teams engaged in making difficult decisions, including Candidacy Committee work and call committees for a counseling service and seminary faculty. I deeply value building consensus while respecting differing views. I love the church while I grieve over our flaws. My faith in God's promises, goodness and guidance reassures me in all situations. I have a strong background in the Lutheran church and an appreciation for the 3 expressions of the ELCA. While I believe the Lutheran perspective of grace is a gift to the whole church, I also have experience serving in ecumenical settings and think we learn through respectful, honest dialogue. As the role of the whole Christian church continues to change in the culture, I believe we have opportunity to work together while building on our theology and reaching out to others.

Are there particular perspectives that you would contribute as a Committee member?

After serving the church in a variety of places and ways, I have seen the ELCA in both large and small congregations and have served in traditional parishes as well as specialized ministry, including hospice chaplain and interim pastor in times of conflict. My second masters focused on family therapy which I have applied to congregational settings. The current situations the church faces (both financial concerns and issues of sexuality) create anxiety among some of our people, and it requires leaders with strong faith and reduced anxiety. Because my husband, George (Bud) served in the Army for 24 years, 16 as a Chaplain, I have had opportunity to see the church minister in a variety of ways, and have lived through much transition in my own life. I appreciate that THE LUTHERAN tells the story of our life together and celebrates our witness and ministry in its fullness.

The Lutheran: Lay Female

Ms. Judy R. Korn

Southwestern Minnesota Synod (3F)

1) *Congregational membership*

Faith Lutheran Church, Morris, MN

2) *Experience relevant to this position*

Professional experience as writer/editor

Lifelong Lutheran and The Lutheran reader

Willingness to serve as a response to blessings received

3) *Church-related service*

Synod supplement writer for SW MN Synod until supplement discontinued

Synod assembly planning committee

Various congregational com: council, call, education, worship/music

4) *Education*

B.A. University of Minnesota

5) *Occupation*

Public relations representative, writer, editor; University of Minnesota, Morris

6) *Community service*

Blandin Foundation Community Leadership Team
PrairieRenaissance Cultural Alliance Executive Committee
Chamber of Commerce Tourism Committee

7) *Year of birth*

1956

8) *Primary language*

English

Why do you believe you would serve well as a member of the Committee?

My responsibilities at the University of Minnesota, Morris include writing and editing the alumni magazine and electronic newsletter. I work closely with External Relations to understand our audience by asking questions and responding to the answers. Who reads our publications? How much do they read? How much do they skim? What content needs to be included as a response to readers' interests? What content needs to be included from an institutional standpoint? How do members of various generations respond to content? Print and/or online? What do we know about reader demographics? All of our alumni, no matter their age, or where they live, or what they do for a living, share a common experience: living and learning at Morris. Should I be elected to the advisory board, I believe my skills and experience will readily transfer to discussions about The Lutheran. The diverse readers of this magazine also share a common experience: the Lutheran expression of faith. From there, we build.

Are there particular perspectives that you would contribute as a Committee member?

I believe my professional experience could provide a unique perspective. I am an involved layperson at the congregational level--in perhaps one of the most Lutheran populated areas of the country--who values all three expressions of the ELCA. The leadership training that I received through the Blandin Foundation provides valuable group discussion, decision-making, and relationship building tools that facilitate the acknowledgement and understanding of the perspectives of others....and one's own filters.

The Lutheran: Lay Female

Ms. Kathleen Fick

Eastern North Dakota (3B)

1) *Congregational membership*

Sharon Lutheran Church, Grand Forks, ND

- 2) *Experience relevant to this position*
Recent writer for Lutheran Woman Today and Lutheran Partners
Regional director for Lutheran Social Services of North Dakota
21 years of work with young adults in campus ministry
- 3) *Church-related service*
Synod Resource Center Advisory Board (current member)
Mutual Ministry Team for EaND Synod Staff (current member)
Synod Council member for EaND Synod
- 4) *Education*
B.A., Luther College/Clarke College; M.A., University of North Dakota;
Luther Seminary
- 5) *Occupation*
Campus Ministry/Director; Christus Rex Lutheran Campus Ministry
- 6) *Community service*
University Crisis Response Team - 20 years
Presidential Wellness Visioning Committee for UND
Speaker, panelist for varied community service groups
- 7) *Year of birth*
1954
- 8) *Primary language*
English

Why do you believe you would serve well as a member of the Committee?

Perhaps the strongest recommendation would be rooted in my passion for reading and education. I have been an avid reader of *The Lutheran* in its varied formats from my childhood and advocate for readership in my synod, congregation, and my campus ministry. I am also a strong advocate for creative conversation and dialogue around challenging issues which remains respectful and productive. My work as a counselor serves me well in this regard and assists roles I undertake on boards and committees.

Are there particular perspectives that you would contribute as a Committee member?

My work with young adults offers me some unusual access to this population which is all too often silent and invisible in the ELCA. This set of lenses will be useful as I also wear my own middle-aged, "cradle-Lutheran" lenses and enjoy the resulting contrasts and the creative insights they offer. Bringing this voice to the table would be my pleasure.

The Lutheran: Lay Male

Mr. Jack H. Palmer

Northwestern Ohio Synod (6D)

- 1) *Congregational membership*
Zion Lutheran Church, Defiance, OH

2) *Experience relevant to this position*

I am a sinner saved by God's grace.

3) *Church-related service*

Deacon

Sunday School / Catechism Teacher

Call Committee member (1978, 2007)

4) *Education*

B.S., Ohio State University; J.D., University of Toledo

5) *Occupation*

columnist, religion editor, staff writer; Defiance Publishing Co.

6) *Community service*

Member, Defiance City Schools Board of Education (12 years)

Little League coach (25 years)

Board of Directors, Defiance Area YMCA

7) *Year of birth*

1953

8) *Primary language*

English

Why do you believe you would serve well as a member of the Committee?

As someone who has served on numerous civic and church boards and committees, I fully understand and appreciate the concept that no one person speaks for the board. The board speaks only through its president or chairman. It is incumbent on individual members to listen to, respect, discuss and consider all varying points of view during board deliberations before coming to a decision or casting a vote. Much like a winning athletic team, the most effective and efficient board is one where the body is greater than the sum of its parts. I would be a good team player.

Are there particular perspectives that you would contribute as a Committee member?

As a member of the news media for the past 13 years, I realize the number one rule is accuracy and fairness in reporting. This often involves talking to and obtaining input from persons with whom I may personally disagree. The key is to respect their opinions and present them fairly. In my duties as religion editor at a small regional newspaper (circulation 18,000) covering six rural counties where the residents are not racially, religiously or politically diverse, I have come to understand the importance of educating the readership that diversity should be embraced. Much of the prejudice I observe is due to ignorance. I see it as my job to write stories about inter-faith events and area Jews and Muslims. I have visited two synagogues in Toledo and the Islamic Center of Greater Toledo on numerous occasions and count many of their leaders and members as friends. I am also a strong proponent of ecumenical Christian efforts and have written stories and features highlighting such events.

The Lutheran: Lay Male

Mr. John A. Wagner

Northwestern Ohio Synod (6D)

- 1) *Congregational membership*
Holy Trinity, Toledo, OH
- 2) *Experience relevant to this position*
writer/reporter/editor, 16 years at the (Toledo) Blade newspaper
life-long Lutheran
- 3) *Church-related service*
Director of Worship, Holy Trinity Lutheran Church, 1997-98
Church Council President, Holy Trinity, 1997
- 4) *Education*
B.S., Kent State University; M.A., Kent State University
- 5) *Occupation*
Sports writer; The (Toledo) Blade
- 6) *Community service*
Service projects (mentoring, Feed Your Neighbor, various coms) Holy Trinity
Various service projects, West Side Montessori Center, Toledo, OH
Cub Scout Leader, Northwest District, Erie Shores Council
- 7) *Year of birth*
1962
- 8) *Primary language*
English

Why do you believe you would serve well as a member of the Committee?

I believe I have a unique combination of experiences to bring to the committee. My journalism background includes time spent in public relations, writing, and editing. I have have spent time dealing with some issues facing the church, including forms of worship and youth involvement. Most importantly, I find myself getting excited about the opportunity to serve the magazine.

Are there particular perspectives that you would contribute as a Committee member?

One perspective I would bring to this advisory role is that of parent. My wife, Suzanne, and I have three children, ages 11, 7, and 16 months,k so I am involved with issues facing several different age groups. I grew up in a small-town church, but now I attend church in a larger city, so I believe I have a background on the issues facing both urban and rural churches. And I have the perspective of a life-long Lutheran.

Board of Trustees for ELCA Foundation: Clergy

Pr. Susan J. Crowell

South Carolina Synod (9C)

- 1) *Congregational membership*
Trinity Lutheran Church, Greenville, SC
- 2) *Experience relevant to this position*
SC Synod Council, 1997-2002
SC Synod Council Executive Committee, 2000-2002
Voting Member to Churchwide Assembly, 2005
- 3) *Church-related service*
SC Synod Finance Committee, 1998-2002
Trinity Lutheran Church Foundation Committee, 1995-present
- 4) *Education*
B.A., Furman University, Greenville, SC; M.DIV., Lutheran Theological Southern Seminary
- 5) *Occupation*
Senior Pastor; Trinity Lutheran Church
- 6) *Community service*
Mental Health America Bd. of Trustees, Greenville, SC, 1995-1999
Lutheran Homes of SC Bd. of Trustees, Irmo, SC, 2002-2008
- 7) *Year of birth*
1969
- 8) *Primary language*
English

Why do you believe you would serve well as a member of the Board / Committee / Church Council?

During my ministry I have been involved with endowment funds in both the congregation and the synod. When the SC Synod received a significant bequest, I worked with the Finance Committee and the Synod Council to establish the SC Synod Mission Endowment Fund. Since 1995, I have provided pastoral leadership to the Trinity Lutheran Church Foundation. The foundation assets are currently valued at \$1.6 million. Since 1997, the foundation has given away \$975,845 to local human service agencies and institutions of the church.

Are there particular perspectives that you would contribute as a Board / Committee / Church Council member?

During my fourteen years of ordained ministry, I have personally experienced the value of endowment funds to make a positive and sustained impact on local, synodical, and churchwide ministries. I believe these experiences will enhance my ability to effectively serve on the ELCA Foundation Board.

Board of Trustees for ELCA Foundation: Lay Female

Ms. Teresa Chow

Metropolitan Chicago Synod (5A)

- 1) *Congregational membership*
True Light Lutheran Christian Church, Streamwood, IL
- 2) *Experience relevant to this position*
State budget liaison officer, asst to Vice Chancellor for Urban Affairs; CUNY
Assistant VP for Business & Finance; Oakton College, Illinois
Director of International marketing & Administration; Circle Computer, Japan
- 3) *Church-related service*
Voting member of the 10th ELCA Churchwide Assembly
Member of the Metropolitan Chicago Synod Outreach Com. & Fund for Mission
LSSI; Board Secretary
- 4) *Education*
B.A., Loyola University; M.S., New School for Social Research, New York;
M.S., Kellogg School of Management, Northwestern University
- 5) *Occupation*
Managing Director; LCE, Inc.
- 6) *Community service*
Commissioner of Community Relations; Streamwood, IL
Member of International Trade Association of Greater O'Hare
Member of Executive Women Association
- 7) *Year of birth*
1944
- 8) *Primary language*
English

Why do you believe you would serve well as a member of the Board?

While I am an ordinary, average being, yet the Good Lord has embodied me with His all consuming love and care, yielding countless blessings along with many challenges. I am also blessed with an endowment from Him-my zest and zeal for my neighbors. Therefore it is natural and gratifying for me to serve and to reach out. I have been a practitioner since my adulthood both privately and through formal organizations. I believe fervently in the mission and vision of ELCA and have been an active member for over 15 years. I am committed to serve wherever and whenever Our Lord directs me. It is "God's work. Our hands." From a practical perspective, I have been in the business and finance spheres for all my professional life and thus have the experience and knowledge necessary to be a contributing member of this particular board. In summary, I believe I would serve well because of my personal belief and conviction, my commitment to and advocacy of ELCA, together with my professional background.

Are there particular perspectives that you would contribute as a Board member?

My belief in and commitment to ELCA will enable me to contribute in fulfilling its vision/mission; which will achieve consistent and ever improving welfare of those we serve. I have an overall familiarity of the investment world and in tune with the fluctuating economic environment; and thus would be able to contribute in a macro sense. I will be able to assist in the development of policies, procedures, guidelines, etc. in accordance with given investment objectives. Strategic planning occupies the center stage especially in this time of uncertainty. I believe I will be able to provide input in this arena as I have done so for most of my career. I am an earnest listener/learner/team player that will enable me to have a rewarding working relationship/experience with fellow board members as well as staff. I am goal oriented, detail minded, and take my responsibility seriously. I approach each project/task laboriously deliberate with uncompromising integrity and to the best of my ability.

Board of Trustees for ELCA Foundation: Lay Male

Mr. James E. Willis

Western Iowa Synod (5E)

1) *Congregational membership*

Emanuel St. John Lutheran Church (ESJ), Lytton, IA

2) *Experience relevant to this position*

Founding member, Bd. of Next Door Foundation; Milwaukee, WI (1970s)

Chair, first Planned Giving Council of NDF

V.P., Research Enzymens, Pharmacia P-L Biochemicals (1982-1992)

3) *Church-related service*

Financial sec., ESJ Endowment Committee (2008-2010)

Chair ESJ Endowment Committee (1999-2004)

One of three congregational coordinators for Thriven Financial for Lutherans

4) *Education*

B.S. (1959), Iowa State University, Ames, IA; PH.D. (1963), University of Wisconsin, Madison,

5) *Occupation*

President and sole Proprietor; International BioConsulting

6) *Community service*

Vice Chair of Bd. of Golden Buckle Home, Inc.

President, Shorewood, WI Community Foundation (1991-1995)

7) *Year of birth*

1937

8) *Primary language*

English

Why do you believe you would serve well as a member of the Board / Committee / Church Council?

I believe the mission of the Foundation, especially the support for Seminary students is vital for the future of the ELCA and I would be honored to serve on the board of trustees. I believe my work experience and ability to learn how to do what needs to be done will be useful to the organization.

Committee of Hearing Officers: Clergy

Pr. Gerald R. Kliner, Jr.

West Virginia-Western Maryland Synod (8H)

1) *Congregational membership*

Cross of Grace Lutheran Church, Hurricane, WV

2) *Experience relevant to this position*

My Bishop (Rev. Dr. Ralph Dunkin) recommended me for this committee; I have a working background in ethics, consitutional, and discipline committees. I served as the National Secretary for Lutheran Student Movement-USA (1992).

3) *Church-related service*

I am serving term as Parlimentarian for WV-WMD Synod Assembly 2008,2009.; I am currently serving a term on the WV-WMD Synod Discipline Committee.; I have served as the Chair for the WV-WMD Synod's "Reference and Council".

4) *Education*

BA, Metropolitan State College of Denver; MDiv., Wartburg Theological Seminary

5) *Occupation*

Pastor; Cross of Grace Lutheran Church

6) *Community service*

Member, Bio-Ethics Consultation Committee--CAMC Teays Valley Hospital.; Dean, Southern Ohio Chapter of the Society of the Holy Trinity; Volunteer Chaplain, Saint Francis Hospital, Charleston, WV

7) *Year of birth*

1969

8) *Primary language*

English

Why do you believe you would serve well as a member of the Committee?

I have a passion for the life of the Church and her clergy. I would seek always to serve faithfully, to the best of my ability, not my own agenda, but the common life of the Church in the light of Holy Scripture and our common discipline (as expressed in the ELCA's Constitution and By-Laws). I had not considered myself for this committee, but instead was recommended by my Bishop. I am humbled to be considered for this committee and would be honored to serve on the Churchwide Committee for Appeals.

Are there particular perspectives that you would contribute as a Committee member?

The only perspective I can offer is that of a Pastor of the Church, who seeks to hear the call of our Lord and to serve. If I am elected to serve on the Churchwide Committee on Appeals, I will do so to the best of my ability.

Committee of Hearing Officers: Lay Female

Ms. Leslie Frost

Saint Paul Area Synod (3G)

1) *Congregational membership*

University Lutheran Church of Hope, Minneapolis, MN

2) *Experience relevant to this position*

Law degree 1978 and subsequent years of legal experience;

Service on numerous nonprofit boards;

ED of faith based nonprofit supported by 50+ faith communities

3) *Church-related service*

Synod Parliamentarian and Reference and Counsel member and Chair;

Past President of congregation;

Current Board member of congregation

4) *Education*

B.A., Macalester College, Saint Paul MN; J.D., Univ. of MN Law School

5) *Occupation*

Executive Director; Families Moving Forward

6) *Community service*

Block Nurse Program Board -- past;

League of Women Voters Board -- past;

Families Moving Forward Board member and Chair -- past

7) *Year of birth*

1951

8) *Primary language*

English

Why do you believe you would serve well as a member of the Committee?

I love this church, my adopted church. I want to see it whole and well, and a careful, well executed process for handling troublesome issues is important to those aspirations. I love order and process, but judge all order and process by both adherence to rules and allowance for the principles of equity/fairness to assist the process. I am calm and can be dispassionate when that is required. I am a quick study and love to absorb complex material. I am a natural leader, but work well as part of a team or a group. I have a natural ability to explain complex subjects to others. I am a veteran of many difficult conversations and difficult negotiations. I over prepare so that I am not surprised -- I hate surprises!

Are there particular perspectives that you would contribute as Committee member?

Law, social justice, nonprofit veteran, administrator, employer, parliamentarian.

Committee of Hearing Officers: Lay Male

Mr. William R. Lloyd, Jr.

Allegheny Synod (8C)

1) *Congregational membership*

Trinity Evangelical Lutheran Church, Somerset, PA

2) *Experience relevant to this position*

Training and experience as a lawyer;

Service on Churchwide, Synodical, and Congregation Councils;

Chair of Church Council's Legal and Constitutional Review Committee

3) *Church-related service*

Member of ELCA Church Council (Term expires in 2009);

Past two-term member of Allegheny Synod Council;

Past two-term member and one-year president of Congregation Council

4) *Education*

B.A., 1969, Franklin and Marshall College; J.D., 1972, Harvard Law School

5) *Occupation*

Small Business Advocate; Commonwealth of Pennsylvania

6) *Community service*

Member of Pennsylvania House of Representatives (1981-1998);

Pennsylvania Democratic Party's Nominee for the U.S. Senate (1998)

7) *Year of birth*

1947

8) *Primary language*

English

Why do you believe you would serve well as a member of the Committee?

My training and experience as a lawyer have given me a good understanding of due process. I have litigated cases at state agency hearings and in the appellate courts and served as a Public Utility Commission judge. As a member of the state House of Representatives, I presided over legislative hearings and drafted numerous statutes governing the qualifications and expected conduct of licensed professionals as well as the rules for the disciplinary process.

Are there particular perspectives that you would contribute as a Committee member?

I have devoted my career to public service. I believe that is God's calling for me. I have coupled my career with life-long involvement in the Church. As an attorney and a public official, I have a passionate commitment to the rule of law. Because of my service on the ELCA Church Council and on the

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit C, Part 1b
Page 14

Council's Legal and Constitutional Review Committee, I have first-hand knowledge of the governing documents of the ELCA.



Evangelical Lutheran
Church in America
God's work. Our hands.

Nomination Form ❖ Boards and Churchwide Committees

TO BE COMPLETED BY NOMINEE

Nominee for: ELCA Board of Pensions

Specify Board or Churchwide Committee and please type or print legibly:

1. Name: Ms. Mr. Pr. Cecil D. Bykerk

Please provide full, legal name

2. Residence: 9643 Oak Circle, Omaha, Nebraska, 68124

Street Address

City

State

Zip

3. Preferred Mailing Address: Same

Street Address

City

State

Zip

4. Telephone: Home: (402) 393-4946 Work: (402) 501-8701 Ext.: _____ Fax: (402) 393-1645

5. E-mail: oakoffice1@cox.net

6. Congregation Membership: Morning Star Lutheran Church Synod: 4A Nebraska Synod

Name of Congregation

331 South 85th Avenue, Omaha, Nebraska, 68114

Street Address

City

State

Zip

7. If rostered, by which synod: N/A

Which Roster: Clergy Associate in Ministry Deaconess Diaconal Minister

8. Indicate experiences or factors (*up to three*) that you believe have prepared you for service on this board or committee:

a. Fellow of Society of Actuaries with pension training.

b. Pension committee at Mutual of Omaha.

c. Supervised administration of pension plan Mutual of Omaha.

9. List current or past congregational, synodical, or churchwide service activities (*up to three*) related to this position:

a. Finance Committee at church

b. Church Council

c. _____

10. Educational Institution (*List in chronological order, beginning with the earliest*): Degree (*B.A., M.Div., etc.*) Field of Study

a. University of Denver, BA, Math/Economics

b. University of Nebraska-Lincoln, MS, Mathematics

c. _____

11. Employer (current or most recent): (self-employed) CDBYkerk Consulting, LLC, Omaha, Nebraska
Name of Company City State
12. Position/Title (if applicable): President
13. List current or past community-related service activities (up to three):
- a. United Way loaned executive
 - b. Board member of home health care organization
 - c. Board member of Midwest Energy Alternatives

**NOTE: IN ORDER TO SATISFY ELCA CONSTITUTIONAL REQUIREMENTS ON NOMINATIONS
THE FOLLOWING SECTION MUST BE COMPLETED.
FAILURE TO DO SO WILL PRECLUDE CONSIDERATION OF NOMINATION.**

- A. Gender: Male B. Year of Birth: 1944 C. Primary Language: English
- D. Other languages you speak: _____
- E. Ethnic/Racial Group (check one):
- | | | |
|---|--|--|
| <input type="checkbox"/> African American / Black | <input type="checkbox"/> Alaska Native / American Indian | <input type="checkbox"/> Arab / Middle Eastern |
| <input type="checkbox"/> Asian / Pacific Islander | <input type="checkbox"/> European American | <input type="checkbox"/> Latino |
| <input type="checkbox"/> Biracial / Multiracial | <input checked="" type="checkbox"/> White | <input type="checkbox"/> Other _____ |
- F. Are you: Lay Clergy G. Are you willing to serve, if elected? Yes No
- H. Are you related to an ELCA churchwide staff member? No If yes, by what relationship: _____
If yes, print name here.
- I. If you are a nominee for the Board of Pensions, are you a member or potential recipient of benefits in any form of the pension plan? Yes No

14. Why do you believe you would serve well as a member of this board or committee (1,000 characters maximum)?
- I have recently served as president of the Society of Actuaries, as chair of the Actuarial Standards Board of the Actuarial Foundation as well as numerous other non-paid Boards. I am very familiar with the operations of non-for-profit organizations and their Boards. I work well with others in trying to build consensus decisions.
15. Are there particular perspectives that you would contribute as a member of this board or committee (1,000 characters maximum)?
- I bring my actuarial knowledge and experience with me. I have been on my employer's pension committee so am familiar with the issues facing pension funding and investments.

NOMINATOR INFORMATION:

At large Nomination submitted by: Mr. Warren R. Luckner Date: November 1, 2009

Work Telephone: (402) 472-1981 Weekend Telephone: (402) 421-6733



Evangelical Lutheran
Church in America
God's work. Our hands.

Nomination Form ❖ Boards and Churchwide Committees

TO BE COMPLETED BY NOMINEE

Nominee for: ELCA Board of Pensions

Specify Board or Churchwide Committee and please type or print legibly:

1. Name: Ms. Mr. Pr. Daniel E. Meylink Sr.
Please provide full, legal name
2. Residence: 776 Pinnacle Drive, Lake Mills, Wisconsin 53551

<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
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3. Preferred Mailing Address: Same

<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
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4. Telephone: Home: 920-648-3851 Work: _____ Ext.: _____ Fax: _____
5. E-mail: dmeylink@gmail.com Cell: 608-354-0626
6. Congregation Membership: Trinity Lutheran Church Synod: 5K South-Central Synod of WI
Name of Congregation
346 Pine Street, Lake Mills, WI 53551

<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
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7. If rostered, by which synod: N/A

Which Roster:	<input type="checkbox"/> Clergy	<input type="checkbox"/> Associate in Ministry	<input type="checkbox"/> Deaconess	<input type="checkbox"/> Diaconal Minister
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8. Indicate experiences or factors (*up to three*) that you believe have prepared you for service on this board or committee:
 - a. Served as head of the Pension Department for CUNA Mutual Group, Madison, WI, for two years.
 - b. I am a Fellow of the Society of Actuaries, which has specific studies on pensions.
 - c. I have extensive experience in the investment business including having been on the Board of Directors of CUNA Brokerage Services broker dealer; as such, I have been an NASD registered supervisor (7 and 24).
9. List current or past congregational, synodical, or churchwide service activities (*up to three*) related to this position:
 - a. I have served as president of the church council for Redeemer Lutheran Church, Waverly, Iowa.
 - b. I served on the Board of Regents, Wartburg College, Waverly, Iowa.
 - c. I am currently serving on the National Advisory Council to the President, Northwestern College, Orange City, Iowa.
10. Educational Institution (*List in chronological order, beginning with the earliest*): Degree (*B.A., M.Div., etc.*) Field of Study
 - a. United States Air Force Academy, Colorado Springs, Colorado, 1970-1972, no degree
 - b. Northwestern College, Orange City, Iowa, 1972, no degree
 - c. University of Iowa, Iowa City, Iowa, 1973-1974, B.S., Actuarial Science
 - d. University of Nebraska, Lincoln, Nebraska, 1974-1975, Advanced Actuarial Studies
 - e. Fellow of the Society of Actuaries, 1978
 - f. Fellow of the American Academy of Actuaries, 1980

11. Employer (current or most recent): Retired
Name of Company *City* *State*
12. Position/Title (if applicable): (As of 2006, at time of retirement) - Chief Officer of Lending Products and Services, CUNA Mutual Group, Madison, Wisconsin.
13. List current or past community-related service activities (up to three):
- a. Led School District bond issue campaign
 - b. Financial education for underprivileged middle school children
 - c. Little League Coach

**NOTE: IN ORDER TO SATISFY ELCA CONSTITUTIONAL REQUIREMENTS ON NOMINATIONS
THE FOLLOWING SECTION MUST BE COMPLETED.
FAILURE TO DO SO WILL PRECLUDE CONSIDERATION OF NOMINATION.**

- A. Gender: Male B. Year of Birth: 1951 C. Primary Language: English
- D. Other languages you speak: None
- E. Ethnic/Racial Group (check one):
- | | | |
|---|--|--|
| <input type="checkbox"/> African American / Black | <input type="checkbox"/> Alaska Native / American Indian | <input type="checkbox"/> Arab / Middle Eastern |
| <input type="checkbox"/> Asian / Pacific Islander | <input type="checkbox"/> European American | <input type="checkbox"/> Latino |
| <input type="checkbox"/> Biracial / Multiracial | <input checked="" type="checkbox"/> White | <input type="checkbox"/> Other _____ |
- F. Are you: Lay Clergy G. Are you willing to serve, if elected? Yes No
- H. Are you related to an ELCA churchwide staff member? No If yes, by what relationship: _____
If yes, print name here.
- I. If you are a nominee for the Board of Pensions, are you a member or potential recipient of benefits in any form of the pension plan? Yes No

14. Why do you believe you would serve well as a member of this board or committee (1,000 characters maximum)?
- I have a great deal of experience in the financial industry. I have specific training and experience in the pension business and the investment industry. I have served on various boards in the past and have enjoyed being part of a group committed to making things better.
15. Are there particular perspectives that you would contribute as a member of this board or committee (1,000 characters maximum)?
- I am by nature fairly conservative in most areas of finance, both corporate and personal.

NOMINATOR INFORMATION:

At large Nomination submitted by: Ms. Lois A. O'Rourke Date: November 1, 2009

Work Telephone: (608) 821-1204 Weekend Telephone: (608) 827-0922

Revised November 13, 2009

**Proposed Protocol for Revisions to Ministry Policies
October 2009 - April 2010**

October - November 2009 Executive Committee

- Executive Committee appoints an "Ad Hoc" Committee to:
 1. Develop a process and timeline for Church Council members to receive, review, and provide response to proposed revisions to ministry policies documents.
 2. Receive and review responses from Church Council members.
 3. Prepare a report and recommendations for Church Council consideration at its April 2010 meeting.
- Ad Hoc Committee participants:
 - Church Council members: Legal and Constitutional Committee: Mark Helmke and Lynette Reitz
 - Program and Services Committee: Steve Loy, Sandra Schlesinger, and Judith Barlow-Roberts
 - Conference of Bishops: 2 liaison bishops: Marie Jerge and Martin Wells
 - Committee on Appeals: Donald Main
 - Churchwide staff: Vocation and Education unit: Stanley Olson
 - Office of the Secretary: David Swartling
 - Office of the Presiding Bishop: Myrna Sheie
 - Office of the Secretary: Ruth Hamilton (recorder)

November 2009 Church Council meeting

- **Friday, November 13** (Plenary 2; 5:00 p.m.): Introduction to ELCA ministry policies: process, time frame, and content
 1. Participants: Stanley Olson (VE); Donald Main (chair, Committee on Appeals); Allan Bjornberg (Conference of Bishops); David Swartling (Office of the Secretary)
 2. Primer on Call Process and Candidacy (Exhibit O, Part 5)
 3. Preliminary documents for review in November 2009:
 - a. Possible revisions to "Vision and Expectations" (VE) (Exhibit O, Part 1a)
 - b. Possible revisions to "Candidacy Process and Manual" (VE) (Exhibit O, Part 1b)
 - c. Possible revisions to "Definitions and Guidelines for Discipline" (Committee on Appeals) (Exhibit G, Part 1)
 4. Document for consideration and approval in November 2009
 - a. "Reinstatement to the Rosters of the Evangelical Lutheran Church in America" (OS) (Exhibit G, Part 2)
- **Saturday, November 14** (12:30 - 2:00 p.m.): Café Conversations for Church Council, liaison bishops, and advisory members
- **Plenary consideration of proposed documents**
 1. Executive Committee: presentation of "Proposed Protocol for Revisions to Ministry Policies (October 2009-April 2010)" (Exhibit D, Part 1). Discussion of possible revised documents (see above) scheduled Saturday, November 14 (Plenary 3; 11:00 a.m.).

Revised November 13, 2009

2. Legal and Constitutional Committee: presentation of "Reinstatement to the Rosters of the Evangelical Lutheran Church in America" (Exhibit G, Part 2) scheduled Saturday, November 14 (Plenary 5; 4:15 p.m.)

March 2010 Conference of Bishops meeting (March 4-9, 2010; Chicago)

- Chairs of Legal and Constitutional Review and Program and Services committees (or designees) are present for Conference of Bishops discussion and deliberation related to revisions of ministry policies
- [date TBD] Ad Hoc Committee conference call

Preparation for April 2010 Church Council meeting

- [date TBD]: Conference call to develop process for Church Council members to identify significant issues related to proposed revisions to ministry policies
- [date TBD]: Church Council members receive final proposed revisions to ministry policies
- [date TBD]: comments due to Ad Hoc Committee
- [date TBD]: Ad Hoc Committee conference call to prepare report and possible recommendations
- [date TBD]: Joint meeting of LCR and PS committees to prepare a report and recommendations to the Church Council related to revisions to ministry policies

April 2010 Church Council meeting: April 9-12, 2010

- ~~Final report~~ Report and recommendations distributed to ELCA Church Council
- Joint presentation of recommended revisions to ministry policies by Legal and Constitutional Review and Program and Services committees
- ELCA Church Council ~~adopts~~ considers revisions

**Report of the Executive for Administration
November 2009**

For surely I know the plans I have for you, says the LORD, plans for your welfare and not for harm, to give you a future with hope. Jeremiah 29:11 (NRSV)

Churchwide Organization Budget

According to a recent article in the *Wall Street Journal*, charitable contributions in the United States have suffered their biggest drop of the past four decades (November 9, 2009, "The State of Philanthropy"). With the downturn in the economy resulting in shrinking donations, many mainline Protestant church bodies are facing large program reductions and staff layoffs. In 2009, for example, both the Presbyterian Church (U.S.A.) and the United Methodist Church announced cutbacks and layoffs due to the downturn in the economy. The ELCA churchwide office also is facing this economic reality. During difficult times it is important to remember God's promise to be with us always and to give us a future with hope.

As you know, the 2009 ELCA Churchwide Assembly approved a 2010 budget that reflected a \$7.5 million reduction in program and staff from the original 2009 expenditure authorization. Regrettably, the 2010 budget must be further reduced by ten percent to meet anticipated income. The Office of the Presiding Bishop is presenting a revised 2010 budget proposal at this Church Council meeting. The process for developing this revised proposal included working with the Office of the Treasurer on a revised income projection; meeting with unit executives to develop reduced spending proposals; engaging the Human Resources section and units in a critical staff analysis process; and ongoing conversations with partners about potential reductions. The criteria used were those presented to the Church Council last March and given to the Churchwide Assembly in August. In summary, the process was guided by the two strategic priorities and the critical questions listed below.

Strategic priorities

The churchwide organization, working collaboratively with congregations, synods, agencies and institutions and other partners, will give priority to:

1. accompanying congregations as growing centers for evangelical mission; and
2. building capacity for evangelical witness and service in the world to alleviate poverty and to work for justice and peace.

Critical questions

We asked what will:

1. sustain the two strategic priorities?
2. least impact the sustainability of the whole ecology?
3. least impact giving and resource development?
4. reflect our core values as presented in the Plan for Mission Commitments for Implementation?

The reductions total \$7,669,200. Sixty percent of that amount is reduced staff compensation and allowances, five percent is grants, 12 percent is the removal of the ELCA Foundation subsidy, and the remaining 23 percent is composed of reduced program, travel, and office expense. In the current

economic environment and given the uncertainty of the level of mission support, it is imperative that we position ourselves to be a more nimble organization. This includes reducing our staffing numbers. A total of 40.75 full-time equivalent positions were eliminated. Of those, 22.9 were executive staff and 17.85 were support staff. This figure also includes six vacant positions. The demographics of our staff configuration remain fairly stable:

<u>Prior to the staff reductions:</u>	<u>After staff reductions:</u>
67% white	67% white
33% persons of color	33% persons of color
45% male	46% male
55% female	54% female
33% clergy	35% clergy
67% lay	65% lay
79% 40 and older	79% 40 and older

No compensation increase is included for 2010 in the revised budget proposal. In addition, a recommendation to eliminate the Continuing Education Program benefit, effective February 2010, will come before this council for action. Our commitment remains to maintain at least a ten percent portion of our budget allocated for multicultural ministries throughout the organization; prior to the reductions, we were at 13.85 percent and we are now at 14.63 percent.

Review and Evaluation

Multicultural Ministries unit: As part of its ongoing role of evaluation and monitoring the work of the churchwide organization, the Planning and Evaluation Committee last March reviewed the work of the Multicultural Ministries program unit. The committee requested a follow-up on three key areas of the review. These are:

- Monitoring the unit's work;
- Clarifying the responsibility of multicultural work throughout the organization; and
- Developing more clarity around the role of the ethnic ministry associations in assisting this church to become more ethnically diverse.

A report on this continued work may be found as Exhibit E, Part 3.

Churchwide Staff Alliances: There are four staff alliances in the churchwide organization—Justice for Women, Multicultural Ministry, Poverty and Wealth, and Young Adult Ministry. These alliances are intended to assist the organization in expressing and deepening its work related to the Plan for Mission's commitments for implementation. The alliances assist the organization to understand these areas of ministry and, where necessary, to change its culture. Staff from each unit in the churchwide organization is assigned to serve on these alliances. Alliances use such means as inventorying, imagining, and discussing in order to offer advice and assistance to units. A review of the alliances was conducted to gauge their impact with the churchwide staff. This is an attempt to set a base for further development and gain ideas for improving the work. A report on the review of the alliances may be found in Exhibit

H, Parts 2a and 2b.

Blue Ribbon Committee: The 2007 Churchwide Assembly approved recommendations from the Blue Ribbon Committee on Mission Funding. The implementation plan called for regular progress reports to the Church Council beginning in April 2008. Oversight and coordination for the implementation of the Blue Ribbon report on mission funding is in the Office of the Presiding Bishop, with special responsibility assigned to Synodical Relations and the Mission Funding and Interpretation Team (MFIT). The MFIT receives regular reports on the implementation of the strategy.

In 2009, mission support consultations were held in two regions (Regions 1 and 2) and twenty-five synods. The director for mission support participates in these consultations and has regular conversations with synodical bishops related to the status of mission support. It is anticipated that the same number of consultations will be held in 2010.

There are six designated mission funding "pilot synods": North Carolina, North/West Lower Michigan, Minneapolis Area, South Dakota, Nebraska, and Southwestern Washington. The following churchwide units are working with these synods: Evangelical Outreach and Congregational Mission, Research and Evaluation, and Synodical Relations. These synods will report to the Conference of Bishops and Church Council in 2010.

The Conference of Bishops, led by the Church Council liaison bishops, has engaged in significant conversation regarding mission support in its past two meetings. The percentage of sharing mission support for churchwide ministries was increased by six synods in 2009, while 13 synods reduced the percentage of sharing. In 2010, 20 synods have acted to increase the percentage of sharing mission support, while six synods have acted to decrease the percentage of sharing. For more information, please refer to Exhibit F, Parts 5a-5b.

Ecology Study Design Group: At the March 2009 ELCA Church Council meeting, the Council acted to request the Office of the Presiding Bishop, in collaboration with the Executive Committee and the Conference of Bishops, to appoint a study group to formulate a plan for evaluation of the ecology of the ELCA, including its organization, governance, and interrelationships. This group was assigned the task of preparing a charter for the work of an ecology study task force. A charter has been drafted and is presented at this Church Council meeting for action in Exhibit E, Part 2.

Contingency Planning: The work of the ecology study task force is expected to be presented to the 2011 ELCA Churchwide Assembly for action. However, current economic realities prevent us from waiting for the task force's report and recommendations before giving close attention to interrelationships and the sharing of resources for mission. Contingency planning at the churchwide organization will seek to be in harmony and step with the work of the ecology study task force. Prime objectives for this planning include: positioning the organization for swift, strategic adjustments to spending if necessary; identifying potential areas for strategic disengagement (keeping before us the implications for partners); and continuing to seek alignment of strategic priorities and available resources.

Finally, I direct your attention to Exhibit J, Parts 1 - 1b and Exhibit A, Part 4a for reports from program and service units of the churchwide organization. In the midst of significant budget decisions, units have continued to support the mission and ministry of this church. I am proud to serve with these

leaders.

The past several weeks have been very difficult. Each decision to end a program or staff position brought with it the reality of people's lives, their families, and their communities. Many have been the prayers of the people. Thanks be to God for God's faithfulness. Thank you for your partnership in this ministry we share for the sake of God's love for the world.

Direct us, Lord God, in all our doings with your most gracious favor, and extend to us your continual help; that in all our works begun, continued, and ended in you, we may glorify your holy name; and finally, by your mercy, bring us to everlasting life; through Jesus Christ, our Savior and Lord. (Evangelical Lutheran Worship: Pastoral Care, from a prayer of Thomas à Kempis)

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CHARTER
**Living into the Future Together: Renewing the Ecology¹ of the Evangelical
Lutheran Church in America² (ELCA)**
October 28, 2009

PURPOSE

The purpose of the ELCA Ecology Study Task Force study is to recognize the evolving societal and economic changes of the twenty years since the formation of this church, and to evaluate the organization, governance, and interrelationships among this church’s expressions in the light of those changes. The intended result of the Ecology Study Task Force’s work is a report and recommendations that will position this church for the future and explore new possibilities for participating in God’s mission.

HISTORY

At its March 2009 meeting, the ELCA Church Council authorized Presiding Bishop Mark Hanson in collaboration with the Executive Committee of the Church Council and the Conference of Bishops to appoint a study design group. The task of the study design group was to design a charter for a task force “ ... to evaluate the organization and governance of this church and the interrelationships among its expressions and partner agencies and institutions for the purpose of bringing a comprehensive report and recommendations to the 2011 Churchwide Assembly.”³ The report of the task force first will be received by the ELCA Church Council.

The study design group was formed and met on June 15-16, 2009. The group met via a conference call on August 4 and then in a face-to-face meeting on September 15-16, 2009. In fulfillment of the ELCA Church Council’s assignment, the study design group submits the charter below. The charter contains the context, scope, membership, budget, timeline, and process for the work of the proposed ELCA Ecology Study Task Force.

CONTEXT

“The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying

¹ Ecology is the science of the relationship and interdependence between living beings and their environments. It is also a study of the relationship between parts and the whole, in this case among the ELCA’s various constituencies.
² In the remainder of the charter, the Evangelical Lutheran Church in America normally will be referred to as “this church.”
³ CC09.03.04, ELCA Church Council Meeting, March 27-30, 2009.

38 activity in the world.”⁴ In light of the Evangelical Lutheran Church in America’s
39 calling to participate in God’s mission, this church is engaging in an evaluation
40 and reimagining of its ecology and related ecosystems.

41 The Church, the body of Christ, is a living entity that must be mindful of and
42 attentive to its relationships and to its contexts. The ELCA, part of the body of
43 Christ, celebrates that an important part of the ELCA identity is its relationship
44 with its partners in ministry. While each partner occupies an ecosystem of its
45 own, the three expressions of this church (congregations, synods, and the
46 churchwide organization), along with its agencies and institutions, live together
47 as they seek to participate in carrying out God’s mission in the world.

48 In the 20 years since the ELCA was created, the environment has changed
49 dramatically in ways not imagined when the ELCA was formed. There has been
50 an explosion of knowledge. New developments in technology, particularly
51 related to electronic communication, have altered the way people understand
52 and relate to one another. Globalization and mobility have produced new levels
53 of religious, ethnic, racial, and cultural diversity within American society.

54
55 Many churches in the United States have struggled to negotiate these changes
56 positively. The trends in membership and giving within the ELCA—back to its
57 predecessor bodies—reflect the challenge of envisioning these changes as rich
58 opportunities.

- 59 • In 2008, the baptized membership of the ELCA was 4.7 million while the
60 population of the United States was 304 million. In 1970, the baptized
61 membership of the ELCA was 5.7 million while the population of the United
62 States was 203 million.
- 63 • The number of those attending worship in a typical ELCA congregation has
64 declined from about 148 in 1990 to about 128 in 2008.
- 65 • The ELCA has been unable to achieve the goal it set for itself in 1988 of a 10
66 percent baptized membership of persons of color or language other than
67 English. While these groups represent 32 percent of the population in the
68 United States, they comprise only three percent of the baptized membership
69 of the ELCA.
- 70 • The membership of the ELCA is considerably older than the population of the
71 United States. The average age of a baptized member of the ELCA is about
72 56. This compares to an age of about 40 for the general population.
- 73 • In 2008, undesignated and designated giving to ELCA congregations declined
74 for the first time since the beginning of the ELCA. When adjusted for inflation,
75 undesignated and designated giving to congregations in the ELCA has risen
76 only slightly since the beginning of the ELCA.
- 77 • Congregations consistently have lowered the amount they share with their
78 synods and the churchwide organization as a percent of undesignated and
79 designated giving. In 1990, congregations remitted about 10 percent of their

⁴ELCA Constitution 4.01.

- 80 undesignated and designated giving to their synod and the churchwide
81 organization. In 2008, congregations sent about six percent.
82 • Mission support passed on from synods to the churchwide organization has
83 remained at about \$65 million since the beginning of the ELCA. Adjusting for
84 inflation, the churchwide organization is operating with half the financial
85 resources available in 1990.
86 • The American economy, which is now clearly global in its scope, has most
87 recently slipped into a recession that has impacted the financial capacities of
88 the various expressions of this church and its partners.
89 • The structure and governance practices of the ELCA (i.e., the Churchwide
90 Assembly, the Church Council, the Conference of Bishops, Synod Councils,
91 the churchwide organization) have not been evaluated as a whole in terms of
92 efficiency, effectiveness, and cost.
93

94 At the same time, in this changing, exciting, and sometimes overwhelming
95 environment, God has continued to bless this church with abundant gifts. The
96 ELCA has a long history of service through its congregations, synods, the
97 churchwide organization, seminaries, campus ministries, outdoor ministries,
98 colleges and universities, social ministry organizations, global companions, and
99 other partners. Because of the faithful commitment of the members of this
100 church, the ELCA continues to accomplish its purposes to proclaim God's saving
101 Gospel, to carry out Christ's Great Commission, to serve in response to God's
102 love to meet human needs, to worship God, to nurture members in the Word of
103 God, and to manifest unity.⁵
104

105 The ELCA gathers together 4.7 million baptized members in over 10,000
106 congregations. In 2008, 1.3 million people attended worship each week, 62,000
107 children were baptized, and \$1.9 billion was given by its members to support the
108 mission and ministry of the ELCA. This mission and ministry grow out of a
109 theological heritage that believes the Good News of Jesus Christ speaks to all
110 people and all places. Its confessional documents recognize that unity is in the
111 teaching of the Gospel and the administration of the sacraments.⁶
112

113 Over the decades, this ecology has been shaped by the Lutheran capacity for
114 broad theological reflection, dialog, and conversation. Opportunities abound for
115 participating in God's mission in creative new ways. As we live into the future
116 together, how can this church in its various expressions participate most
117 effectively in carrying out God's mission in the world?
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119
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121

⁵ ELCA Constitution 4.02

⁶ *The Book of Concord*, The Augsburg Confession, Article VII

SCOPE *[Revised November 14, 2009 2:11 p.m.]*

Recognizing these significant environmental changes, the ELCA Ecology Study Task Force will address the following questions be led by these overarching questions:

- What is God calling this church to be and to do in the future?
- What changes are in order to help us respond most faithfully?

Specific questions to be addressed are:

1. What unique gifts does our theological, confessional, and liturgical identity bring to this environment and to this time of change?
2. How is God surprising and leading us in the midst of change and uncertainty to new and distinctive opportunities?
3. What are the key changes, internal and external, that have most impacted the relationships and interdependence within and among the congregations, synods, the churchwide organization, and related organizations, agencies, entities, and partners including, but not limited to, seminaries, campus ministries, outdoor ministries, colleges and universities, social ministry organizations, ecumenical partners, global companions, and others?
4. Given the importance of congregations in the ELCA, how has the changing environment impacted their mission and relationships? How might this church through its congregations, in partnership with synods and the churchwide organization, engage in ministry with evangelical missional imagination for the sake of the world?
5. How can the ELCA's relationships with its full communion and global mission partners strengthen and extend this church's mission and ministries? How can we learn from and partner with ministries and organizations accomplishing God's work beyond this church?
6. How can this church most effectively and efficiently steward and deploy the funds available for its mission? What are the current patterns and what are their implications for future funding patterns?
7. How can the governing documents in the *Constitution, Bylaws, and Continuing Resolutions* provide structures and governance mechanisms that strengthen identity and faithfully and effectively facilitate mission and ministry?
- ~~8. What is God calling this church to be and to do in the future? What changes are in order to help us respond most faithfully?~~

167 **MEMBERSHIP**

168

169 The twelve to fifteen member members of the ELCA Ecology Study Task Force
170 will reflect a variety of perspectives and backgrounds representative of the
171 expressions of this church. The study will engage additional resource people
172 throughout the process.

173

174 **BUDGET**

175

176 The estimated expense for the ELCA Ecology Study Task Force's work for 2009
177 – 2011 is \$170,000. This includes expenses for staff support, travel, task force
178 meetings, and limited research and consultation services.

179 2009: \$35,000

180 2010: \$90,000

181 2011: \$45,000

182

183 **TIMELINE**

184

185 The ELCA Ecology Study Task Force will report regularly to the Conference of
186 Bishops and Church Council for the purpose of preparing a report and
187 recommendations for action at the August 2011 ELCA Churchwide Assembly.

188

189 **PROCESS**

190

191 The methodology with which the study proceeds will be critical and will be the
192 first order of business. The ELCA Ecology Study Task Force will carry out its
193 work with transparency and regular communication with the various
194 constituencies of the ELCA. It will seek wisdom from existing research and input
195 from the expressions of this church and its institutions, agencies, and partners.

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Evaluation of the Multicultural Ministries Program Unit
Report on the Follow-Up
Research and Evaluation and Multicultural Ministries
Kenneth Inskip and Sherman Hicks
November 3, 2009

The evaluation of the Multicultural Ministries program unit (MM) highlighted several areas where improvements could be made including better monitoring of its work, more clarity and effectiveness in the administration of all churchwide work on multicultural ministry, and developing more clarity on the role of the ethnic associations in assisting this church to become more diverse.

There are ongoing conversations between MM and Research and Evaluation (RE) on steps that can be taken by MM to improve its ability to monitor the scope and effectiveness of its work. These steps include better record keeping with regard to attendance at meetings and events and better evaluations of those events. Perhaps most important, however, are "needs assessments" that are being conducted within each of the ethnic-specific communities that will establish baselines for future evaluation.

MM has also worked diligently with the Evangelical Outreach and Congregational Ministries (EOCM) program unit to coordinate the work of the two units. This has included the following:

- Co-sponsoring a workshop on immigration issues.
- Co-convening new congregational planning teams for the five ethnic communities.
- Entering into a shared staffing arrangement for Latino ministry issues.
- Working with EOCM staff on Latino ministry issues.
- Working with EOCM staff on African Descent ministry issues.
- Co-convening the Multicultural Ministries leadership table, where each program unit, section, and office is represented.

MM is also working with Vocation and Education (VE). This has included the following:

- Helping to evaluate the ministry of the Lutheran Theological Center in Atlanta and determining its future.
- Working very closely with VE staff on various projects related to ethnic specific and multicultural issues.
- Co-sponsoring the Women of Color event.

With regard to the ethnic-specific ministry associations, there is an upcoming event in November 2009 where representatives from each of the six associations will meet with staff of MM in an attempt to better assist the associations to find and understand their role in the ELCA and to clarify their relationships with MM.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit E, Part 3
Page 2

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**ELCA CHURCHWIDE ORGANIZATION
2009 OPERATING RESULTS SUMMARY
FOR THE EIGHT MONTHS ENDING SEPTEMBER 30, 2009**

The churchwide organization of the Evangelical Lutheran Church in America had expenses in excess of revenue of \$2.8 million in current operating funds for the eight-month period ended September 30, 2009, representing a seasonal operating deficit of \$2.1 million that was favorable to the period budget by \$2.6 million.

Receipts totaled \$49.0 million for the eight-month period compared with \$52.2 million the previous year, a decrease of \$3.2 million or 6.2 percent. Expenses related to the current operating fund amounted to \$51.8 million, a decrease of \$1.1 million or 2.1 percent from September 30, 2008. Revenue was favorable to the budget by \$0.7 million or 1.5 percent, while expenses were below the authorized spending level by \$1.8 million or 3.4 percent.

Mission Support income from congregations through synods for the first eight months was \$38.3 million, a decrease of \$2.8 million or 6.7 percent. Comparing to budget, Mission Support income was just slightly off the revised budget, with an unfavorable variance of \$0.2 million or 0.5 percent.

Other temporarily restricted and unrestricted funds available for the budgeted operations of the church amounted to \$10.7 million compared with \$11.2 million in the first eight months of 2008. The largest portion of other income came from bequests and trusts, which totaled \$2.4 million and was favorable to budget by \$0.7 million, although unfavorable to 2008 by \$1.2 million. Investment income was \$1.3 million, an increase of \$1.2 million from the same period in 2008. Other sources of income included support from the Mission Investment Fund and Thrivent Financial for Lutherans for new congregational development, \$2.1 million; missionary sponsorship, \$1.9 million; endowment income, \$1.7 million; Vision for Mission, \$0.4 million; and other income of \$1.0 million.

Total contributions to the ELCA World Hunger Appeal for the first eight months were \$9.5 million, of which \$9.3 million was for the general appeal. World Hunger Appeal income was unfavorable to the same eight-month period in fiscal 2008 by \$2.8 million. A decrease in bequests and trust income was the primary factor, down \$3.0 million from the unusually high income in the first eight months of 2008. At the same time, outright gifts for World Hunger were favorable by \$0.2 million and total income for the general World Hunger appeal also was \$0.3 million ahead of estimated income for the period. ELCA members contributed \$0.8 million for the ELCA Disaster Response in the first eight months of 2009. This compares to a total of \$2.5 million in revenue for the same period in 2008.

The first eight months of 2009 closed with positive net results compared to the revised budget, but a significant unfavorable variance in comparison to the first eight months of 2008. Mission support decreased in 55 synods compared to 2008 remittances. Of those, 37 synods have remitted mission support below the prior year level by greater than five percent, with 14 being greater than ten percent. The reduced mission support income budget approved by the Church Council at their spring meeting has proven itself to be highly precise and reflects less than one-half of one percent negative variance to actual income. World Hunger income has been stable and slightly ahead of projections. Other income and expense results for the period are on plan, with slight positive variances in both cases. The churchwide organization and ELCA synods continue to monitor income very closely in their ongoing engagement with contingency planning.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit F, Part 1a
Page 2

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EVANGELICAL LUTHERAN CHURCH IN AMERICA
CURRENT OPERATING FUNDS
SUMMARY OF REVENUE AND EXPENSES
(In Thousands)
For the Period Ended September 30, 2009

	2009	2009	2008	Year-to-Date Variance	
	ACTUAL	BUDGET	ACTUAL	ACTUAL	CURRENT YEAR
				vs BUDGET	vs PRIOR YEAR
				Favorable/(Unfav)	Favorable/(Unfav)
REVENUE					
UNRESTRICTED					
Mission Support	\$ 38,293	\$ 38,482	\$ 41,054	\$ (189)	\$ (2,761)
Other	4,726	3,584	3,693	1,142	1,033
Total Unrestricted	<u>43,019</u>	<u>42,066</u>	<u>44,747</u>	<u>953</u>	<u>(1,728)</u>
TEMPORARILY RESTRICTED					
Designated Gifts	3,190	3,289	3,209	(98)	(19)
Other	2,768	2,895	4,257	(127)	(1,489)
Total Restricted	<u>5,958</u>	<u>6,184</u>	<u>7,466</u>	<u>(225)</u>	<u>(1,508)</u>
TOTAL REVENUE	\$ 48,977	\$ 48,250	\$ 52,213	\$ 727	\$ (3,236)
TOTAL EXPENSES	\$ 51,811	\$ 53,651	\$ 52,914	\$ 1,840	\$ 1,103
NET	<u>\$ (2,834)</u>	<u>\$ (5,401)</u>	<u>\$ (701)</u>	<u>\$ 2,567</u>	<u>\$ (2,133)</u>

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CURRENT OPERATING FUNDS
REVENUE SUMMARY
For the Period Ended September 30, 2009

			Year-To-Date Variance		
	2009	2009	2008	2008	
	ACTUAL	BUDGET	ACTUAL	BUDGET	
			Favorable/(Unfavor)	Favorable/(Unfavor)	
			vs. PRIOR YEAR	vs. PRIOR YEAR	
			Favorable/(Unfavor)	Favorable/(Unfavor)	
UNRESTRICTED					
Mission Support	\$ 38,292,777	\$ 38,482,314	\$ 41,053,909	\$ (189,537)	\$ (2,761,132)
Vision for Mission	401,129	666,667	475,069	(265,538)	(73,940)
Investment Income	1,339,625	666,667	92,940	672,958	1,246,685
Bequests and Trusts	1,599,644	733,333	1,329,454	866,311	270,190
Endowment	595,205	583,875	815,333	11,330	(220,128)
Rent	661,836	666,667	626,781	(4,831)	35,055
Other	128,569	266,666	353,060	(138,097)	(224,491)
Total Unrestricted	<u>43,018,785</u>	<u>42,066,189</u>	<u>44,746,546</u>	<u>952,596</u>	<u>(1,727,761)</u>
TEMPORARILY RESTRICTED					
Missionary Sponsorship	1,891,151	1,896,911	1,861,579	(5,760)	29,572
Bequests and Trusts	767,585	933,333	2,193,568	(165,748)	(1,425,983)
Endowment	1,060,698	1,021,737	1,063,455	38,961	(2,757)
Unit-Designated Gifts	174,108	266,667	222,260	(92,559)	(48,152)
Mission Investment Fund	1,125,000	1,125,000	1,125,000	-	-
Grants	940,000	940,000	1,000,000	-	(60,000)
Total Restricted	<u>5,958,542</u>	<u>6,183,648</u>	<u>7,465,862</u>	<u>(225,106)</u>	<u>(1,507,320)</u>
TOTAL REVENUE	<u>\$ 48,977,327</u>	<u>\$ 48,249,837</u>	<u>\$ 52,212,408</u>	<u>\$ 727,490</u>	<u>\$ (3,235,081)</u>

PRELIMINARY AND UNAUDITED

**EVANGELICAL LUTHERAN CHURCH IN AMERICA
 CURRENT OPERATING FUNDS
 ACTUAL EXPENSES VS. SPENDING AUTHORIZATION
 For the Period Ended September 30, 2009**

	2009 ACTUAL EXPENSES	2009 SPENDING AUTHORIZATION	Variance Favorable (Unfavorable)	Percent of Actual to Budget
PROGRAM UNITS				
Evangelical Outreach and Congregational Mission	13,975,052	14,063,420	88,368	99.37%
Global Mission	9,428,373	9,836,971	408,598	95.85%
Multicultural Ministries	747,793	831,686	83,893	89.91%
Church in Society	2,343,795	2,350,585	6,790	99.71%
Vocation and Education	7,316,370	7,587,954	271,584	96.42%
OFFICES				
Presiding Bishop	3,983,357	4,265,787	282,430	93.38%
Treasurer	4,558,303	4,533,477	(24,826)	100.55%
Secretary	2,179,562	2,384,963	205,401	91.39%
SERVICE UNITS				
Communication Services	2,225,319	2,428,850	203,531	91.62%
Development Services	1,551,367	1,678,595	127,228	92.42%
OTHER				
General Treasury	534,443	665,160	130,717	80.35%
Retiree Minimum Health Obligation	1,666,667	1,666,667	-	100.00%
Depreciation	1,104,151	1,157,180	53,029	95.42%
Strategic Initiatives	196,701	200,000	3,299	98.35%
TOTAL EXPENSES	<u>\$ 51,811,253</u>	<u>\$ 53,651,295</u>	<u>\$ 1,840,042</u>	<u>96.57%</u>

Evangelical Lutheran Church in America
SYNOCDICAL REMITTANCES
 for the period ending
 September 30, 2009

		ORIGINAL PLAN			REVISED ESTIMATE			CURRENT PERIOD		YEAR-TO-DATE			\$ VARIANCE		SPECIFIC MISSION SUPPORT
		AMOUNT	MS%	% REC'D	AMOUNT	MS%	% REC'D	2009	2008	2009	2008	% Vary	Monthly	Y-T-D	
Alaska	1A	\$ 182,839	38.00%	59.7%	\$ 180,180	39.00%	60.6%	\$ 13,419	\$ 14,498	\$ 109,227	\$ 107,863	1.3%	\$ (1,079)	\$ 1,364	19,032
N.W. Wash	1B	671,000	45.50%	60.1%	682,500	45.50%	59.1%	46,450	49,686	403,372	430,515	(6.3%)	(3,236)	(27,143)	140,868
S.W. Wash	1C	484,500	38.00%	59.1%	484,500	38.00%	59.1%	35,629	37,859	286,124	275,895	3.7%	(2,230)	10,229	88,598
E. Wash / Id	1D	411,450	39.00%	49.8%	397,800	39.00%	51.5%	19,934	21,855	204,944	200,286	2.3%	(1,921)	4,658	35,439
Oregon	1E	551,880	42.00%	54.1%	505,055	41.50%	59.1%	28,952	35,486	298,637	320,531	(6.8%)	(6,534)	(21,895)	96,342
Montana	1F	455,000	39.40%	59.9%	455,000	39.40%	59.9%	33,289	34,989	272,707	287,120	(5.0%)	(1,700)	(14,413)	97,737
Total Region 1		<u>2,756,669</u>	<u>40.81%</u>	<u>57.1%</u>	<u>2,705,035</u>	<u>40.81%</u>	<u>58.2%</u>	<u>177,674</u>	<u>194,373</u>	<u>1,575,011</u>	<u>1,622,211</u>	<u>(2.9%)</u>	<u>(16,699)</u>	<u>(47,199)</u>	<u>478,015</u>
Sierra Pacific	2A	1,300,500	51.00%	51.7%	1,300,500	51.00%	51.7%	88,331	87,663	672,039	707,102	(5.0%)	669	(35,062)	118,685
SW California	2B	765,000	51.00%	51.1%	686,000	49.00%	57.0%	39,296	78,282	391,273	474,128	(17.5%)	(38,986)	(82,855)	132,648
Pacifica	2C	1,199,377	55.00%	54.4%	1,155,763	53.00%	56.5%	84,074	97,083	652,746	766,285	(14.8%)	(13,009)	(113,539)	137,446
Grand Canyon	2D	1,504,500	51.00%	50.5%	1,351,500	51.00%	56.2%	74,850	88,538	760,157	827,873	(8.2%)	(13,688)	(67,716)	137,391
Rocky Mtn.	2E	1,750,000	50.00%	51.4%	1,500,000	50.00%	60.0%	116,238	125,704	900,070	982,938	(8.4%)	(9,466)	(82,868)	218,381
Total Region 2		<u>6,519,377</u>	<u>51.41%</u>	<u>51.8%</u>	<u>5,993,763</u>	<u>50.88%</u>	<u>56.3%</u>	<u>402,790</u>	<u>477,270</u>	<u>3,376,284</u>	<u>3,758,325</u>	<u>(10.2%)</u>	<u>(74,481)</u>	<u>(382,041)</u>	<u>744,551</u>
W. No. Dak	3A	395,000	41.49%	56.8%	385,140	42.00%	58.3%	26,856	33,065	224,448	221,901	1.1%	(6,209)	2,547	62,617
E. No. Dak	3B	561,700	41.00%	47.5%	480,000	40.00%	55.6%	35,459	38,915	266,640	243,059	9.7%	(3,457)	23,581	41,920
South Dak	3C	939,120	42.00%	60.3%	914,546	42.00%	62.0%	65,968	78,701	566,636	568,083	(0.3%)	(12,732)	(1,447)	148,577
N.W. Minn	3D	956,250	51.00%	48.8%	867,000	51.00%	53.8%	70,066	63,201	466,216	462,533	0.8%	6,865	3,683	52,745
N.E. Minn	3E	710,500	49.00%	53.9%	681,000	49.00%	56.3%	53,890	58,918	383,301	411,668	(6.9%)	(5,028)	(28,368)	125,730
S.W. Minn	3F	1,293,555	52.50%	57.1%	1,293,555	52.50%	57.1%	85,487	72,036	738,077	741,535	(0.5%)	13,451	(3,458)	241,732
Mpls Area	3G	2,090,000	55.00%	48.5%	2,090,000	55.00%	48.5%	95,086	122,754	1,012,981	1,121,840	(9.7%)	(27,668)	(108,859)	335,761
St. Paul Area	3H	1,179,000	50.00%	55.7%	1,128,000	50.00%	58.2%	89,587	97,632	656,688	705,885	(7.0%)	(8,046)	(49,197)	104,636
S.E. Minn	3I	1,206,450	52.50%	52.7%	1,144,500	52.50%	55.6%	71,242	77,585	636,134	640,565	(0.7%)	(6,343)	(4,431)	233,137
Total Region 3		<u>9,331,575</u>	<u>49.63%</u>	<u>53.1%</u>	<u>8,983,741</u>	<u>49.68%</u>	<u>55.1%</u>	<u>593,641</u>	<u>642,808</u>	<u>4,951,121</u>	<u>5,117,069</u>	<u>(3.2%)</u>	<u>(49,166)</u>	<u>(165,948)</u>	<u>1,346,856</u>

Evangelical Lutheran Church in America
SYNOCDICAL REMITTANCES
 for the period ending
 September 30, 2009

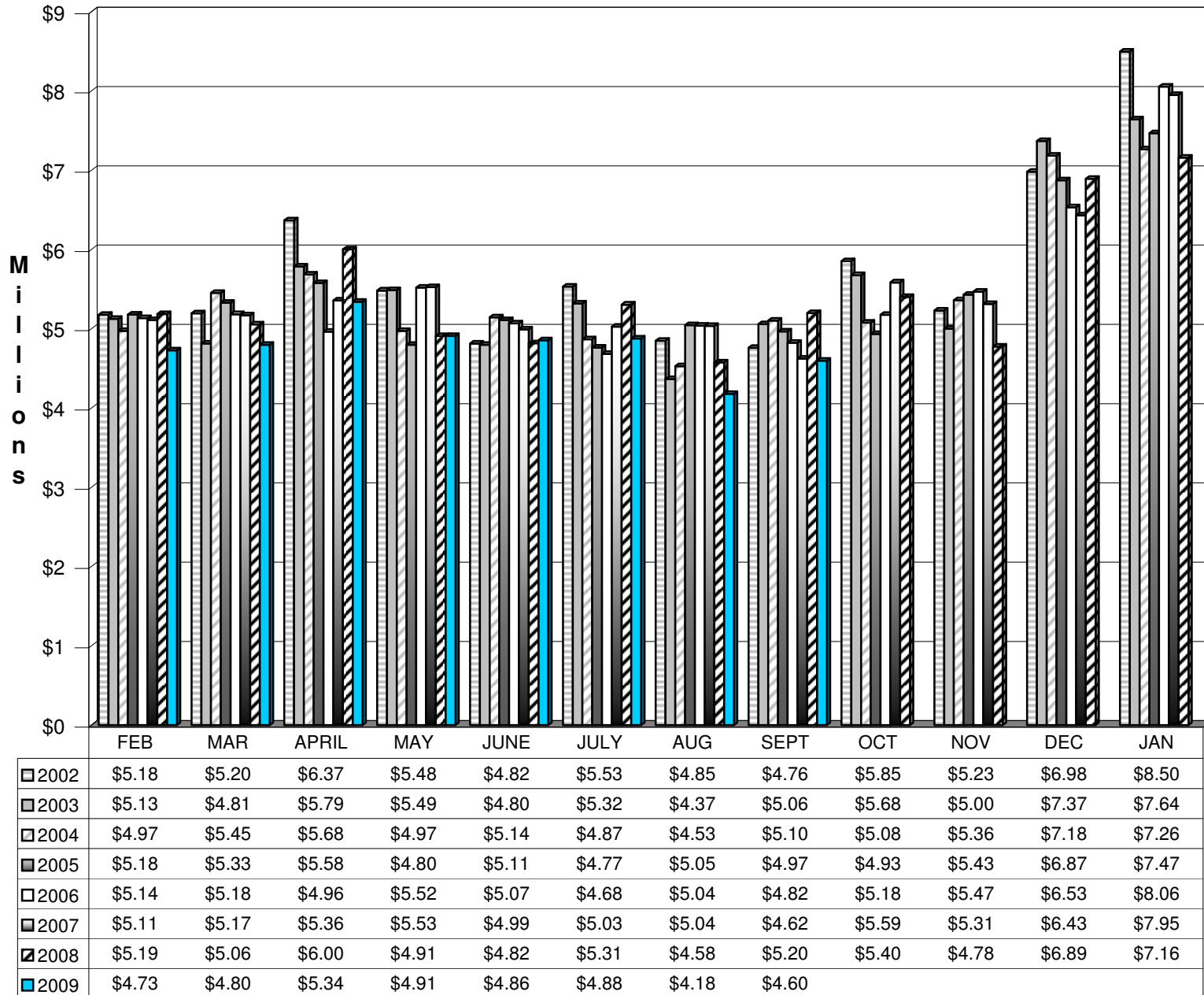
		ORIGINAL PLAN			REVISED ESTIMATE			CURRENT PERIOD		YEAR-TO-DATE			\$ VARIANCE		SPECIFIC MISSION SUPPORT
		AMOUNT	MS%	% REC'D	AMOUNT	MS%	% REC'D	2009	2008	2009	2008	% Vary	Monthly	Y-T-D	
Nebraska	4A	2,365,500	57.00%	64.9%	2,365,500	57.00%	64.9%	183,322	196,186	1,536,350	1,595,166	(3.7%)	(12,864)	(58,816)	146,088
Central States	4B	1,166,000	53.00%	62.8%	1,174,654	53.00%	62.3%	91,845	117,560	732,190	773,785	(5.4%)	(25,715)	(41,595)	97,329
Ark/Ok	4C	293,983	42.70%	54.3%	284,504	42.80%	56.1%	18,956	22,770	159,562	183,005	(12.8%)	(3,814)	(23,443)	25,449
N Tx / N La	4D	669,619	46.00%	61.1%	655,354	46.50%	62.4%	52,554	45,605	409,146	392,466	4.3%	6,949	16,680	63,123
S.W. Tex	4E	1,080,750	55.00%	64.6%	1,188,825	55.00%	58.7%	63,217	81,480	697,792	713,457	(2.2%)	(18,263)	(15,665)	83,611
Tx.-La. Gulf Coa:	4F	800,000	50.00%	61.3%	800,000	50.16%	61.3%	63,790	29,626	490,679	490,947	(0.1%)	34,165	(268)	71,130
Total Region 4		6,375,852	52.87%	63.1%	6,468,837	53.04%	62.2%	473,683	493,226	4,025,720	4,148,827	(3.0%)	(19,543)	(123,107)	486,729
Metro Chicago	5A	2,110,366	55.10%	57.7%	1,975,993	55.00%	61.6%	172,399	153,760	1,217,208	1,196,120	1.8%	18,639	21,088	173,579
No. Illinois	5B	1,614,250	55.00%	56.4%	1,508,518	55.00%	60.4%	96,471	126,792	911,158	1,013,844	(10.1%)	(30,321)	(102,686)	146,527
Gen. So. Ill	5C	1,078,000	56.00%	62.0%	1,078,000	56.00%	62.0%	82,854	88,017	668,202	704,488	(5.2%)	(5,163)	(36,286)	114,918
S.E. Iowa	5D	1,776,085	53.50%	58.2%	1,543,700	53.50%	66.9%	123,895	120,669	1,033,010	1,075,867	(4.0%)	3,226	(42,857)	128,729
West Iowa	5E	613,800	49.50%	51.3%	624,690	49.50%	50.4%	17,500	42,500	315,000	340,000	(7.4%)	(25,000)	(25,000)	91,609
N.E. Iowa	5F	798,000	42.00%	45.2%	798,000	42.00%	45.2%	32,700	57,226	360,548	390,107	(7.6%)	(24,525)	(29,559)	160,700
N. Great Lakes	5G	564,425	53.50%	56.4%	535,535	53.50%	59.4%	31,667	50,643	318,265	336,258	(5.4%)	(18,975)	(17,993)	75,014
NW of Wisc	5H	1,029,022	58.00%	46.1%	812,900	55.00%	58.4%	59,577	55,646	474,859	501,615	(5.3%)	3,931	(26,756)	119,730
E.C. Wisc	5I	1,072,500	55.00%	53.8%	1,017,500	55.00%	56.7%	69,312	74,088	576,835	606,683	(4.9%)	(4,777)	(29,848)	312,639
Grtr Milwaukee	5J	1,600,000	61.00%	56.0%	1,442,400	60.10%	62.2%	111,296	116,340	896,630	936,629	(4.3%)	(5,043)	(39,999)	135,926
SC of Wisc	5K	1,072,000	57.90%	52.7%	1,072,000	57.90%	52.7%	64,561	83,603	564,448	602,200	(6.3%)	(19,043)	(37,752)	132,883
LaCrosse (W)	5L	480,000	55.00%	60.3%	475,000	55.00%	60.9%	37,151	36,794	289,372	296,987	(2.6%)	357	(7,615)	109,847
Total Region 5		13,808,448	54.63%	55.2%	12,884,236	54.24%	59.2%	899,383	1,006,078	7,625,535	8,000,799	(4.7%)	(106,695)	(375,264)	1,702,100
SE Mich	6A	980,500	53.00%	44.5%	726,880	44.00%	60.1%	53,060	81,050	436,619	571,090	(23.5%)	(27,990)	(134,470)	38,223
NW Lower Mich	6B	994,500	51.00%	56.8%	984,300	51.00%	57.4%	67,225	85,485	564,873	625,468	(9.7%)	(18,261)	(60,594)	85,119 *
Ind / Ky	6C	1,400,000	51.00%	57.1%	1,390,500	51.50%	57.5%	115,861	132,034	799,076	861,454	(7.2%)	(16,173)	(62,378)	174,573 *
N.W. Ohio	6D	1,342,524	51.00%	52.4%	1,276,275	51.00%	55.2%	99,594	108,534	704,114	773,092	(8.9%)	(8,940)	(68,978)	173,715
N.E. Ohio	6E	1,160,000	50.00%	57.8%	1,029,000	49.00%	65.1%	84,734	91,685	670,190	684,983	(2.2%)	(6,951)	(14,793)	23,467
S. Ohio	6F	1,288,000	50.00%	52.9%	1,186,700	50.00%	57.4%	74,117	95,833	681,496	760,831	(10.4%)	(21,716)	(79,335)	116,871
Total Region 6		7,165,524	50.92%	53.8%	6,593,655	49.73%	58.5%	494,591	594,621	3,856,369	4,276,918	(9.8%)	(100,030)	(420,549)	611,969

Evangelical Lutheran Church in America
SYNOCDICAL REMITTANCES
 for the period ending
 September 30, 2009

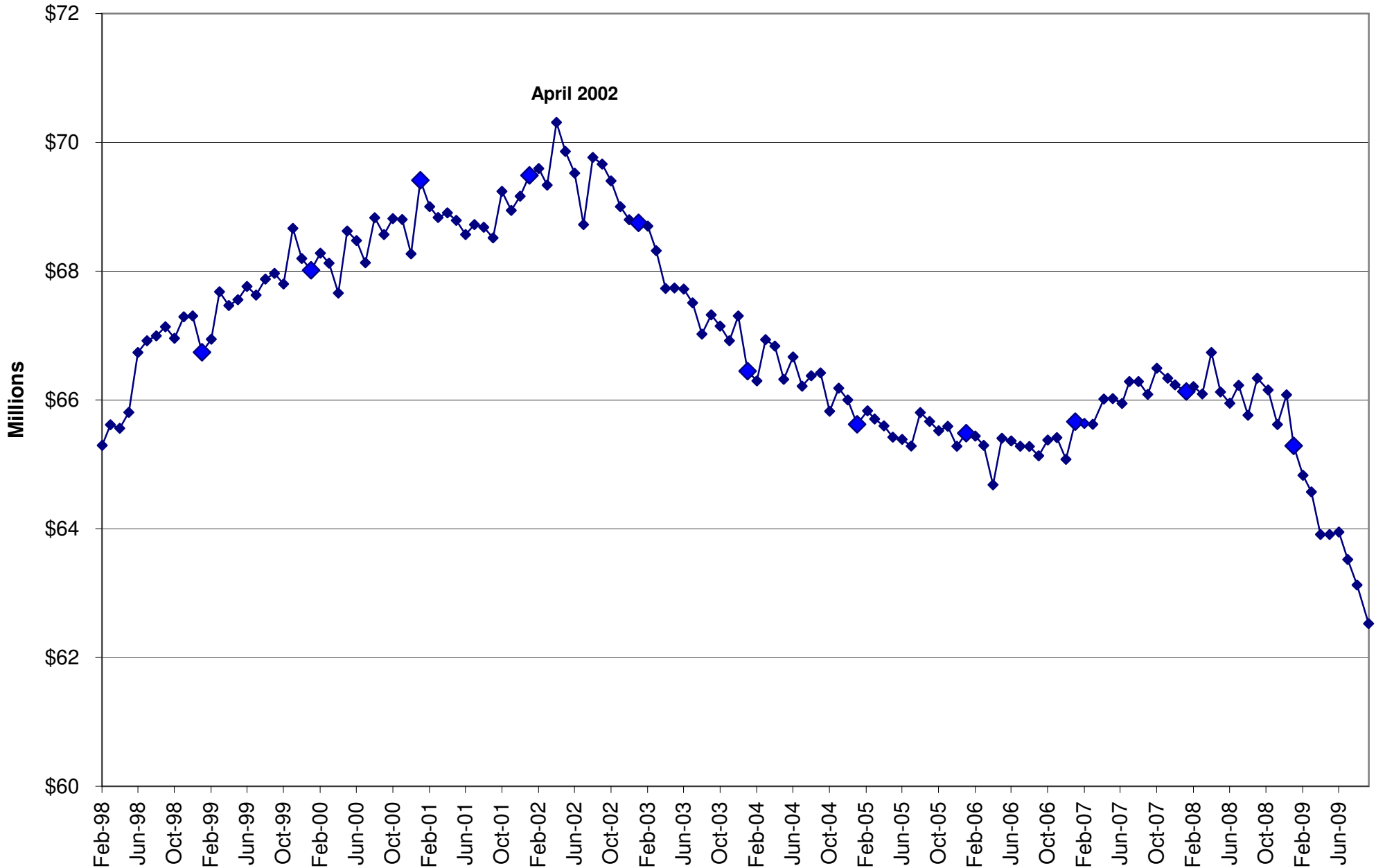
		ORIGINAL PLAN			REVISED ESTIMATE			CURRENT PERIOD		YEAR-TO-DATE			\$ VARIANCE		SPECIFIC MISSION SUPPORT
		AMOUNT	MS%	% REC'D	AMOUNT	MS%	% REC'D	2009	2008	2009	2008	% Vary	Monthly	Y-T-D	
New Jersey	7A	1,350,000	50.00%	51.8%	1,200,000	50.00%	58.3%	83,794	88,231	699,226	734,459	(4.8%)	(4,437)	(35,232)	130,986
New England	7B	1,330,906	55.00%	55.4%	1,209,509	55.00%	61.0%	91,907	79,686	737,311	764,410	(3.5%)	12,221	(27,099)	64,037
Metro NY	7C	665,000	47.50%	51.5%	665,000	47.50%	51.5%	41,088	59,464	342,678	374,084	(8.4%)	(18,375)	(31,407)	32,617
Upstate NY	7D	868,800	48.00%	49.1%	774,550	47.00%	55.1%	54,375	62,711	426,444	479,179	(11.0%)	(8,336)	(52,735)	49,584
N.E. Penn	7E	1,600,600	53.00%	55.5%	1,428,000	51.00%	62.2%	118,016	115,196	888,467	939,104	(5.4%)	2,820	(50,637)	247,024
S.E. Penn	7F	1,524,800	53.50%	54.1%	1,444,550	53.50%	57.1%	107,597	127,579	824,341	916,672	(10.1%)	(19,982)	(92,331)	141,161
Slovak Zion	7G	36,000	30.00%	50.0%	36,000	30.51%	50.0%	-	3,000	18,000	21,000	(14.3%)	(3,000)	(3,000)	5,500
Total Region 7		7,376,106	51.51%	53.4%	6,757,609	50.94%	58.3%	496,777	535,867	3,936,468	4,228,908	(6.9%)	(39,090)	(292,441)	670,908
N.W. Penn	8A	465,000	49.50%	60.5%	465,000	49.50%	60.5%	36,904	39,998	281,507	296,379	(5.0%)	(3,094)	(14,872)	72,747
S.W. Penn	8B	1,300,000	55.00%	60.9%	1,300,000	55.00%	60.9%	96,405	120,310	792,169	837,525	(5.4%)	(23,904)	(45,356)	154,814
Allegheny	8C	515,000	50.00%	60.5%	499,337	48.52%	62.4%	38,584	48,286	311,794	308,578	1.0%	(9,702)	3,215	24,305
Lower Susq	8D	2,000,000	50.00%	56.5%	2,000,000	50.00%	56.5%	146,661	145,139	1,129,642	1,287,818	(12.3%)	1,521	(158,176)	364,928
Upper Susq	8E	621,000	50.00%	58.3%	625,000	50.00%	57.9%	53,341	45,861	362,161	362,073	0.0%	7,481	89	83,904
Del / Md	8F	1,472,057	53.00%	52.1%	1,472,057	53.00%	52.1%	86,735	99,217	767,024	873,187	(12.2%)	(12,481)	(106,163)	90,732
Metro DC	8G	1,071,125	55.00%	57.7%	1,071,125	55.00%	57.7%	108,380	102,119	617,823	654,906	(5.7%)	6,261	(37,083)	61,695
W Virg-W Mlyd	8H	350,875	51.50%	62.8%	342,872	51.50%	64.3%	23,515	28,347	220,416	226,776	(2.8%)	(4,832)	(6,360)	24,391
Total Region 8		7,795,057	52.03%	57.5%	7,775,391	51.93%	57.7%	590,526	629,277	4,482,537	4,847,241	(7.5%)	(38,751)	(364,704)	877,516
Virginia	9A	1,193,202	50.60%	58.9%	1,118,449	50.60%	62.9%	93,289	102,112	703,117	760,277	(7.5%)	(8,823)	(57,160)	119,119
N. Carolina	9B	2,000,000	39.89%	56.8%	2,000,000	40.50%	56.8%	83,333	175,000	1,136,400	1,400,000	(18.8%)	(91,667)	(263,600)	112,332
S. Carolina	9C	1,575,000	45.00%	53.4%	1,417,700	44.03%	59.3%	105,054	130,979	840,432	1,047,832	(19.8%)	(25,925)	(207,400)	131,277
Southeastern	9D	1,544,600	50.00%	56.6%	1,544,600	50.00%	56.6%	88,192	112,427	873,724	906,966	(3.7%)	(24,235)	(33,242)	65,071
Florida-Bahamas	9E	1,553,609	51.00%	57.6%	1,405,570	51.00%	63.7%	99,400	104,313	895,255	918,136	(2.5%)	(4,913)	(22,881)	162,678
Caribbean	9F	40,000	15.00%	37.0%	40,000	15.00%	37.0%	-	-	14,804	20,400	(27.4%)	-	(5,596)	4,791
Total Region 9		7,906,411	45.77%	56.5%	7,526,319	45.67%	59.3%	469,268	624,831	4,463,732	5,053,611	(11.7%)	(155,563)	(589,879)	595,268
Total		\$ 69,035,019	50.68%	55.5%	\$ 65,688,586	50.52%	58.3%	\$ 4,598,332	\$ 5,198,351	\$ 38,292,777	\$ 41,053,909	(6.7%)	(\$600,019)	\$ (2,761,132)	7,513,912

* Includes additional 2008 mission support remitted in 2009.

**Evangelical Lutheran Church in America
 Synodical Mission Support By Month
 2002 - 2009**



Mission Support Received In Preceding 12 Months Through September 2009



EVANGELICAL LUTHERAN CHURCH IN AMERICA
WORLD HUNGER - REVENUE AND EXPENSES
ACTUAL VS. ESTIMATE
For the Fiscal Year Ended September 30, 2009

	<u>Beginning Balance</u>	<u>Actual</u>	<u>Estimate</u>	<u>Income and Expense Variances</u> <u>Favorable (Unfavorable)</u>		<u>Ending Balance</u>
				<u>Actual Vs. Estimate</u>	<u>Current Vs. Previous Year</u>	
Annual Appeal						
Income:						
Through Synods		\$ 5,060,088	\$ 5,537,920	\$ (477,832)	\$ (556,141)	
Direct Giving		3,384,530	2,811,400	573,130	749,260	
Endowments		348,583	300,000	48,583	47,522	
Bequests, Miscellaneous		510,360	333,333	177,027	(3,040,497)	
Total Income		9,303,561	8,982,653	320,908	(2,799,856)	
Expense:						
Global Mission		5,651,071	5,982,647	331,576	423,198	
Church in Society		1,864,629	2,125,633	261,004	(117,218)	
Vocation and Education		90,733	100,150	9,417	(31,673)	
Development Services		738,374	1,037,245	298,871	15,210	
Total Expense		8,344,807	9,245,675	900,868	289,517	
Net Current Year Activity	\$ 2,244,206	\$ 958,754	\$ (263,022)	\$ 1,221,776	\$ (2,510,339)	\$ 3,202,960
Specific Funds						
HIV/AIDS Strategy						
Income		29,682			29,682	
Expense		530			530	
Net Current Year Activity	\$400,000	29,152			29,152	\$429,152
Lutheran Malaria Initiative						
Income		15,712			15,712	
Expense		134,614			(134,614)	
Net Current Year Activity	\$1,088,485	(118,902)			(118,902)	\$969,583
Stand With Africa						
Income		122,854			(90,743)	
Expense		350,850			101,003	
Net Current Year Activity	\$796,139	(227,996)			10,260	\$568,143
Other						
Income		43,584			5,350	
Expense		-			65,219	
Net Current Year Activity	\$119,306	43,584			70,569	\$162,890
Total World Hunger Funds						
Income		9,515,393	8,982,653	320,908	(2,839,855)	
Expense		8,830,801	9,245,675	900,868	321,655	
Net Current Year Activity	\$ 4,648,136	\$ 684,592	\$ (263,022)	\$ 1,221,776	\$ (2,518,200)	\$ 5,332,728

EVANGELICAL LUTHERAN CHURCH IN AMERICA
Consolidating Statement of Financial Position

	<u>Churchwide</u> <u>Operations</u>	<u>Endowment</u> <u>Funds</u>	<u>Deferred Gift</u> <u>Funds</u>	<u>Total</u> <u>September</u> <u>2009</u>	<u>Total</u> <u>September</u> <u>2008</u>
ASSETS					
Cash and Cash Equivalents	3,457,942	(112,943)	6,461,522	9,806,521	19,675,302
Cash and Securities Held as Collateral for Securities Loaned	-	-	33,142,001	33,142,001	49,491,635
Payables Under Securities Loan Agreements	-	-	(33,142,001)	(33,142,001)	(49,491,635)
Investments	34,829,049	326,456,326	177,157,026	538,442,401	519,004,401
Accounts Receivable	6,406,246	-	200,953	6,607,199	7,005,472
Notes Receivable	3,068,657	-	905,000	3,973,657	2,992,284
Due from Affiliates	2,652,086	-	-	2,652,086	3,197,643
Interest Receivable	-	-	1,067,600	1,067,600	1,177,824
Advances and Other Assets	2,305,401	-	12,285	2,317,686	3,699,604
Real Estate Investments	74,961	-	-	74,961	74,961
Beneficial Interest in Outside Trusts	-	12,846,132	1,128,788	13,974,920	18,618,882
Cash Surrender Value of Life Insurance	1,545,744	2,999,176	-	4,544,920	4,248,346
Property, Plant & Equipment	64,955,769	-	91,682	65,047,451	63,253,015
Accumulated Depreciation/Amortization	(36,089,906)	-	-	(36,089,906)	(34,444,341)
Other Non-Current Assets	959,618	-	-	959,618	993,587
TOTAL ASSETS	84,165,567	342,188,691	187,024,856	613,379,114	609,496,980
LIABILITIES					
Accounts Payable	2,287,468	234,182	1,763,075	4,284,725	2,219,547
Mortgage and Notes Payable	4,609,550	-	-	4,609,550	6,461,166
Accrued Liabilities	2,092,615	-	11,100	2,103,715	1,978,668
Due to Related Organizations	-	2,007,970	35,716	2,043,686	1,844,899
Unfunded Post-Retirement Medical Liability	-	-	-	-	-
Deferred Revenue	16,584	192,041	1,221,894	1,430,519	4,785,880
Annuities Payable	-	-	82,629,756	82,629,756	104,113,923
Funds Held for Others in Perpetuity	-	37,013,172	-	37,013,172	33,932,586
Funds Held for Others	-	124,229,903	45,916,987	170,146,890	181,388,635
Total Liabilities	9,006,217	163,677,268	131,578,528	304,262,013	336,725,304
NET ASSETS					
Unrestricted/Undesignated	32,837,455	3,694,736	7,471,511	44,003,702	49,226,303
Designated	15,496,651	-	-	15,496,651	11,568,141
Temporarily Restricted	26,825,244	45,059,231	36,040,532	107,925,007	68,056,475
Permanently Restricted	-	129,757,456	11,934,285	141,691,741	143,920,757
Total Net Assets	75,159,350	178,511,423	55,446,328	309,117,101	272,771,676
TOTAL LIABILITIES AND NET ASSETS	84,165,567	342,188,691	187,024,856	613,379,114	609,496,980

EVANGELICAL LUTHERAN CHURCH IN AMERICA
Statement of Financial Position
Churchwide Operations

	September 2009	September 2008
	<u> </u>	<u> </u>
ASSETS		
Cash and Cash Equivalents	3,457,942	6,407,039
Investments	34,829,049	33,499,081
Accounts Receivable	6,406,246	6,797,638
Notes Receivable	3,068,657	2,087,284
Due from Affiliates	2,652,086	3,197,643
Advances and Other Assets	2,305,401	3,695,310
Real Estate Investments	74,961	74,961
Cash Surrender Value of Life Insurance	1,545,744	1,391,891
Property, Plant & Equipment	64,955,769	63,177,995
Accumulated Depreciation/Amortization	(36,089,906)	(34,444,341)
Other Non-Current Assets	959,618	993,587
	<u> </u>	<u> </u>
TOTAL ASSETS	<u>84,165,567</u>	<u>86,878,088</u>
LIABILITIES		
Accounts Payable	2,287,468	1,710,385
Mortgage and Notes Payable	4,609,550	6,461,166
Accrued Liabilities	2,092,615	1,960,044
Deferred Revenue	16,584	2,596,829
Total Liabilities	<u>9,006,217</u>	<u>12,728,424</u>
NET ASSETS		
Unrestricted/Undesignated	32,837,455	33,046,975
Designated	15,496,651	11,568,141
Restricted	26,825,244	29,534,548
Total Net Assets	<u>75,159,350</u>	<u>74,149,664</u>
TOTAL LIABILITIES AND NET ASSETS	<u>84,165,567</u>	<u>86,878,088</u>

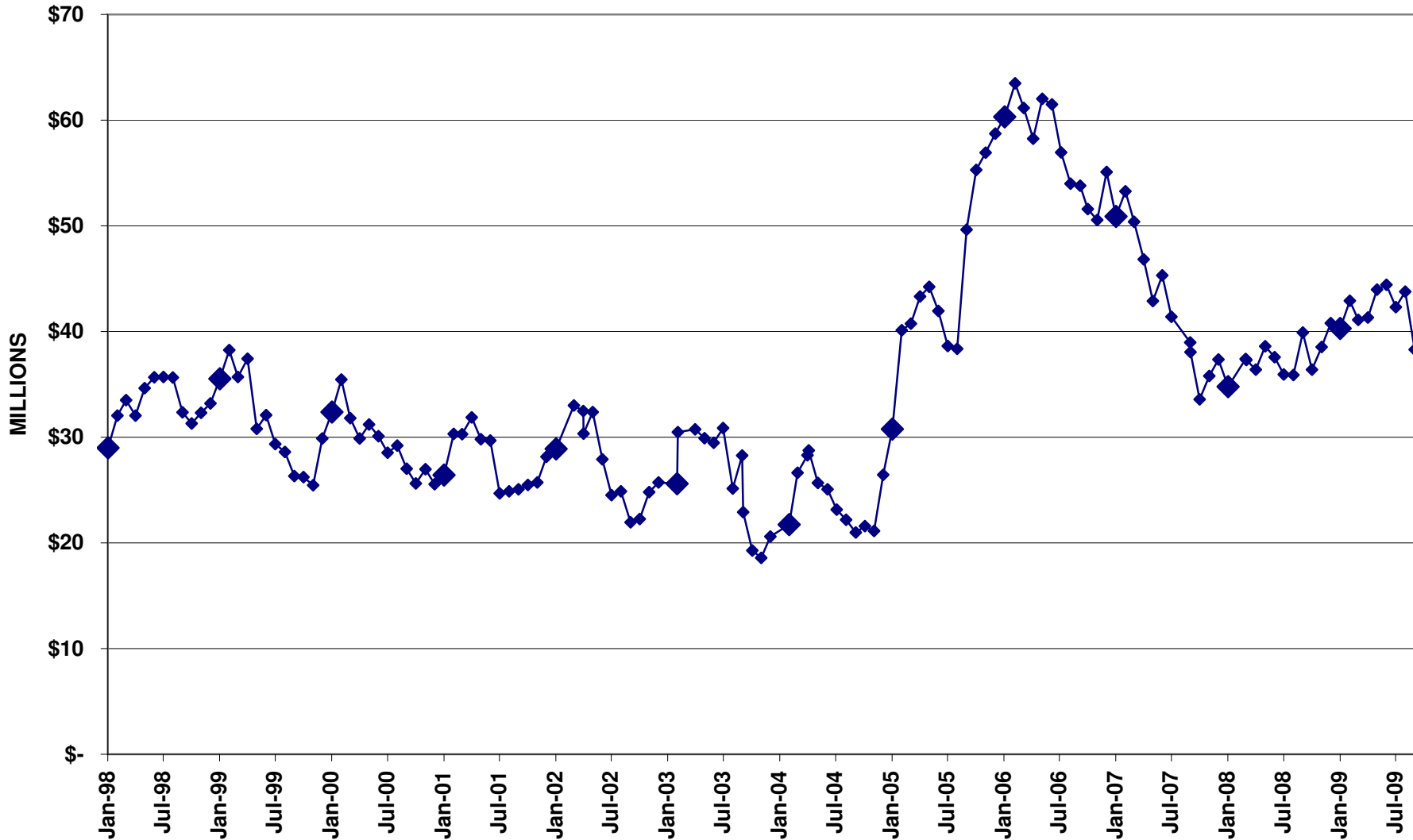
EVANGELICAL LUTHERAN CHURCH IN AMERICA
Statement of Financial Position
Endowment Funds

	September 2009	September 2008
	<u> </u>	<u> </u>
ASSETS		
Cash and Cash Equivalents	(112,943)	5,285,454
Investments	326,456,326	310,802,570
Accounts Receivable	-	208
Beneficial Interest in Outside Trusts	12,846,132	17,251,240
Cash Surrender Value of Life Insurance	2,999,176	2,856,455
	<u> </u>	<u> </u>
TOTAL ASSETS	<u>342,188,691</u>	<u>336,195,927</u>
LIABILITIES		
Accounts Payable	234,182	22,692
Due to Affiliates	2,007,970	1,274,563
Deferred Revenue	192,041	178,541
Funds Held for Others in Perpetuity	37,013,172	33,932,586
Funds Held For Others	124,229,903	126,643,762
	<u> </u>	<u> </u>
Total Liabilities	<u>163,677,268</u>	<u>162,052,144</u>
NET ASSETS		
Unrestricted	3,694,736	8,976,270
Temporarily Restricted	45,059,231	36,552,501
Permanently Restricted	129,757,456	128,615,012
	<u> </u>	<u> </u>
Total Net Assets	<u>178,511,423</u>	<u>174,143,783</u>
	<u> </u>	<u> </u>
TOTAL LIABILITIES AND NET ASSETS	<u>342,188,691</u>	<u>336,195,927</u>

EVANGELICAL LUTHERAN CHURCH IN AMERICA
Statement of Financial Position
Deferred Gifts Fund

	<u>September 2009</u>	<u>September 2008</u>
ASSETS		
Cash and Cash Equivalents	6,461,522	7,982,809
Cash and Securities Held as Collateral for Securities Loaned	33,142,001	49,491,635
Payables Under Securities Loan Agreements	(33,142,001)	(49,491,635)
Investments	177,157,026	174,702,750
Accounts Receivable	200,953	207,626
Notes Receivable	905,000	905,000
Prepaid Expenses and Other Assets	12,285	4,294
Interest Receivable	1,067,600	1,177,824
Beneficial Interest in Perpetual Trusts	1,128,788	1,367,642
Property, Plant & Equipment	91,682	75,020
TOTAL ASSETS	<u>187,024,856</u>	<u>186,422,965</u>
LIABILITIES		
Accounts Payable	1,763,075	486,470
Due to Affiliates	35,716	570,336
Other Liabilities	11,100	18,624
Deferred Revenue	1,221,894	2,010,510
Annuities Payable	82,629,756	104,113,923
Funds Held for Others	45,916,987	54,744,873
Total Liabilities	<u>131,578,528</u>	<u>161,944,736</u>
NET ASSETS		
Unrestricted	7,471,511	7,203,058
Temporarily Restricted	36,040,532	1,969,426
Permanently Restricted	11,934,285	15,305,745
Total Net Assets	<u>55,446,328</u>	<u>24,478,229</u>
TOTAL LIABILITIES AND NET ASSETS	<u>187,024,856</u>	<u>186,422,965</u>

Cash and Short Term Investments 1998 - September 2009



**SUMMARY OF REVENUE, EXPENSE AND NET ASSETS FOR ALL FUNDS
 FOR THE PERIOD ENDING SEPTEMBER 30, 2009**

	Current Funds	Designated Funds			Restricted Funds			Total All Funds		
		Youth Gathering	The Lutheran	Other	Total Designated	World Hunger (1)	Disaster Response		Other	Total Restricted
Revenue	\$48,977,327	\$10,851,398	\$2,356,685	\$897,401	\$14,105,485	\$9,515,393	\$758,154	\$4,940,709	\$15,214,256	\$78,297,068
Expense	51,811,253	6,047,194	2,279,746	1,629,917	9,956,856	8,830,801	1,876,977	\$4,396,565	15,104,343	76,872,452
Net Revenue In Excess of Expense	(\$2,833,926)	\$4,804,205	\$76,940	(\$732,515)	\$4,148,629	\$684,592	(\$1,118,823)	\$544,144	\$109,913	\$1,424,616
Beginning Net Assets	35,671,381	(409,726)	294,829	11,462,896	11,347,999	4,648,136	9,235,769	12,831,426	26,715,331	73,734,711
Ending Net Assets	<u>\$32,837,455</u>	<u>\$4,394,479</u>	<u>\$371,769</u>	<u>\$10,730,381</u>	<u>\$15,496,628</u>	<u>\$5,332,728</u>	<u>\$8,116,946</u>	<u>\$13,375,570</u>	<u>\$26,825,244</u>	<u>\$75,159,327</u>

(1) Includes designated World Hunger programs.

Analysis of ELCA Capital Projects
As of 09/30/09

<i>Type</i>	<i>PROJECT DESCRIPTION</i>	<i>JOB KEY</i>	<i>Original Budget</i>	<i>Projects Approved</i>	<i>Expenses YTD</i>	<i>Project Balance</i>	<i>Percent Expensed</i>	<i>Unallocated Category Budget</i>
Computer Software and Systems (Non PC) 001	Annual Budget		\$1,650,000					1,650,000
	Data Center Server Refresh	01-09001-001		283,500	275,317	8,183	97.11%	1,366,500
	IT Disaster Recovery Plan	01-09002-001		291,420	189,065	102,355	64.88%	1,075,080
	Integrated Data	01-09005-001		1,000,000	548,495	451,505	54.85%	75,080
Unit Cubicle Configurations 002	Annual Budget		50,000					50,000
Equipment Purchases 003	Annual Budget		266,150					266,150
	Postage Mailing machine	01-09004-003		36,223	36,225	(3)	100.01%	229,928
Building/Complex Maintenance 004	Annual Budget		400,000					400,000
	Cold Water Ice Dispensers	01-09003-004		9,000	6,423	2,577	71.37%	391,000
	Conference Room Audio/Visual	01-09006-004		47,695	22,471	25,224	47.11%	343,305
Tenant Lease Allowances 005	Annual Budget		350,000					350,000
New Building Purchases 006	Annual Budget		-					-
Contingency	Annual Budget		83,850					83,850
Total Available			\$2,800,000	\$1,667,838	\$1,077,995	\$589,842	64.63%	1,132,163

Previously Approved Projects Not Yet Completed

		Original Amount	Unspent Balance	Expenses 2009	Project Balance	Percent Expensed
COGNOS Upgrade	01-07012-001	30,000	1,100	-	1,100	96.33%
IFAS 7i Web-Based Upgrade	01-08007-001	147,000	45,608	15,394	30,214	79.45%
SAN and SQL Hardware	01-08017-001	200,000	22,800	18,296	4,504	97.75%
Archives Shelving	01-08018-003	50,000	50,000	53,328	(3,328)	106.66%
Cooling Tower	01-08010-004	166,850	129,703	117,532	12,171	92.71%
O'Hare Plaza Signage	01-08012-004	23,375	23,375	23,375	-	100.00%
Garage Drainage Pipes	01-08019-004	56,960	5,248		5,248	90.79%
Content Management System	01-07008-001	164,220	24,855	32,028	(7,173)	104.37%
Total Other Previous Year Projects		838,405	302,688	259,953	42,736	

Total 2009 Expenses

1,337,948

Evangelical Lutheran Church in America
 2010 and 2011 Revised Income Estimate

	2007 Actual	2008 Actual	2009 Estimate	2010			2011		
				CWA Budget	Post CWA Revisions	Revised Estimate	CWA Budget	Post CWA Revisions	Revised Estimate
CURRENT FUNDS									
UNRESTRICTED									
Mission Support	\$ 66,129,117	\$ 65,286,926	\$ 62,000,000	62,250,000	(7,150,000)	55,100,000	62,500,000	(7,500,000)	55,000,000
Vision for Mission	1,211,077	1,052,162	1,000,000	1,000,000		1,000,000	1,000,000		1,000,000
Investment Income	2,730,165	1,297,328	1,000,000	1,000,000	(400,000)	600,000	1,000,000	(400,000)	600,000
Bequests & Trusts	1,573,182	1,574,683	1,100,000	1,100,000		1,100,000	1,100,000		1,100,000
Endowment	731,174	1,021,411	778,500	700,650	0	700,650	644,600	25,000	669,600
Rent	934,724	991,202	1,000,000	1,000,000		1,000,000	1,000,000		1,000,000
Other	1,000,124	439,908	400,000	400,000	(67,650)	332,350	400,000	(67,100)	332,900
Total Unrestricted	\$74,309,563	\$71,663,622	\$67,278,500	\$67,450,650	(\$7,617,650)	\$59,833,000	\$67,644,600	(\$7,942,100)	\$59,702,500
TEMPORARILY RESTRICTED									
Missionary Support	3,828,427	3,772,404	3,800,000	3,800,000		3,800,000	3,800,000		3,800,000
Bequests and Trusts	757,825	3,445,639	1,400,000	1,400,000		1,400,000	1,400,000		1,400,000
Endowment	1,481,313	1,540,487	1,490,400	1,341,350	(51,550)	1,289,800	1,233,400	14,100	1,247,500
Unit Designated	427,885	486,808	400,000	400,000		400,000	400,000		400,000
Mission Investment Fund	1,500,000	1,500,000	1,500,000	1,500,000		1,500,000	1,500,000		1,500,000
Grants	1,000,000	1,000,000	940,000	800,000		800,000	800,000	(80,000)	720,000
Total Restricted	\$8,995,450	\$11,745,338	\$9,530,400	\$9,241,350	(\$51,550)	\$9,189,800	\$9,133,400	(\$65,900)	\$9,067,500
Total Current Funds	\$83,305,013	\$83,408,960	\$76,808,900	\$76,692,000	(\$7,669,200)	\$69,022,800	\$76,778,000	(\$8,008,000)	\$68,770,000
WORLD HUNGER									
Gifts:									
Through Synods	\$ 11,572,439	10,863,914	\$ 11,200,000	\$ 11,200,000		11,200,000	\$ 11,300,000		11,300,000
Through Direct Giving	7,144,137	6,209,894	6,600,000	6,600,000		6,600,000	6,750,000		6,750,000
Endowment	292,571	416,750	400,000	400,000		400,000	450,000		450,000
Bequests and Misc.	2,276,883	3,914,802	500,000	500,000		500,000	500,000		500,000
Total World Hunger	\$21,286,030	\$21,405,360	\$18,700,000	\$18,700,000	\$0	\$18,700,000	\$19,000,000	\$0	\$19,000,000
TOTAL INCOME	\$104,591,043	\$104,814,320	\$95,508,900	\$95,392,000	(\$7,669,200)	\$87,722,800	\$95,778,000	(\$8,008,000)	\$87,770,000

**Revised 2010 Expense Proposal Including World Hunger
 With CWA Approved 2010 Comparisons
 By Unit and Section**

	CWA Approved 2010 Budget				Revised 2010 Spending Authorization					
	Current Fd	W. Hunger	Total	% Total	Current Fund Changes	% Chg	New Total	W. Hunger	Total	% Total
PROGRAM UNITS										
Evangelical Outreach and Congregational Mission	\$19,009,235		\$19,009,235	19.9%	(\$1,095,535)	(5.8%)	\$17,913,700		\$17,913,700	20.4%
Global Mission	14,314,330	13,202,000	27,516,330	28.8%	(892,155)	(6.2%)	13,422,175	13,164,280	26,586,455	30.3%
Multicultural Ministries	1,231,590		1,231,590	1.3%	(78,085)	(6.3%)	1,153,505		1,153,505	1.3%
Church in Society	3,312,445	3,941,000	7,253,445	7.6%	(539,170)	(16.3%)	2,773,275	3,929,740	6,703,015	7.6%
Vocation and Education	10,418,250	148,750	10,567,000	11.1%	(957,250)	(9.2%)	9,461,000	148,325	9,609,325	11.0%
OFFICES										
Presiding Bishop	1,171,990		1,171,990	1.2%	(42,435)	(3.6%)	1,129,555		1,129,555	1.3%
Ecumenical and Interreligious Relations	1,459,450		1,459,450	1.5%	(154,310)	(10.6%)	1,305,140		1,305,140	1.5%
Research and Evaluation	756,700		756,700	0.8%	(95,545)	(12.6%)	661,155		661,155	0.8%
Human Resources	668,390		668,390	0.7%	(8,460)	(1.3%)	659,930		659,930	0.8%
Synodical Relations	1,409,325		1,409,325	1.5%	(110,410)	(7.8%)	1,298,915		1,298,915	1.5%
Worship and Liturgical Resources	521,110		521,110	0.5%	(103,720)	(19.9%)	417,390		417,390	0.5%
Secretary	3,372,275		3,372,275	3.5%	(235,000)	(7.0%)	3,137,275		3,137,275	3.6%
Treasurer	1,702,820		1,702,820	1.8%	(220,505)	(12.9%)	1,482,315		1,482,315	1.7%
Information Technology	2,492,815		2,492,815	2.6%	(198,590)	(8.0%)	2,294,225		2,294,225	2.6%
Management Services	2,293,015		2,293,015	2.4%	(106,000)	(4.6%)	2,187,015		2,187,015	2.5%
SERVICE UNITS										
Communication Services	3,273,905		3,273,905	3.4%	(351,790)	(10.7%)	2,922,115		2,922,115	3.3%
Development Services	1,500,765	1,408,250	2,909,015	3.0%	0	0.0%	1,500,765	1,457,655	2,958,420	3.4%
Foundation	887,920		887,920	0.9%	(887,920)	(100.0%)	0		0	0.0%
OTHER										
General Treasury	737,345		737,345	0.8%	(45,220)	(6.1%)	692,125		692,125	0.8%
Retiree Minimum Health/Pension Obligation	2,500,000		2,500,000	2.6%	0	0.0%	2,500,000		2,500,000	2.8%
Depreciation	1,732,270		1,732,270	1.8%	0	0.0%	1,732,270		1,732,270	2.0%
Strategic Initiative Fund	1,926,055		1,926,055	2.0%	(1,547,100)	(80.3%)	378,955		378,955	0.4%
Total	\$76,692,000	\$18,700,000	\$95,392,000	100.0%	(\$7,669,200)	(10.0%)	\$69,022,800	\$18,700,000	\$87,722,800	100.0%

**Evangelical Lutheran Church in America
 2010 Capital Budget**

	Years Depreciated	2007 Budget	2008 Budget	2009 Budget	2010 Budget
Tenant Build-Outs	20	\$ 450,000	\$ 400,000	\$ 350,000	350,000
Churchwide Projects and Purchases					
Computer Software and Systems	5	270,000	\$400,000	1,650,000	1,630,000
Unit Cubicle Reconfiguration	10 - 20	3,525,000		50,000	10,000
Equipment Purchases	5 - 10	70,000	100,000	266,150	268,250
Building/Complex Capital Maintenance	20	50,000	60,000	400,000	1,741,750
Contingency		30,000	40,000	83,850	
Total		<u>\$ 7,920,000</u>	<u>\$ 1,000,000</u>	<u>\$ 2,800,000</u>	<u>\$ 4,000,000</u>
Actual		\$ 3,500,000	\$941,448	\$ 1,800,000	

Summary of Church Council Designated Funds
1999 - September 2009 (1)
September 30, 2009

Designation	Year	Amount	Expended	Balance
Second Mile Ministry Fund	1999	\$ 12,000,000	\$ 11,970,807	\$ 29,193
Studies on Sexuality	2001	250,000		
	2002	<u>900,000</u>	1,150,000	1,150,000
Culture-Specific Resources	2001	400,000	96,992	303,008
Introduction of New Primary Worship Resource	2005	950,000	910,000	40,000
Leadership Development Initiative	2005	2,587,622	2,322,108	265,514
Total		<u><u>\$ 17,087,622</u></u>	<u><u>\$ 16,449,908</u></u>	<u><u>\$ 637,714</u></u>

(1) Does not include Church Council Designated Funds Functioning as Endowment.

Church Council Designated Fund Report for:
Year Designated by Church Council:
Estimated Period of Designation:
Reporting Date:

SECOND MILE MINISTRY FUNDS
1999
1999 - 2009
September 30, 2009

Activity	Allocation	Expended	Balance
Ministry Among People in Poverty			
Evangelical Outreach and Congregational Mission	\$900,000	\$900,000	\$0
Global Mission	900,000	900,000	-
Church in Society	1,200,000	1,200,000	-
Sub-Total	<u>\$3,000,000</u>	<u>\$3,000,000</u>	<u>\$0</u>
Supporting Ministry That Needs Special Attention			
Special Needs Retirement Fd Functioning as Endow	500,000	500,000	-
In the City for Good Funds Function as Endow	600,000	600,000	-
Leadership Development	500,000	500,000	-
Anti-Racism projects with Ecumenical Partners	300,000	270,807	29,193
World Hunger Appeal Anniversary	100,000	100,000	-
Identity Project	2,000,000	2,000,000	-
Sub-Total	<u>\$4,000,000</u>	<u>\$3,970,807</u>	<u>\$29,193</u>
Total Expense to Operating/Designated Fund	<u>\$7,000,000</u>	<u>\$6,970,807</u>	<u>\$29,193</u>
Lutheran Center Mortgage Relief	<u>\$5,000,000</u>	<u>\$5,000,000</u>	<u>\$0</u>
Grand Total	<u>\$12,000,000</u>	<u>\$11,970,807</u>	<u>\$29,193</u>

Church Council Designated Fund Report for:
Year Designated by Church Council:
Estimated Period of Designation:
Reporting Date:

ELCA STUDIES ON SEXUALITY
2001, 2002
2001 - 2009
September 30, 2009

<u>Activity</u>	<u>Budget</u>	<u>Inception-To-Date</u>	<u>Balance</u>
Staff Compensation and Travel	\$790,000	\$645,688	\$144,312
Task Force, Hearings and Focus Groups	121,000	210,295	(89,295)
Second Circle Consultations	24,000	17,997	6,003
Writers	20,000	3,500	16,500
Printing and Distribution (less sales)	195,000	272,520	(77,520)
Total Church Council Funds	<u>1,150,000</u>	<u>1,150,000</u>	<u>0</u>

Any residual expenses related to the study process are expected to be completed by January 31, 2010 and will be covered through the 2009 current fund budget.

Church Council Designated Fund Report for:
Year Designated by Church Council:
Estimated Period of Designation:
Reporting Date:

CULTURE-SPECIFIC RESOURCE DEVELOPMENT
2001
On-going
September 30, 2009

Inception -

<u>Activity Name</u>	<u>Budget</u>	<u>To Date</u>	<u>Balance</u>
Chinese / Mandarin Worship Resource	\$130,800	\$55,387	\$75,413
Pan Asian Songbook	\$10,000	\$3,287	\$6,713
Alaska Native Worship Resource	\$67,860	\$28,808	\$39,052
Asian / Evangelism Language Resources	\$9,510	\$9,510	\$0
Planned Projects	\$218,170	\$96,992	\$121,178
Unallocated to date:	\$181,830		\$181,830
Total Church Council Funds	\$400,000	\$96,992	\$303,008
Note:			
Other Cultural Specific Resources Available Funding:			
Prior Year Strategy Implementation Fund	100,000		100,000
Prior Year Multilingual Program Budget Allocation	54,125		54,125
Consignment Sales	3,250		3,250
Other Unit Participation	35,000		35,000
Total Available Resources	<u>\$592,375</u>	<u>\$96,992</u>	<u>\$495,383</u>

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
 November 13-15, 2009
Exhibit F, Part 4e
 Page 1

Church Council Designated Fund Report for: INTRODUCTION OF NEW PRIMARY WORSHIP RESOURCE
Year Designated by Church Council: 2005
Estimated Period of Designation: 2005 - 2009
Reporting Date: September 30, 2009

<u>Activity</u>	<u>Budget</u>	<u>Inception-To-Date</u>	<u>Balance</u>
Announcement Packet	65,000	21,319	43,681
Preview Kit (Augsburg Fortress expense)	-	-	-
Video Production	-	14,245	(14,245)
ELW Introductory Package	144,000	173,921	(29,921)
(study guide; liturgical review cons.)	-	35,755	(35,755)
Training Events:			
Training the Synod Trainers	270,000	267,298	2,702
Worship Formation Events	10,000	6,453	3,547
Worship at the Center Events	-	61,653	(61,653)
Contingency	210,000	-	210,000
National Worship Event	195,000	161,487	33,513
2007 CWA Core Resources Reception	15,000	-	15,000
Administration Expenses	45,000	-	45,000
Consignment Sales	(4,000)	(6,294)	2,294
Return to Current Fund	-	174,162	(174,162)
Total Church Council Funds	950,000	910,000	40,000

Church Council Designated Fund Report for:
 Year Designated by Church Council:
 Estimated Period of Designation:
 Reporting Date:

LEADERSHIP DEVELOPMENT INITIATIVE
 2005
 2005 -- 2009
 September 30, 2009

Expense Type	Budget	Inception-To-Date	Balance
Leadership Development			
Grants - other	\$0	\$6,000	(\$6,000)
Salaries and Benefits	463,422	405,997	57,425
Travel	19,800	26,339	(6,539)
Contracts	16,500	1,500	15,000
Accommodations	16,500	1,245	15,255
Event Travel	13,200	1,142	12,058
Meals	3,800	3,211	589
Speakers	2,200	-	2,200
Office Expenses	(0)	4,454	(4,454)
Catering	2,200	3,386	(1,186)
<i>Multicultural Ministries:</i>			
Arab/Middle Eastern Ministries	-	30,000	(30,000)
<i>Pacific Lutheran University</i>			
Thrivent Leadership Development Initiative	-	10,000	(10,000)
Seminarian & Student debt Consultation	-	11,696	(11,696)
<i>Center for Creative Leadership</i>			
Leadership at the Peak	-	10,600	(10,600)
<i>US Congregational Life Survey</i>	-	22,052	(22,052)
Total Leadership Development	<u>\$537,622</u>	<u>\$537,622</u>	<u>(\$0)</u>

Church Council Designated Fund Report for: **LEADERSHIP DEVELOPMENT INITIATIVE**
 Year Designated by Church Council: **2005**
 Estimated Period of Designation: **2005 -- 2009**
 Reporting Date: **September 30, 2009**

Expense Type	Budget	Inception-To-Date	Balance
Leadership Development Initiative Grants			
<i>Vocation and Education:</i>			
Next Generation of PhDs	\$150,000	\$150,000	\$0
Making the Connections	400,000	400,000	\$0
Lutheran Center at Atlanta	133,000	133,000	\$0
Developing Leaders	100,000	100,000	\$0
Candidacy Committee Training	10,000	-	\$10,000
Developing Mission Leaders (25%)	789	789	\$0
Missiologists/Leadership Consultation	4,844	4,844	\$0
<i>Multicultural Ministries:</i>			
Come, See, Discover	108,000	86,546	\$21,454
African Descent Horizon	105,000	105,000	\$0
Asian Leadership Development	60,000	60,000	\$0
American Indian/AK Native Community Center	15,000	15,000	\$0
Asian American Young Adult Network	10,000	5,187	\$4,813
Leaders of Color Gathering	25,000	25,000	\$0
American Indian/AK Native Youth Gathering	32,000	32,000	\$0
American Indian/AK Native Leadership	30,000	30,000	\$0
<i>Evangelical Outreach and Congregational Mission:</i>			
Emerging Leaders Network	63,000	12,001	\$50,999
Evangelical Horizon Internships	100,000	100,000	\$0
Congregational Latino/Hispanic	300,000	121,752	\$178,248
Coaching Trainers Network	15,000	15,000	\$0
<i>Church in Society:</i>			
A Call to Public Justice	100,000	100,000	\$0
<i>Global Mission:</i>			
Young Adult Program	100,000	100,000	\$0
<i>Gettysburg Seminary:</i>			
Intersections Institute	26,000	26,000	\$0
<i>Metropolitan New York Synod:</i>			
Urban Leaders Institute	20,000	20,000	\$0
<i>Region 1:</i>			
American Indian/Alaska Native Ministry	20,000	20,000	\$0
<i>Lutheran School of Theology-Chicago</i>			
Leadership Development Grant	7,000	7,000	\$0
<i>Non-Staff Travel</i>			
Transforming Leaders Event ('07)	6,115	6,115	\$0
Leadership Grant Strategy Committee Meeting ('05)	1,862	1,862	\$0
<i>Lighthouse Partnership</i>			
Support for Developing Leaders	9,500	9,500	\$0
<i>Alaska Synod-ELCA</i>			
Multicultural Leadership Development Grant	20,000	20,000	\$0
<i>Lutheran Church of the Redeemer</i>			
Transforming Leaders Initiative	60,000	60,000	\$0
<i>Pacific Lutheran Theological Seminary</i>			
Support for TEEM Students	15,000	15,000	\$0
<i>Center for creative Leadership</i>			
Leadership at the Peak	1,365	1,365	\$0
<i>US Congregational Life Survey</i>			
	1,525	1,525	\$0
	<u>\$2,050,000</u>	<u>\$1,784,486</u>	<u>\$265,514</u>
Total Available	<u><u>\$2,587,622</u></u>	<u><u>\$2,322,108</u></u>	<u><u>\$265,514</u></u>

Report of the Director for Mission Support

Synodical-Churchwide Consultations

Mission support consultations are an important opportunity for interpretation of the shared mission and churchwide ministries of the Evangelical Lutheran Church in America as they focus on the centrality of mission support as the means by which this mission is carried out through the synods and churchwide organization of the ELCA.

In 2009, regional consultations were held in regions 1, 2, and 7. These regional consultations included the bishops and synod vice-presidents and provided an opportunity to review missional opportunities and mission support among the synods of each region.

Mission support consultations also were held this year in 25 individual synods. These consultations included the Synod Council and focused on each synod's mission support history as well as a review of what mission support makes possible. Each synod is invited to continue or increase the percentage of mission support shared, and discussion includes conversation about how the congregations of the synod might increase their mission support.

The context of this year's consultations has been challenging. The continued economic recession has impacted congregations significantly and has resulted in an overall decrease in mission support for synod and churchwide ministries. The negative response from some congregations to decisions of the 2009 Churchwide Assembly has further exacerbated the decline in mission support in many synods. The presentations at synod consultations has focused on the challenges facing the ELCA as well as the opportunity to sustain and increase our capacity for mission through generous and faithful giving. Synod leaders are committed to support synod and churchwide ministries; in addition, and the connection between synods and the churchwide organization is vital and strong. The director for mission support will participate in 25-30 mission support consultations in 2010.

Conference of Bishops Liaison Bishops

The liaison bishops to the Church Council serve as leaders in the Conference of Bishops' discussion of key issues facing the ELCA and the importance of sustaining strong mission support. The liaison bishops communicated with the conference regarding how to respond to congregations that seek to redirect or withhold mission support. This communication offered guidance on designated benevolence, while maintaining the central principle of undesignated mission support as the primary and desired funding practice. The liaison bishops reviewed the mission support plans that had been revised since the March 2009 meeting and affirmed these revisions.

Mission Support Reports

In order to provide synod leaders with timely reports on mission support, the director for mission support regularly provides synod bishops, vice presidents, and treasurers with the "Synodical Mission Support Summary Variance Report" prepared by the Office of the Treasurer. The cover memorandum for the most recent report on mission support through September 2009 is included this paragraph:

A recent article in the *New York Times* on reforming the troubled financial system was titled, "Don't Let Exceptions Kill the Rule." That strikes me as an important reminder as synods respond to congregations that seek to withhold or redirect mission support to designated benevolence. As we attempt to respond pastorally to such congregations it is critically important not to let these exceptions begin to erode the strong commitment of this church to mission support as the "life-blood" of how we

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit F, Part 5a
Page 2

fund our global ministries and carry out ministry throughout the ELCA."

I strongly believe this and look to the leadership of the ELCA Church Council in carrying this message to the congregations and synods of this church.

Pastor A. Craig Settlage

2009 and 2010 Revised Synod Mission Support Plans
And 2006, 2007, 2008 Actual

SYNOD NAME	#	2006		2007		2008		2009				2010			
		ACTUAL	MS %	ACTUAL	MS %	ACTUAL	MS %	SYNOD PLANS		REVISED ESTIMATES		SYNOD PLANS		REVISED ESTIMATES	
								AMOUNT	MS %	AMOUNT	MS %	AMOUNT	MS %	AMOUNT	MS %
ALASKA	1A	187,878	42.00%	166,584	36.96%	183,650	37.00%	182,839	38.00%	180,180	39.00%	189,190	39.00%	186,486	39.00%
N.W. WASH	1B	629,665	45.00%	655,460	45.00%	657,906	45.50%	671,000	45.50%	682,500	45.50%	655,000	45.50%	655,000	45.50%
S.W. WASH	1C	422,668	37.00%	430,820	37.00%	420,304	37.50%	484,500	38.00%	484,500	38.00%	442,750	38.50%	442,750	38.50%
E.WASH/ID	1D	327,332	37.00%	366,342	38.00%	346,083	38.50%	411,450	39.00%	397,800	39.00%	418,700	39.50%	418,700	39.50%
OREGON	1E	463,203	40.00%	478,816	40.00%	499,094	41.00%	551,880	42.00%	505,055	41.50%	511,140	42.00%	511,140	42.00%
MONTANA	1F	399,000	38.00%	419,265	38.50%	439,206	39.00%	455,000	39.40%	455,000	39.40%	468,000	40.00%	468,000	40.00%
SIERRA-PACIFIC	2A	1,125,784	48.10%	1,167,043	49.00%	1,153,372	50.00%	1,300,500	51.00%	1,300,500	51.00%	1,332,949	51.50%	1,332,949	51.50%
SW CALIFORNIA	2B	753,403	48.00%	745,223	49.00%	737,508	50.00%	765,000	51.00%	686,000	49.00%	686,000	49.00%	686,000	49.00%
PACIFICA	2C	1,123,373	54.00%	1,190,795	54.50%	1,165,445	55.00%	1,199,377	55.00%	1,155,763	53.00%	1,155,763	53.00%	1,155,763	53.00%
GRAND CANYON	2D	1,233,753	45.00%	1,336,446	47.00%	1,297,867	50.00%	1,504,500	51.00%	1,351,500	51.00%	1,377,000	51.00%	1,377,000	51.00%
ROCKY MTN	2E	1,482,474	50.00%	1,530,369	50.00%	1,494,518	50.00%	1,750,000	50.00%	1,500,000	50.00%	1,625,000	50.00%	1,525,000	50.00%
W. NO.DAK	3A	380,581	41.50%	386,485	40.62%	385,140	42.00%	395,000	41.49%	385,140	42.00%	379,950	42.50%	379,950	42.50%
E. NO.DAK	3B	418,636	40.00%	439,965	40.00%	450,112	40.00%	561,700	41.00%	480,000	40.00%	500,000	40.00%	500,000	40.00%
SO. DAK.	3C	860,368	42.00%	864,154	42.00%	890,364	42.00%	939,120	42.00%	914,546	42.00%	964,410	43.00%	964,410	43.00%
NW. MINN.	3D	855,271	51.00%	862,828	51.00%	859,819	51.00%	956,250	51.00%	867,000	51.00%	887,400	51.00%	887,400	51.00%
NE. MINN.	3E	666,503	49.00%	677,671	49.00%	668,898	49.00%	710,500	49.00%	681,000	49.00%	700,210	49.00%	700,210	49.00%
SW. MINN.	3F	1,190,669	52.52%	1,195,494	52.50%	1,223,526	52.50%	1,293,555	52.50%	1,293,555	52.50%	1,312,958	52.50%	1,312,958	52.50%
MINPLS. AREA	3G	2,011,579	57.10%	1,952,504	55.00%	1,993,138	55.00%	2,090,000	55.00%	2,090,000	55.00%	2,090,000	55.00%	2,090,000	55.00%
ST PAUL (M)	3H	1,116,263	50.00%	1,128,020	50.00%	1,137,945	50.00%	1,179,000	50.00%	1,128,000	50.00%	1,160,000	50.00%	1,160,000	50.00%
SE. MINN.	3I	1,180,278	52.50%	1,130,791	52.50%	1,105,444	52.50%	1,206,450	52.50%	1,144,500	52.50%	1,190,175	52.50%	1,190,175	52.50%
NEBRASKA	4A	2,354,023	57.00%	2,391,321	57.00%	2,464,472	57.00%	2,365,500	57.00%	2,365,500	57.00%	2,365,500	57.00%	2,365,500	57.00%
CENTRAL STATES	4B	1,190,497	53.00%	1,154,975	53.00%	1,179,940	53.00%	1,166,000	53.00%	1,174,654	53.00%	1,249,672	53.00%	1,249,672	53.00%
ARK/OK	4C	280,217	42.50%	274,987	42.60%	276,060	42.70%	293,983	42.70%	284,504	42.80%	284,504	42.80%	293,724	42.90%
N.TEX/N.LOU	4D	604,225	45.00%	612,627	45.50%	629,460	46.00%	669,619	46.00%	655,354	46.50%	683,928	47.00%	683,928	47.00%
S.W.TEXAS	4E	1,069,167	55.00%	1,066,276	55.00%	1,079,903	55.00%	1,080,750	55.00%	1,188,825	55.00%	1,188,825	55.00%	1,188,825	55.00%
GULF COAST	4F	797,108	50.00%	780,450	50.00%	767,858	50.00%	800,000	50.00%	800,000	50.16%	782,500	50.00%	782,500	49.89%
METRO CHGO	5A	1,982,860	55.98%	2,024,734	55.00%	1,946,791	55.00%	2,110,366	55.10%	1,975,993	55.00%	2,005,633	55.00%	2,005,633	55.00%
NO. ILL	5B	1,525,900	55.00%	1,531,537	55.00%	1,558,260	55.00%	1,614,250	55.00%	1,508,518	55.00%	1,552,106	55.00%	1,552,106	55.00%
CEN.SO. ILL	5C	1,040,474	56.00%	1,082,125	56.00%	1,085,194	56.00%	1,078,000	56.00%	1,078,000	56.00%	1,078,000	56.00%	1,078,000	56.00%
SE IOWA	5D	1,734,643	53.50%	1,707,887	53.50%	1,695,355	53.50%	1,776,085	53.50%	1,543,700	53.50%	1,512,800	53.50%	1,512,800	53.50%
WEST IOWA	5E	577,365	49.00%	588,007	49.00%	609,101	49.25%	613,800	49.50%	624,690	49.50%	636,800	49.75%	636,800	49.75%
NE IOWA	5F	849,353	47.00%	793,563	43.50%	796,773	44.00%	798,000	42.00%	798,000	42.00%	798,000	42.00%	807,500	42.50%
N GRT LKES	5G	571,111	54.00%	564,160	54.00%	548,111	53.50%	564,425	53.50%	535,535	53.50%	505,000	50.00%	505,000	50.00%
NW.SYN (W)	5H	893,493	58.00%	938,288	58.00%	856,957	56.00%	1,029,022	58.00%	812,900	55.00%	814,550	55.00%	814,550	55.00%
EC WISC	5I	1,043,068	55.00%	1,067,385	55.00%	1,023,157	55.00%	1,072,500	55.00%	1,017,500	55.00%	976,250	55.00%	976,250	55.00%
GRTR MILWKEE	5J	1,662,889	61.50%	1,631,953	61.00%	1,533,346	61.00%	1,600,000	61.00%	1,442,400	60.10%	1,472,450	60.10%	1,472,450	60.10%

Shaded areas reflect notification of plan changes received since the April Church Council meeting.

2009 and 2010 Revised Synod Mission Support Plans

And 2006, 2007, 2008 Actual

SYNOD NAME	#	2006		2007		2008		2009				2010			
		ACTUAL	MS %	ACTUAL	MS %	ACTUAL	MS %	SYNOD PLANS		REVISED ESTIMATES		SYNOD PLANS		REVISED ESTIMATES	
								AMOUNT	MS %	AMOUNT	MS %	AMOUNT	MS %	AMOUNT	MS %
SO.-CENT (W)	5K	1,077,931	59.60%	1,078,682	59.60%	989,631	59.60%	1,072,000	57.90%	1,072,000	57.90%	929,000	55.00%	929,000	55.00%
LACROSSE (W)	5L	466,829	55.00%	488,497	55.00%	490,754	55.00%	480,000	55.00%	475,000	55.00%	475,000	55.00%	475,000	55.00%
SE. MICH	6A	879,272	53.00%	903,665	53.00%	746,646	53.00%	980,500	53.00%	726,880	44.00%	782,000	46.00%	782,000	46.00%
N/W LOWER MICH	6B	919,461	50.00%	920,231	50.00%	934,574	50.00%	994,500	51.00%	984,300	51.00%	994,500	51.00%	994,500	51.00%
IND/KY	6C	1,345,866	50.00%	1,382,061	50.00%	1,368,840	51.00%	1,400,000	51.00%	1,390,500	51.50%	1,442,000	51.50%	1,442,000	51.50%
NW OHIO	6D	1,332,025	51.00%	1,301,738	51.62%	1,244,047	51.00%	1,342,524	51.00%	1,276,275	51.00%	1,302,250	51.00%	1,302,250	51.00%
NE OHIO	6E	1,130,723	49.75%	1,120,810	50.00%	1,097,428	50.00%	1,160,000	50.00%	1,029,000	49.00%	1,029,000	49.00%	1,029,000	49.00%
S. OHIO	6F	1,080,000	41.97%	1,082,097	43.20%	1,144,164	44.66%	1,288,000	50.00%	1,186,700	50.00%	1,288,000	50.00%	1,288,000	50.00%
NEW JERSEY	7A	1,313,793	50.00%	1,318,725	50.00%	1,245,126	50.00%	1,350,000	50.00%	1,200,000	50.00%	1,200,000	50.00%	1,200,000	50.00%
NEW ENGLAND	7B	1,254,902	55.00%	1,290,908	55.00%	1,225,411	55.00%	1,330,906	55.00%	1,209,509	55.00%	1,193,844	54.00%	1,193,844	54.00%
METRO NY	7C	603,313	43.50%	643,487	46.50%	661,609	46.50%	665,000	47.50%	665,000	47.50%	672,000	48.00%	672,000	48.00%
UPSTATE NY	7D	738,611	45.00%	820,904	46.00%	768,742	47.00%	868,800	48.00%	774,550	47.00%	781,350	48.00%	781,350	48.00%
NE PENN	7E	1,658,443	53.00%	1,611,929	53.00%	1,556,125	53.00%	1,600,600	53.00%	1,428,000	51.00%	1,560,000	52.00%	1,560,000	52.00%
SE PENN	7F	1,476,973	53.00%	1,457,180	52.60%	1,422,975	53.50%	1,524,800	53.50%	1,444,550	53.50%	1,471,375	53.50%	1,471,375	53.50%
SLOVAK ZION	7G	34,297	28.75%	35,018	30.99%	37,266	29.50%	36,000	30.00%	36,000	30.51%	37,000	30.00%	36,000	30.00%
NW PENN	8A	457,157	48.00%	456,109	47.80%	467,389	49.00%	465,000	49.50%	465,000	49.50%	467,000	50.00%	468,225	50.00%
SW PENN	8B	1,366,236	55.00%	1,339,732	55.00%	1,324,925	55.00%	1,300,000	55.00%	1,300,000	55.00%	1,290,000	55.00%	1,290,000	55.00%
ALLEGHENY	8C	515,714	50.00%	509,326	50.00%	499,337	50.00%	515,000	50.00%	499,337	48.52%	515,000	50.00%	515,000	50.00%
LOW SUSQ	8D	2,156,009	52.50%	2,121,826	52.50%	1,986,434	52.50%	2,000,000	50.00%	2,000,000	50.00%	2,000,000	50.00%	2,000,000	50.00%
UPP SUSQ	8E	612,756	50.00%	602,465	50.00%	596,551	50.00%	621,000	50.00%	625,000	50.00%	620,000	50.00%	600,000	50.00%
DEL-MRYLND	8F	1,422,465	52.90%	1,454,457	53.11%	1,404,452	53.00%	1,472,057	53.00%	1,472,057	53.00%	1,472,000	53.00%	1,472,000	53.00%
METRO DC	8G	1,086,546	55.00%	1,070,918	55.00%	1,050,932	55.00%	1,071,125	55.00%	1,071,125	55.00%	1,120,213	55.00%	1,120,213	55.00%
W. VA/W.MYLD	8H	332,226	50.00%	332,574	50.28%	340,170	51.00%	350,875	51.50%	342,872	51.50%	342,872	52.00%	342,872	52.00%
VIRGINIA	9A	1,103,496	50.00%	1,140,251	50.00%	1,116,242	50.50%	1,193,202	50.60%	1,118,449	50.60%	1,140,387	50.60%	1,140,387	50.60%
NO. CAROLINA	9B	2,000,000	42.32%	2,008,334	42.12%	2,066,667	41.87%	2,000,000	39.89%	2,000,000	40.50%	1,865,000	38.77%	1,865,000	38.77%
SO. CAROLINA	9C	1,484,004	47.47%	1,461,104	45.38%	1,493,160	45.32%	1,575,000	45.00%	1,417,700	44.03%	1,591,500	45.47%	1,591,500	45.44%
SOUTHEASTERN	9D	1,303,496	50.00%	1,330,616	50.00%	1,371,384	50.00%	1,544,600	50.00%	1,544,600	50.00%	1,544,600	50.00%	1,544,600	50.00%
FLORIDA-BAHAMA!	9E	1,474,011	50.50%	1,490,125	50.50%	1,439,470	51.00%	1,553,609	51.00%	1,405,570	51.00%	1,428,944	51.125%	1,428,944	51.13%
CARIBBEAN	9F	32,400	14.45%	20,000	10.52%	36,400	15.13%	40,000	15.00%	40,000	15.00%	50,000	18.00%	50,000	18.00%
TOTAL REMITTANCES		\$65,664,031	50.58%	\$66,129,117	50.50%	\$65,286,926	50.67%	\$69,035,019	50.68%	\$65,688,586	50.29%	\$66,557,948	50.40%	\$66,454,189	50.41%

Shaded areas reflect notification of plan changes received since the April Church Council meeting.

REPORT OF THE AUDIT COMMITTEE

At the June 12, 2009, meeting, management presented a preliminary draft of financial statements of the Evangelical Lutheran Church in America for the year ended January 31, 2009. It was noted that, in Crowe Horwath and Company's preliminary opinion, the financial statements present fairly the financial position of the Evangelical Lutheran Church in America as of January 31, 2009, and the changes in its net assets and its cash flows for the year then ended were in conformity with generally accepted accounting principles. In addition, the committee reviewed and discussed the SAS 61 letter with the external auditors, including, but not limited to, any changes required in the original audit plan or any serious difficulties or disputes with management during the course of the audit. In this letter Crowe Horwath indicated that there were no such changes required or serious difficulties or disputes encountered.

The committee also:

- Received and reviewed the 2009 management letter provided by Crowe Horwath and Company along with management's response to this letter;
- Received and reviewed the internal auditor's report outlining audits executed, issues raised, and management's responses;
- Reviewed and confirmed the independence of the external auditors by monitoring fees paid for consulting or other non-audit services and reviewing any relationships that may impact the objectivity or independence of the auditor;
- Met with the internal auditor to discuss any fraud or "whistle blower" complaints, of which none have been reported; and
- Executed all the other duties and responsibilities as outlined in, and in compliance with, its charter. No exceptions were noted.

Upon completion of a review of the documents provided, the committee voted to receive and approve the financial statements and management letter.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit F, Part 6a
Page 2

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**ELCA Church Council
Audit Committee
CHARTER**
(02/24/09) [Revision page 3 11/12/09]

Organization and Purposes

The organization and purposes of the Audit Committee are described in ELCA continuing resolution 14.41.E02.:

An Audit Committee—composed of six members appointed by the Budget and Finance Committee and approved by the Church Council for two year, renewable terms—shall assist the Budget and Finance Committee and the Church Council in fulfilling oversight of the churchwide organization’s accounting and financial reporting, internal control systems, and audit functions, consistent with its responsibilities as specified in the charter recommended by the Audit Committee, reviewed by the Budget and Finance Committee, and approved by the Church Council. A minimum of two members of the Audit Committee shall be members of the Budget and Finance Committee. The chair of the Audit Committee shall be a member of the Budget and Finance Committee and shall be appointed by the chair of the Budget and Finance Committee. In consultation with the executive for administration, the Audit Committee approves the appointment and dismissal of the director for internal auditing.

Responsibilities

A. Background and Context

- Church management is responsible for preparing financial statements in accordance with GAAP, maintaining a system of internal controls and complying with appropriate laws and regulations. The director for internal audit is responsible for evaluating the adequacy and effectiveness of the system of internal controls. The independent auditor is responsible for performing an independent audit as a basis for providing an opinion that this church's financial statements are presented fairly in accordance with GAAP.
- The Audit Committee is responsible for reviewing significant accounting and reporting issues and judgments made in connection with the preparation of the financial statements, including analyses of the effects of alternative GAAP methods on the financial statements.
- The Board of Pensions, Augsburg Fortress Publishers, the Mission Investment Fund (MIF), and the Women of the ELCA (W/ELCA) are separately incorporated units and, as such, have independent financial statement audits. The ELCA Audit Committee has no responsibilities with respect to the Board of Pensions, Augsburg Fortress Publishers, the MIF, or W/ELCA.

B. The Audit Committee shall have the following duties and responsibilities with respect to:

Financial Statements

- Inquire of the independent auditors and churchwide organization management as to the acceptability and appropriateness of financial accounting practices and disclosures used or proposed.
- Review the church's audited financial statements and related footnote disclosures and consider whether they are complete and consistent based on information known to committee members.
- Discuss with the independent auditors the effect of regulatory and accounting initiatives on the ELCA's financial statements.
- Review with the independent auditors any matters related to the conduct of the audit that are required to be communicated to the committee under generally accepted auditing standards, including, but not limited to, any significant changes required in the original audit plan or any serious difficulties or disputes with management during the course of the audit.

External Audit

- Recommend to the Budget and Finance Committee the engagement, retention, or discharge of the independent auditors and consider the appropriateness of rotating independent auditors on a regular basis.
- Evaluate the performance of the independent auditors.
- Review and approve the independent auditors' audit fees and the proposed audit plan.
- Review and confirm the independence of the external auditors by monitoring fees paid to the auditor for consulting or other non-audit services and reviewing any relationships that may impact the objectivity or independence of the auditor.

Internal Audit

- Review and approve the appointment or dismissal of the director of internal audit in consultation with the Executive for Administration.
- Review with the director of internal audit the charter, staffing, and organizational structure of the internal audit function.
- Review the effectiveness of the internal audit function by obtaining assurance there are no restrictions that would limit the director for internal audit's ability to carry out his or her audit responsibilities.

- Review and approve the annual internal audit plan and schedule based on a mutually acceptable risk assessment. As part of this responsibility, review the fraud risk assessment with management and internal audit, providing guidance and input as appropriate.

Internal Control *[Revised November 14, 2009]*

- Review any internal control comments and recommendations in the independent auditor's management letter that are classified as best practices, deficiencies, significant deficiencies, or material weaknesses as well as management's response to these comments and recommendations.
- Review internal audit's report to the committee, including significant comments and recommendations to management and management's responses to these comments and recommendations.
- Review, on an annual basis, the code of ethics policy.

Communication and Reporting

- Meet, in separate executive sessions, as necessary, with the independent auditor, the director for internal audit, or churchwide staff to discuss any matters that the Audit Committee believes should be discussed privately.
- Provide for an open avenue of communications between the independent auditor or director for internal audit and the committee chair.
- Review and assess the adequacy of this charter annually and submit proposed changes to the Budget and Finance Committee for their review and submission to the Church Council for approval.
- Report the committee's performance of the duties and responsibilities defined in this charter, including any recommendations the committee deems appropriate, to the Budget and Finance Committee of the Church Council.

Other

- Develop a calendar of anticipated work for the biennium at the first meeting following the Churchwide Assembly.
 - Accomplish other tasks that may be assigned by the Church Council.
- C. Members of the Audit Committee are expected to prepare for meetings by reviewing the agenda, minutes, and meeting materials in advance of meetings, to participate actively in meetings, and to complete timely responsibilities assigned by the committee
- D. Subject to the approval of the ELCA Budget and Finance Committee, the Audit Committee shall have the authority to retain special legal, accounting, or other consultants to advise the committee. The Audit Committee shall have the authority to

request any officer or employee of the churchwide organization, its outside counsel, or independent auditor to attend a meeting of the committee or to meet with members of the committee.

Membership

The Audit Committee shall consist of six members. A minimum of two members should be Church Council Budget and Finance Committee members. Members of the committee shall be appointed by the Budget and Finance Committee and forwarded to the Church Council for approval. Budget and Finance Committee members should be appointed for a two-year term with the possibility of reappointment up to their Church Council term. Non-Church Council members should be appointed for a two-year term, renewable for two additional terms. Terms need to be staggered in recognition of the need for continuity of committee membership from year-to-year.

Members of the committee will have no relationship to the church that may interfere with the exercise of the member's independence and must be financially literate. At least one member shall have accounting or related financial management experience. In order to provide for an effective committee, attendance at the Audit Committee meeting is required of all members. Upon two successive absences that have not been approved by the committee, the member's position shall be declared vacant by the chair.

Chair

The chair of the committee shall be a member of the Budget and Finance Committee and shall be appointed by the chair of the Budget and Finance Committee.

Meetings

The Audit Committee will meet at least two times per year or more frequently as circumstances require. Meeting agendas will be cleared by the committee chair in advance of the meeting. Minutes will be prepared by one of the churchwide staff, approved by the committee, and maintained in the permanent records of the church.

Amendment of Charter

The Audit Committee will review this charter at the first meeting of the committee following a Churchwide Assembly. Amendments to this charter may be recommended at any time, subject to approval by the Church Council.

Evaluation

The Audit Committee will evaluate its meetings. In addition to reviewing and evaluating its meetings, the committee will work with Research and Evaluation to develop a process for

evaluating its work each biennium. These processes will include evaluation of the committee's commitment to racial and gender equity.

Audit Committee Checklist (Spring)

<u>Task</u>	<u>Frequency</u>	<u>Task to be Completed</u>
<u>Financial Statements</u>		
<u>A. Review the ELCA's audited financial statements and related footnote disclosures and consider whether they are complete and consistent based on information known to committee members.</u>	<u>Annually</u>	<u>Spring</u>
<u>B. Review significant reporting issues and judgments made in connection with the preparation of the financial statements, including an analysis of the effects of alternate GAAP methods on the financial statements. Discussions should include the following:</u> 1. <u>Inquire of the independent auditors and churchwide organization management as to the acceptability and appropriateness of financial accounting practices and disclosures used or proposed.</u> 2. <u>Review and discuss the SAS 61 letter with the external auditors, including, but not limited to, any changes required in the original audit plan or any serious difficulties or disputes with management during the course of the audit.</u>	↑ <u>Annually</u> ↓	↑ <u>Spring</u> ↓
<u>C. Discuss with the independent auditors, the effect of regulatory and accounting initiatives on the ELCA's financial statements.</u>	<u>Annually</u>	<u>Spring</u>
<u>D Complete the Audit Committee Report to the Budget and Finance Committee and the Church Council informing them of the committee's action with respect to the financial statements and management letter.</u>	<u>Annually</u>	<u>Spring</u>
<u>Independent Auditor</u>		
<u>A. Review any internal control comments and recommendations in the independent auditor's management letter that are classified as material weaknesses or reportable conditions as well as management's response to these comments and recommendations.</u>	<u>Annually</u>	<u>Spring</u>
<u>B. Evaluate the performance of the independent auditors.</u>		<u>Spring</u>

<u>C. Review and confirm the independence of the external auditors by monitoring fees paid for consulting or other non-audit services and reviewing any relationships that may impact the objectivity or independence of the auditor.</u>	<u>Annually and Ongoing</u>	<u>Spring</u>
<u>Internal Audit</u>		
<u>A. Review, discuss (with the internal audit director and management) and approve, internal audit's report to the committee, including significant comments and recommendations to management and management's responses to these comments and recommendations.</u>	<u>Semi Annually</u>	<u>Spring</u>
<u>B. Obtain assurance from the internal audit director that there are no restrictions that would limit his ability to carry out his reporting responsibilities.</u>	<u>Semi Annually</u>	<u>Spring</u>
<u>Budget and Finance Committee of the Church Council</u>		
<u>C. Report on the committee's activities with respect to the duties and responsibilities defined in the charter, including any recommendations the committee deems appropriate, to the Budget and Finance Committee of the Church Council.</u>	<u>Semi Annually</u>	<u>Spring</u>
<u>Administrative</u>		
<u>A. Audit Chair must approve the meeting agenda in advance of the meeting. Minutes will be prepared by one of the ELCA staff, approved by the committee and maintained in the permanent records of this church.</u>	<u>Semi Annually</u>	<u>Spring</u>
<u>B. Meet, in separate executive sessions with the independent auditor, the director of internal audit or the ELCA staff to discuss any matters that the Audit Committee believes should be discussed privately.</u>	<u>Semi Annually</u>	<u>Spring</u>
<u>C. Meet with the internal auditor to discuss progress being made on any fraud or "whistle blower" complaints.</u>	<u>As Necessary but at Least Semi -Annually</u>	<u>Spring</u>
<u>B. Accomplish other tasks that may be assigned by the Church Council</u>	<u>Semi-Annually</u>	<u>Spring</u>
<u>C. The Audit Committee will evaluate its meetings. In addition to reviewing and evaluating its meetings, the committee will work with Research and Evaluation to develop a process for evaluating its work each biennium. These processes will include evaluation of the committee's commitment to racial and gender equity.</u>	<u>After Each Meeting and Biannually</u>	<u>Spring</u>

Audit Committee Checklist (Fall)

<u>Task</u>	<u>Frequency</u>	<u>Task to be Completed</u>
<u>Financial Statements</u>		
<u>A. Review the interim financial results with management and the external auditors.</u>	<u>Annually</u>	<u>Fall</u>

<u>B. Complete the Audit Committee Report to the Budget and Finance Committee and the Church Council informing them of the committee's action with respect to the financial statements and management letter.</u>	<u>Annually</u>	<u>Fall</u>
<u>Independent Auditor</u>		
<u>A. Review management letter follow-up responses with management and independent auditors.</u>	<u>Annually</u>	<u>Fall</u>
<u>B. Review and approve the independent auditors' audit fees and the proposed audit plan.</u>	<u>Annually</u>	<u>Fall</u>
<u>Internal Audit</u>		
<u>A. Review and approve the annual internal audit plan</u>	<u>Annually</u>	<u>Fall</u>
<u>B. Review, discuss (with the internal audit director and management) and approve the annual internal auditor's report to the committee, including significant comments and recommendations to management and management's responses to these comments and recommendations.</u>	<u>Semi Annually</u>	<u>Every Meeting</u>
<u>C. Review internal audit's charter and organizational structure.</u>	<u>Annually</u>	<u>Fall</u>
<u>D. Obtain assurance form the internal audit director that there are no restrictions that would limit his ability to carry out his reporting responsibilities.</u>	<u>Semi Annually</u>	<u>Every Meeting</u>
<u>E. Review and approve the appointment or dismissal of the director of internal audit in consultation with the Executive for Administration.</u>	<u>As Necessary</u>	<u>As Necessary</u>
<u>F. Review the Internal Audit Fraud Risk Assessment and make suggestions as appropriate.</u>	<u>Annually</u>	<u>Fall</u>
<u>Management</u>		
<u>A. Review on an annual basis, the code of ethics policy.</u>	<u>Annually</u>	<u>Fall</u>
<u>Budget and Finance Committee of the Church Council</u>		
<u>A. Recommend to the Budget and Finance Committee, the approval of the engagement, retention discharge or rotation of the independent auditors.</u>	<u>Annually</u>	<u>Fall</u>
<u>B. Assess the adequacy of the Audit Committee Charter annually and submit proposed changes to the Budget and Finance Committee for their review and submission to the Church Council for their approval.</u>	<u>Annually</u>	<u>Fall</u>
<u>C. Report on the committee's activities with respect to the duties and responsibilities defined in the charter, including any recommendations the committee deems appropriate, to the Budget and Finance Committee of the Church Council.</u>	<u>Semi Annually</u>	<u>Every Meeting</u>
<u>Administrative</u>		

<u>A. Audit Chair must approve the meeting agenda in advance of the meeting. Minutes will be prepared by one of the ELCA staff, approved by the committee and maintained in the permanent records of this church.</u>	<u>Semi Annually</u>	<u>Every Meeting</u>
<u>B. Meet, in separate executive sessions with the independent auditor, the director of internal audit or the ELCA staff to discuss any matters that the Audit Committee believes should be discussed privately.</u>	<u>Semi Annually</u>	<u>Every Meeting</u>
<u>C. Meet, in separate executive sessions with the independent auditor, the director of internal audit or the ELCA staff to discuss any matters that the Audit Committee believes should be discussed privately.</u>	<u>As Necessary but at least Semi-Annually</u>	<u>Every Meeting</u>
<u>Other Tasks</u>		
<u>A. Develop a calendar of anticipated work for the biennium at the first meeting following the Churchwide Assembly.</u>	<u>Biannually</u>	<u>Fall</u>
<u>B. Accomplish other tasks that may be assigned by the Church Council</u>	<u>Semi-Annual</u>	<u>Fall</u>
<u>C. The Audit Committee will review this charter at the first meeting of the committee following a Churchwide Assembly. Amendments to this charter may be recommended at any time, subject to approval by the Church Council.</u>	<u>Ongoing but at Least Biannually</u>	<u>Fall</u>
<u>D. The Audit Committee will evaluate its meetings. In addition to reviewing and evaluating its meetings, the committee will work with Research and Evaluation to develop a process for evaluating its work each biennium. These processes will include evaluation of the committee's commitment to racial and gender equity.</u>	<u>After Each Meeting and Biannually</u>	<u>Fall</u>

Charitable Gift Annuity Program of the Evangelical Lutheran Church in America

Investment Philosophy and Policy Statement

1. Purpose

The purpose of this investment philosophy and policy statement is to assist the Evangelical Lutheran Church in America (ELCA) in effectively supervising, monitoring, and evaluating the investment management of its Charitable Gift Annuity Program.

2. Definitions and Philosophy

A. Definitions

Charitable Gift Annuity (CGA): private contract between a donor and a charitable institution. The donor transfers cash or other assets to the institution in exchange for lifetime annuity payments, preserving an estimated future value to be used for charitable purposes. The amount of each annuity payment is determined by the age(s) of the annuitant(s) and the annuity rate(s) at the date of contract. The annuity payment remains fixed for the lifetime of the annuitant(s) and is backed by the full faith and credit of the ELCA.

American Council on Gift Annuities (ACGA): nonprofit organization that publishes suggested charitable gift annuity rates for use by charitable institutions and their donors. The suggested rates generally assume that, upon maturity of a contract, the charity will receive a future value of approximately half of the original gift. The ELCA follows the gift annuity rates suggested by the ACGA.

Required Reserve: the amount maintained as segregated assets of the ELCA according to requirements set forth in statutes and regulations of certain states. The required reserve amount is actuarially determined to approximate the present value of future annuity payments plus surplus amounts per the requirements of certain states. Upon maturity of a contract, any remainder in the reserve for that contract is removed from the reserve and used for the purpose intended by the donor.

Excess Reserve: the amount maintained as segregated assets of the ELCA in excess of the required reserve defined above. The excess reserve is held for future use in support of ministry. Upon maturity of a contract, any remainder in the reserve for that contract is removed from the reserve and used for the purpose intended by the donor.

B. Investment Philosophy and Principles

1. Invest the entire gift, not just the required reserve, for the life of the contract.
2. Invest the required reserve according to an asset-liability matching strategy, utilizing fixed income securities to generate sufficient cash flow to service annuity payments.
3. Invest the excess reserve in order to maintain its purchasing power and achieve future value targets in line with growth expectations (as presupposed by the terms of the underlying gifts).
4. Maximize investment return within reasonable and prudent levels of risk.
5. Invest assets in accordance with socially responsible investing criteria of the ELCA.

3. Investment Structure

CGA investments are segregated from all other assets of the ELCA. There are two separate pools: California and Non-California. Within each pool, a portion is allocated as required reserve and a

portion as excess reserve. The excess reserve portfolio is held in the same segregated pool accounts as the required reserve portfolio for purposes of efficiency and protection.

4. Risk Tolerances

The ELCA recognizes that some risk must be assumed in order to achieve long-term investment objectives, and that there are uncertainties and complexities associated with investment markets. In establishing risk tolerances, the ability of the CGA Program to withstand short- and intermediate-term volatility (through the Required Reserve Fund portfolio) is considered. Interim fluctuations in market value and rates of return are expected within the Excess Reserve Fund portfolio in order to achieve long-term objectives.

5. Required Reserve Fund

A. Investment Objectives

1. Ensure that the required reserve balances are calculated based on expected annuity payments and mortality, and that investments are permissible according to state statutes and regulations.
2. Provide for some growth in the principal of the reserves, yet ensure that the required annuity payments are funded.

B. Investment Policy

The required reserve will be invested in fixed income investments, with residual amounts held in cash. Annuity payments are made on a monthly basis from the Required Reserve Fund. As such, short-term liquidity requirements are anticipated to be met with the Required Reserve Fund portfolio.

A portion of the fixed income portfolio may be invested in short-term securities. Specific investments will be determined by the structure of the liabilities. Quality and sectors will be determined by investment managers according to applicable ELCA investment guidelines developed as separate documents. Real estate and real estate securities may not be held as part of the Required Reserve Fund.

C. Performance Objective

The performance objective of the Required Reserve Fund is to ensure that cash flows are sufficient to match the liabilities of the underlying annuities.

6. Excess Reserve Fund

A. Investment Objective

The investment objective of the Excess Reserve Fund is to maintain its purchasing power and achieve a future value for underlying annuity contracts in line with expectations at the original time of the gift.

B. Investment Policy

The excess reserve balance may be invested in up to 100 percent equities, mutual funds, or other permissible products as determined by state statutes and regulations.

The asset allocation for the Excess Reserve Fund will be:

<u>Target</u> <u>Allocation</u>	<u>Allocation</u> <u>Range</u>
------------------------------------	-----------------------------------

U.S. stocks	25%	20% to 30%
Non-U.S. stocks	10%	5% to 15%
Alternative equities	5%	0% to 10%
Core fixed income	30%	20% to 40%
High yield	10%	5% to 15%
Real Assets	10%	5% to 15%
Inflation indexed bonds	10%	5% to 15%

C. Performance Objective

The value-added objective shall be to exceed the total return of the benchmark by 55 basis points annually, net of investment management expenses, over rolling five-year time periods.

The benchmark shall be 30 percent of the Dow Jones Wilshire 5000 Stock Index; 10 percent of the MSCI All Country World ex-U.S. Investable Market Index (U.S. dollars, net dividends); 30 percent of the Citigroup Custom Bond Index; 10 percent of the Citigroup High-Yield Cash-Pay Capped Index; 10 percent of (60 percent Dow Jones Wilshire Real Estate Securities Index/40 percent Dow Jones Wilshire ex-U.S. Real Estate Securities Index); and 10 percent of the Citigroup U.S. Inflation-Linked Securities Index.

Active risk maximum is the expected annual standard deviation of value-added due to active portfolio management. The fund's active risk maximum is 180 basis points, measured over rolling one-year periods.

7. Socially Responsible Investing

Investment objectives should be pursued, to the extent practicable, pursuant to criteria of social responsibility that are consistent with the values and programs of the ELCA.

Investment managers should avoid investing in companies with business practices that conflict with socially responsible investing criteria of the ELCA. Companies may appear on the "do not buy" list if they engage in any of these businesses:

- Companies that research or develop nuclear, biological, or chemical weapons, or manage U.S. government-owned facilities for such weapons;
- Harmful products or services such as tobacco, distilled alcohol, pornography, or gambling; or
- Companies with significant toxic waste releases, hazardous waste sites, or environmental penalties or liabilities; or major producers of toxic chemicals.

Investment managers should also seek, to the extent practicable, investments that benefit economic development or the environment.

8. Evaluation and Review

ELCA Foundation staff shall monitor statutory and regulatory requirements on an ongoing basis to ensure that the investment policy and guidelines of the CGA program are in compliance. In conjunction with investment managers and governing bodies, the ELCA Foundation shall review the investment philosophy, objectives, and guidelines of the CGA Program at least every two years.

9. Portfolio Reporting

ELCA Foundation staff will report investment results, portfolio mix, and growth in the CGA program to the Budget and Finance Committee of the ELCA Church Council at least annually.

Attachments

Attachment I: Required Reserve and Excess Reserve calculation

Attachment II: Statutory Investment Requirements

**Charitable Gift Annuity Program
Investment Philosophy and Principles Statement**

Attachment I

Required Reserve and Excess Reserve Calculation

- Foundation staff will direct the investment advisor as to which actuarial table to use when valuing the Charitable Gift Annuity liabilities. The investment advisor will calculate the required reserve and excess reserve based on the actuarial table provided by Foundation staff.
- The actuarial liability will be calculated at least annually by the investment advisor.
- The investment advisor will invest the required reserve and excess reserve as stated in the “Investment Guidelines for Required Reserve Fund and Excess Reserve Fund.”

**Charitable Gift Annuity Program
 Investment Philosophy and Principles Statement**

Attachment II

State and Regulatory Requirements

State statutes and regulations pertaining to charitable gift annuity reserve calculation and investment requirements evolve and change. Besides staff review of statutes and regulations, one of the ways the ELCA Foundation on behalf of the Evangelical Lutheran Church in America keeps abreast of current requirements is through active participation in the American Council on Gift Annuities (ACGA), including membership on the ACGA’s statutes and regulations committee. Also, the ELCA Foundation receives update information from planned giving software vendors Crescendo and PG Calc.

As of October 2009, sixteen states have statutes or regulations that require that charities maintain gift annuity reserve funds: Alabama, Arkansas, California, Florida, Hawaii, Maryland, Montana, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Tennessee, Washington, and Wisconsin. Nine of these states either require or provide the option for investment in accordance with the “prudent investor” standard: Arkansas, Hawaii, Maryland, New Hampshire, New Jersey, New York, Tennessee, Washington, and Wisconsin.

The states with specific statutory investment restrictions, which are delineated as to types of assets that can or cannot be held in a gift annuity reserve pool, are California and Florida. Therefore, the requirements of these two states are the ones followed closely by the ELCA in making investment allocation decisions, within the overall context of the “prudent investor” standard. The ELCA follows California requirements for its statutorily-required separate California reserve pool, and Florida’s requirements for the multi-state pool that holds all of the rest of the ELCA’s gift annuity reserve assets. In addition, Florida has investment requirements for the portion of the reserves beyond calculated reserves plus surplus (i.e. what ELCA has termed “excess reserves”).

The statutory investment requirements for California and Florida are highly detailed, but for illustrative purposes the following table summarizes a few key investment categories.

	California	Florida
U.S./State Bonds	Unlimited	Unlimited
Corporate Bonds	Permitted as part of limit for publicly traded securities (or subject to written consent)	Unlimited overall, but bonds of medium to lower quality limited to 13%
Common Stock	50% limit	Combination of common & preferred stock – and stock mutual funds – limited to 50%, plus no more than 10% in stock of any one company or fund
Preferred Stock	Permitted only as part of limit for publicly traded securities	
Mutual Funds	Permitted as part of limit for publicly traded securities	See above plus no limit for bond funds, aside from no more than 10% in any one fund
Real Estate	Not permitted	5% limit with no more than 1% in any one property
Foreign Investments	Not permitted	5% in general, plus additional amounts in stock under certain circumstances

Changes to the ELCA’s investment allocations should only be made in conjunction with an examination of the statutes of California and Florida, and in the future, perhaps those of other states.

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**Investment Guidelines for the
ELCA Board of Pensions Internal Fixed Income Manager**

Charitable Gift Annuity Required Reserve

1. Investment Policy

A. Role of Portfolio

The primary investment objective of the portfolio is to utilize a risk-controlled style of portfolio management to generate cash flows that are consistent with the cash flow needs of the underlying annuity contracts.

Considering its role as an income-oriented vehicle, the income level of the portfolio shall approximate the level of yields available in fixed income securities with characteristics similar to that of the liability pool. In addition, the manager shall not use aggressive interest rate forecasting to achieve performance objectives. The manager shall maintain a long-term view in assessing the impact of changes in the level of interest rates. Security selection shall be in accordance with the social responsibility criteria (see Special Constraints, below).

B. Performance Objective

The primary performance objective of the portfolio is to generate sufficient cash flow to service the underlying annuity contracts on a schedule consistent with that of the liabilities.

C. Special Constraints and Considerations

1. Tax Status: Earnings in the portfolio are generally exempt from taxation. Any transactions that generate Unrelated Business Taxable Income (UBTI) in this portfolio are prohibited. Aside from this prohibition, tax considerations are not a constraint on portfolio management.
2. Liquidity Needs: Minimal liquidity will be necessary for this portfolio.
3. Cash Flow Characteristics: Moderate cash flows into and out of the portfolio will occur periodically. The portfolio should be structured to generate cash flows to service the projected annuity payments.
4. Trading: There are no requirements for, or restrictions against, realization of net investment gains or losses during any accounting period. The manager will seek to obtain the best price and execution for its transactions.
5. Portfolio Management Style: An asset/liability style of management will be utilized in the portfolio with the goal of meeting the income needs of the liability portfolio.

6. **Social Criteria:** The Board of Pensions will approve and provide to the manager a specified social criteria list based upon advice provided by the ELCA Advisory Committee on Corporate Social Responsibility that will impact the universe of securities available for investment by the manager. The securities of companies on the social criteria list will not be eligible for investment in this portfolio. Revisions to the social criteria list will be made periodically and provided to the manager. In cases where the portfolio is holding securities of an issuing company that has been added to the social criteria list, the manager is prohibited from making additional purchases of that security or other securities of the issuing company. The manager will be required to divest, as soon as practicable, consistent with prudent investment management, any portfolio securities issued by companies added to the social criteria list as a result of revisions.
7. **California Gift Reserves:** Being the required reserves of a single state, the California Gift portfolio will be a small subset of the pooled reserves and as such, will have additional constraints. These relate primarily to diversification and quality; corporate debt needs much greater diversification than governments and the small size of the reserve portfolio makes this difficult to achieve in institutional markets. The portfolio therefore will consist primarily of government securities, but if corporate securities are used, a cap of 50 percent will be maintained.

2. Investment Guidelines

A. Asset Allocation

Dollar denominated investment grade fixed income securities will be the primary asset class of this portfolio. A portion of the fixed income portfolio may be invested in short-term securities managed by the Board of Pensions' short-term fixed income manager.

B. Types of Securities

The portfolio will be invested in a diversified portfolio of publicly traded fixed-income securities. Dollar-denominated fixed-income securities of all kinds are eligible as long as they meet the fund's credit quality and other guidelines contained in this document.

The portfolio may invest in Rule 144A fixed income securities issued without registration rights to the extent such securities constitute no more than 15 percent of the total portfolio value at the time of purchase and a market is made by one or more major underwriting firms with operations in the United States.

1. Primary fixed income instruments used in this portfolio will include but are not limited to the following:
 - a. Government securities including direct obligations of the U.S Government, guaranteed obligations and government sponsored agency securities.
 - b. Mortgage-backed securities, consisting primarily of mortgage pass-through certificates, collateralized mortgage obligations, and commercial mortgage backed securities.
 - c. Corporate bonds, including issues of sovereign foreign governments and supranational entities that meet credit quality and other guidelines. Asset-backed securities also will be considered to be part of this segment for the purposes of these guidelines.

C. The portfolio manager may not:

1. Invest for the purpose of exercising control of management.
2. Invest in commodities or commodity contracts, including financial futures.
3. Sell uncovered call options or sell put options.
4. Sell securities short.
5. Invest in non-dollar denominated securities.

6. Invest in securities not traded in U.S. markets
7. Invest in mutual funds.
8. Purchase privately placed securities, except for Rule 144A securities as described above and those deemed to be community development investments.
9. Invest in reverse repurchase agreements.
10. Invest in inverse floaters, IOs, or first loss tranches of asset-backed securities.

D. Duration Policy

The long-term policy duration shall target the duration of the liability pool. Short-term deviations in overall portfolio duration of up to plus or minus 20 percent are permitted. Duration should be measured on an effective, option-adjusted basis.

E. Sector Allocations

The long-term policy targets and ranges for the major bond market sectors in the portfolio shall be as follows (see (B)1, Types of Securities for a brief description of sub-sectors included in each of the sectors below):

	<u>Target</u>	<u>Ranges</u>
Treasury/Agency Securities	25%	10-100%
Mortgage Backed Securities	25%	0-50%
Corporate Bonds	50%	0-75%

F. Quality

In aggregate, the fixed income portfolio should maintain an average quality of AA- or better as measured by one of three nationally recognized statistical rating agencies approved by Board of Pensions' staff. A report detailing the average quality of the portfolio will be available on a quarterly basis.

As an investment grade portfolio the minimum quality rating of an individual holding shall be Baa3/BBB-/BBB- by Moody's and Standard & Poors and Fitch respectively at the time of purchase. In the event of single or split ratings, the highest rating, at the time of acquisition, will govern. In the case of non-rated CDB private placements, quality should be the equivalent of these ratings.

G. Diversification and Concentration

Investments will be distributed appropriately to provide prudent diversification. At the time of any purchase, the market value (based on the most recent pricing information) of the aggregated portfolio holdings in an individual issuer (as represented by its senior unsecured debt) will be limited according to quality rating as follows:

U.S. Government Bonds	No Limit
U.S. Government-guaranteed securities	No Limit
Mortgage-backed securities guaranteed by U.S. Government Agencies	2% of assets per tranche or pool
U.S. Government Sponsored Agency debentures	10% of assets
Triple-A rated securities	2% of assets
Double A rated securities	1% of assets
Single-A rated securities	.5% of assets
BBB rated securities	.25% of assets

BBB rated securities will be additionally limited in aggregate to a maximum of 15 percent of portfolio assets at time of purchase.

3. Evaluation and Review

A. Policy and Guideline Review

Board of Pensions' staff shall review the investment objectives and guidelines at least every two years. Given changing economic and capital market conditions, an in-depth evaluation of how existing guidelines are affecting the manager's ability to meet policy objectives is warranted at least every five years.

B. Risk Measures and Controls

1. A clear and useable set of risk measures and controls will be used for monitoring the risk exposure of the portfolio.
2. Over time, the level of market risk in the portfolio should be comparable to that of a AA-portfolio with the duration of the liability pool.
3. The portfolio shall limit the level of cash flow misfit relative to the liability pool where possible.
4. The manager shall work with ELCA Foundation to determine the effective duration of the liability pool at least every two years or whenever cash flows significantly alter the duration profile of the liabilities.

C. Portfolio Reports

1. The manager shall provide investment reports as requested by ELCA Foundation staff.
2. On a monthly basis, the manager shall provide to the ELCA Board of Pensions accounting staff reports that are consistent with the Board of Pension's manager reconciliation policy guidelines.

**Investment Guidelines for the
Charitable Gift Annuity
Excess Reserve Fund**

1. Investment Policy

A. Investment Objective

The primary investment objective of the Excess Reserve Fund is to attain a superior long-term, risk-adjusted rate of return prudently achievable from a portfolio of stock, core fixed income, high yield, real asset, inflation-indexed bond, and other investments.

The fund will seek to generate rates of return moderately in excess of the rate of inflation over longer time periods, with a long-term goal of growing the purchasing power of participants in the Fund.

All investments will be subject to the “Social Purpose Funds Management Policy and Implementation Guidelines.”

B. Performance Objective

The value-added objective shall be to exceed the total return of the benchmark by 55 basis points annually, net of investment management expenses, over rolling five-year time periods.

The benchmark shall be 30 percent of the Dow Jones Wilshire 5000 Stock Index; 10 percent of the MSCI All Country World ex-U.S. Investable Market Index (U.S. dollars, net dividends); 30 percent of the Citigroup Custom Bond Index; 10 percent of the Citigroup High-Yield Cash-Pay Capped Index; 10 percent of (60 percent Dow Jones Wilshire Real Estate Securities Index/40 percent Dow Jones Wilshire ex-U.S. Real Estate Securities Index); and 10 percent of the Citigroup U.S. Inflation-Linked Securities Index.

Active risk maximum is the expected annual standard deviation of value-added due to active portfolio management. The fund’s active risk maximum is 180 basis points, measured over rolling one-year periods.

C. Special Constraints and Considerations

- **Social Criteria:** The Board of Pensions will approve and provide to the portfolio managers a specified set of social criteria lists that will impact the universe of securities available for investment. The securities of companies on these lists will not be eligible for new or additional investment. The portfolio managers will be allowed to divest, during the normal course of portfolio management activities, any securities from the portfolios in which the issuing companies are added to the social criteria lists as a result of revisions. Social criteria lists will not be applied to the universe of securities available for investment by the manager in commingled investment vehicles. The investment committee may, in addition, approve particular investment strategies which are expected to make a positive social impact.
- **Tax Status:** Earnings in the fund are exempt from taxation. Therefore tax considerations are not a constraint on portfolio management.
- **Liquidity Needs:** Moderate liquidity levels will be necessary in the fund. The fund will adhere to the parameters of the illiquid investments policy of the ELCA Board of Pensions.
- **Cash Flow Characteristics:** Moderate cash flows into and out of the fund are expected to occur regularly, and at times could be significant, since participants may transfer funds on a daily basis.
- **Trading:** There are no requirements for, or restrictions against, realization of net investment gains or losses during any accounting period. Transactions shall be efficiently executed at competitive costs.

2. Investment Guidelines

A. Strategic Asset Allocation

The fund will be invested in stocks, core fixed income, high yield, real asset, inflation-indexed bond, money-market, and other investments. The total fund will invest in major asset categories as follows:

	<u>Target Allocation</u>	<u>Allocation Range</u>
U.S. stocks	25%	20% to 30%
Non-U.S. stocks	10%	5% to 15%
Alternative equities	5%	0% to 10%
Core fixed income	30%	20% to 40%
High yield	10%	5% to 15%
Real Assets	10%	5% to 15%
Inflation indexed bonds	10%	5% to 15%

Investments made shall be consistent with the asset allocation strategy statement. Maximum deviation ranges are to become effective once long-term target allocations are achieved.

B. Types of Securities

1. The stock components will be invested in diversified portfolios of common stocks that are listed on national securities exchanges. It may also invest in stocks that are traded over-the-counter and in other equity-related securities. The stock component also may invest in non-U.S. stocks or equity-related securities and in less liquid non-traditional alternative equity investments which may be in the form of equity or debt, public or private, instruments. Investments made shall be consistent with the equity strategy statement.
2. The core fixed income component will be invested in diversified portfolios of publicly-traded fixed income securities. Fixed-income securities of all kinds, including foreign securities and Rule 144A securities, are eligible as long as the borrowers meet the fund's credit quality standards. Investments may be made in community development fixed income obligations and certificates of deposit; it is anticipated that most of these investments will be private placements; such investments shall be at market rates and meet the fund's credit quality standards. Investments made shall be consistent with the fixed income strategy statement.
3. The real asset component will be invested in diversified portfolios, with potential exposure to core and non-core commercial real estate (e.g., office buildings, retail, and industrial properties) and natural resources (e.g., timber, oil and gas, or other). Investments may be relatively liquid (e.g., open-end funds, REITs) or illiquid (e.g., closed-end funds and limited partnerships). Investments made shall be consistent with the real asset strategy statement.
4. The high yield component will be invested in diversified portfolios consisting primarily of instruments rated below the equivalent of Baa/BBB. These instruments may be publicly traded or privately placed. Investments made shall be consistent with the high yield strategy statement.
5. The inflation indexed bond component will be invested in inflation-indexed obligations of the U.S. Treasury and government-sponsored enterprises. Investments made shall be consistent with the inflation indexed bond strategy statement.

6. The fund also may utilize financial futures and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the fund. Accounts, including margin accounts, may be established with securities dealers to implement such commodity positions. Investments may not be made so as to leverage the total size of the fund.
7. Investments shall not be made in real property or other investment vehicles of the Evangelical Lutheran Church in America or its related agencies.
8. Except for the allocation to alternative equity and private market partnership investments, the Fund may not:
 - Invest for the purpose of exercising control of management.
 - Invest in commodities or commodity contracts, except for financial futures and options.
 - Sell uncovered call options or sell put options.
 - Purchase securities on margin.
 - Sell securities short.

C. Limits on non-market risk

Portfolio managers may concentrate the portfolios on particular market sectors if consistent with the managers' investment philosophy and strategy. The managers shall provide written notification to the Board of Pensions' investment staff regarding any significant changes in investment philosophy, style, or strategy.

D. Diversification and Concentration

The fund's investments will be appropriately distributed to provide prudent diversification and limit undue concentration of portfolio positions.

1. Stock components: The maximum holding in an individual issue shall be five percent of the stock components, based on market valuation at the time of purchase.
2. Core fixed income component: The minimum quality rating of an individual holding shall be a BBB rating (except for community development bond investments) at the time of purchase. No more than 25 percent of the core fixed income component shall be invested in securities rated BBB or lower at the time of purchase. At the time of acquisition, the market value (based on the most recent pricing information) of the aggregated holdings in an individual issuer (as represented by its senior unsecured debt) will be limited according to quality rating as follows (as shown by Moody's Investors Service, Inc. and Standard & Poor's Corporation ratings):

U.S. Government Bonds	No Limit
U.S. Government-guaranteed securities	No Limit
U.S. Government Agency Debentures	10% of Bond Assets
Mortgage-backed Securities	5% of Bond Assets
Guaranteed by U.S. Government Agencies	per tranche or pool
Aaa/AAA rated Securities	5% of Bond Assets
Aa/AA rated Securities	3% of Bond Assets
A/A rated Securities	2% of Bond Assets
Baa/BBB rated Securities	1% of Bond Assets

3. High yield component: The investments will be appropriately distributed to provide for prudent diversification. The minimum overall credit quality rating shall be single B.

Purchases of investments rated CCC or below are acceptable providing, in aggregate, such securities do not exceed five percent of the total portfolio market value at the time of purchase.

Portfolio market value of a holding in an individual issuer at the time of purchase may not exceed the following limits:

U.S. Government Bonds	No limit
U.S. Government-guaranteed securities	No limit
Securities rated triple B or above	5%
Double B rated securities	4%
Single B rated securities	3%
Unrated securities	3%
Securities split rated B	2%
Securities rated CCC or below	1%

4. Inflation-indexed bond component: The minimum overall credit quality level shall be the equivalent of AAA or higher. The minimum quality rating of an individual holding shall be the equivalent of a AAA rating by at least one nationally recognized rating service at the time of purchase.
5. Real asset components: The investments will be appropriately distributed to provide for prudent diversification. In portfolios of publicly-traded securities, at the time of purchase, the maximum holding in an individual issuer shall be 10 percent of the portfolio market value. Diversification and concentration parameters will be consistent with the real asset strategy statement.
6. Except for alternative equity and private real asset investments, the fund should hold no more than five percent of any class of securities of any one issuer except the U.S. government and its agencies.

3. Evaluation and Review

A. Policy and Guidelines Review

The Investment Committee shall review the investment objectives and guidelines at least annually. Given changing economic and capital market conditions, an in-depth evaluation of how existing guidelines are affecting the Fund's ability to meet policy objectives is warranted at least every three years.

B. Total fund performance should be evaluated at multiple levels. Evaluations shall be made net of fees and expenses.

Performance evaluations shall be in accordance with the equity, fixed income, high yield, real asset, inflation indexed bond, and asset allocation strategy statements.

- Performance reports should clearly attribute performance to the relevant decisions (e.g. distinguish between returns attributable to market action, investment policy decisions, other investment committee decisions, and active manager decisions.)

C. Individual manager performance evaluation should be based on the specific objectives of the individual manager and be consistent with the Manager Monitoring and Evaluation Program.

D. Risk Measures and Controls

- Maintain risk exposures of the various asset class components of the fund at levels similar to the overall asset classes' markets respectively. Allow prudent deviations from asset class targets as market conditions warrant, and be consistent with the asset class rebalancing and short-term deviation policies outlined in the Board of Pensions' asset allocation strategy statement.
- A clear set of risk measures and controls for both the total fund and its asset class components will be used for monitoring the risk exposures of the fund.
- Over time the level of market risk in the asset class pools should be comparable to the level of market risk in the benchmarks.

E. Unrelated Business Income Tax (UBTI)

Investments will be evaluated on the total expected net return for prospective investment taking into account the impact of any UBTI, foreign taxes, or other such expenses and will seek mitigate UBTI where appropriate.

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ELCA INVESTMENT POLICY COMPLIANCE ANALYSIS
July 31, 2009

Policy	Harris Bank			
	Operating		Investment	
	Actual	Target	Actual	Target
Total market value -- millions	\$ 6.90	n.a.	\$ 27.40	n.a.
Return	1.53%	0.26%	3.72%	2.97%
Duration and maturity - Average (+/- 25%)	0.89 yrs	0.91 yrs	2.28 yrs	2.61 yrs
Maturity exceptions - Single issue max years	None	3 yrs	None (2)	10 yrs
Quality - average	AA+	AA	AA+	AA
Quality - second tier max	3.30%	20.00%	5.00%	20.00%
Quality - below BBB exceptions	None	None	None	None
Diversification - single issue max	9.09% (4)	5.00%	3.68% (1)	5.00%
Diversification - other eligible securities max	39.53%	65.00%	53.77%	65.00%
Diversification - repurchase agreements max	None	20.00%	None	20.00%
Prohibited investments exceptions	None	None	None	None
Social responsibility exceptions	None	None	One (3)	None

* Harris STATIC Index

** Merrill Lynch 1 - 5 Yr Gov/Credit

(1) A US Treasury Note

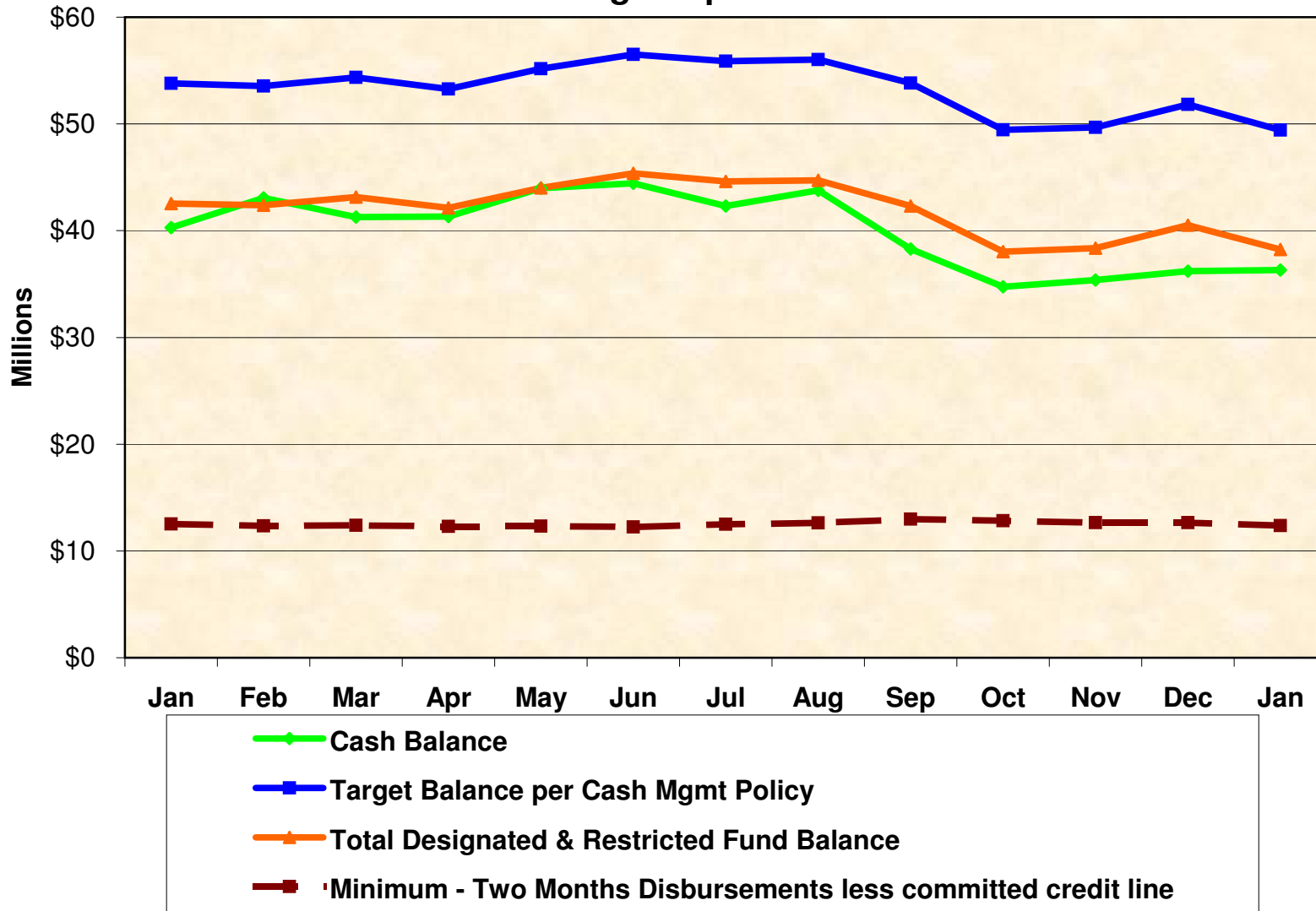
(2) US Agency and Commercial Mortgage Obligations (9) of \$2.32 million with a face maturity over 10 years but with an estimated effective maturity of less than 10 years

(3) One security in the portfolio is included in the social responsibility prohibited investments as of December 31, 2008: \$235,000 IBM Corp due 11/29/12 - as allowed under the transition rules of the Social Responsibility policy, the Trustee will seek opportunities to sell this security as markets improve .

(4) Harris Bank Virtus Insight Money Market Fund - permitted by Section III-A and IV-G. Next largest is 3.29%

Harris Bank serves as the custodian and investment manager - there are no sub managers

Cash Management Policy Comparison vs. Actual Actual Through September 2009



ELCA Committee on Appeals
Progress Report Concerning
“Definitions and Guidelines for Discipline”

The 2009 ELCA Churchwide Assembly adopted several resolutions dealing with ministry standards, including the following (CA09.05.27):

RESOLVED, that the Committee on Appeals be directed to develop, in consultation with the Conference of Bishops, and the Church Council be directed to approve, appropriate amendments to "Definition and Guidelines for Discipline" and the Vocation and Education program unit be directed to draft, in consultation with the Conference of Bishops, and the Church Council is directed to approve, appropriate amendments to the "Vision and Expectations" documents and the Candidacy Manual to accomplish the intent of this resolution; . . .

Section 20.70 of the ELCA *Constitution, Bylaws, and Continuing Resolutions* reads:

20.70. DEFINITIONS AND GUIDELINES

20.71.11. The Committee on Appeals shall establish definitions and guidelines, subject to approval by the Church Council, to enable clear and uniform application of the grounds for discipline in each of the above categories.

20.71.12. The Committee on Appeals shall present to the Church Council for consideration and recommendation a process and definitions, as required in bylaw 20.71.11.

The members of the Committee on Appeals, elected by the ELCA Churchwide Assembly, are: Pr. A. Donald Main, chair; Ms. Madelyn H. Busse, vice chair; Mr. George C. Watson, secretary; Pr. Margaret E. Herz-Lane, asst. secretary; Mr. Gary A. Dahlke; Pr. David G. Gabel; Pr. Philip L. Hougen; Ms. Rebecca J. Poppe; Pr. Matthew L. Riegel; Pr. Leah K. Schafer; Mr. Athornia Steele; and Ms. Deborah S. Yandala.

The Committee on Appeals was directed to offer amendments to “Definitions and Guidelines for Discipline” that provide a clear understanding of what is not acceptable behavior for all rostered and all future rostered persons of the ELCA. “Definitions and Guidelines for Discipline” provides the "thou shalt not" for the rostered persons of this church. The committee has sought to use language from both the social statement, "Human Sexuality: Gift and Trust," and from the Churchwide Assembly's "ministry standards resolutions" in order to be consistent, and has sought to be balanced in addressing all future rostered leaders.

Over the course of several conference telephone calls and e-mail exchanges in September and October, the Committee on Appeals prepared drafts of possible changes to “Definitions and Guidelines for Discipline” (“D&G”) in order to comply with the directive of the Churchwide Assembly. The Committee is providing for your information three drafts reflecting the stages of the process that we have gone through to date in fulfilling our assigned responsibility. These drafts are for discussion only: *the Committee does not have recommendations to make to the Church Council at this time.*

First draft: our initial report to the Conference of Bishops (COB), which met at the beginning of October 2009. Beginning with the present wording in D&G, the committee sought to make proposals that reflected the actions of the Assembly. The COB Advisory Committee to the Vocation and Education unit reviewed our initial draft and brought suggestions to the bishops for their discussion.

Second draft: incorporates changes proposed to the Committee on Appeals by the COB at its October meeting. Having received this important input from the bishops, the Committee on Appeals met again by

conference telephone call and reviewed the bishops' suggestions in detail.

Current draft: represents the latest discussions among the committee members. At this time, the committee seeks responses and suggestions from the Church Council to help inform us as we continue our work.

Next steps: The Committee on Appeals looks forward to receiving comments from the Church Council and again from the bishops after they gather for their annual Bishops' Academy in January 2010. The COA plans to meet in Chicago at the end of February 2010 to prepare its recommended changes to "Definitions and Guidelines for Discipline." This proposal will be reviewed by the COB when it meets in March. The Committee on Appeals will have a conference telephone meeting later in March to establish formal recommendations to the Church Council for its April meeting.

FOR YOUR INFORMATION: The Committee on Appeals unanimously supports the recommendation of the Conference of Bishops that no action be taken by the Church Council at the November 2009 meeting concerning changes to "Definitions and Guidelines for Discipline."

For the Committee,

A. Donald Main, Chair

Attachment

1st Draft	2nd Draft	Current Draft
Definitions and Guidelines for Discipline <i>10/03/09 DRAFT CHANGES PROPOSED by COMMITTEE ON APPEALS to the COB</i>	Definitions and Guidelines for Discipline <i>10/06/09 DRAFT CHANGES PROPOSED by the CONFERENCE OF BISHOPS to the COA</i>	Definitions and Guidelines for Discipline <i>11/14/09 DISCUSSION DRAFT from the COMMITTEE ON APPEALS to the ELCA CHURCH COUNCIL</i>
[FOR THE CLERGY ROSTER] * * *	[FOR THE CLERGY ROSTER] * * *	[FOR THE CLERGY ROSTER] * * *
<p>b. Conduct incompatible with the character of the ministerial office is grounds for discipline of ordained ministers. These guidelines define and describe kinds of behavior which are incompatible with the character of the ministerial office.</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">3) Relationship to Family</p> <p>This church is committed to the sanctity of marriage, the valuing and preservation of publicly accountable, lifelong, monogamous, same-gender relationships and the enhancement of family life. Ordained ministers of this church, whether married, in publicly accountable, lifelong, monogamous, same-gender relationships, or single, are expected to uphold Christian ideals of marriage, family and relationship in their public ministry as well as in private life. Spouse or same-gender partner and children, if any, are to be regarded with love, respect and commitment.</p> <p style="text-align: center;">Any departure from this normative</p>	<p>b. Conduct incompatible with the character of the ministerial office is grounds for discipline of ordained ministers. These guidelines define and describe kinds of behavior which are incompatible with the character of the ministerial office.</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">3) Relationship to Family</p> <p>This church is committed to the sanctity of marriage and the enhancement of family life. This church also allows for the recognition and support of publicly accountable, lifelong, monogamous, same-gender relationships. Ordained ministers of this church, whether single, married, or in publicly accountable, lifelong, monogamous, same-gender relationships, are expected to uphold Christian ideals of marriage, family and relationship in their public ministry as well as in private life. Spouse or same-gender partner and children, if any, are to be regarded with love, respect and commitment.</p>	<p>b. Conduct incompatible with the character of the ministerial office is grounds for discipline of ordained ministers. These guidelines define and describe kinds of behavior which are incompatible with the character of the ministerial office.</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">3) Relationship to Family</p> <p>This church is committed to the sanctity of marriage and the enhancement of family life. This church also recognizes and supports publicly accountable, lifelong, monogamous, same-gender relationships. Ordained ministers of this church, whether single, married, or in publicly accountable, lifelong, monogamous, same-gender relationships, are expected to uphold Christian ideals of marriage, family and relationship in their public ministry as well as in private life. Spouse or same-gender partner and children, if any, are to be regarded with love, respect and commitment.</p>

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Definitions and Guidelines for Discipline <i>10/03/09 DRAFT CHANGES PROPOSED by COMMITTEE ON APPEALS to the COB</i>	Definitions and Guidelines for Discipline <i>10/06/09 DRAFT CHANGES PROPOSED by the CONFERENCE OF BISHOPS to the COA</i>	Definitions and Guidelines for Discipline <i>(DATE) DISCUSSION DRAFT from the COMMITTEE ON APPEALS to the ELCA CHURCH COUNCIL</i>
<p style="text-align: center;">[FOR THE LAY ROSTERS] * * *</p> <p>b. Conduct incompatible with the standards for the rostered ministries of this church is grounds for discipline of individuals on the official rosters of laypersons of this church (commissioned associates in ministry and consecrated deaconesses and diaconal ministers). These guidelines define and describe kinds of behavior which are incompatible with the standards for these rostered ministries.</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">2) Relationship to Family This church is committed to the sanctity of marriage, the valuing and preservation of publicly accountable, lifelong, monogamous, same-gender relationships and the enhancement of family life. Individuals on the official rosters of laypersons, whether married, in publicly accountable, lifelong, monogamous, same-gender relationships, or single, are expected to uphold Christian ideals of</p>	<p style="text-align: center;">[FOR THE LAY ROSTERS] * * *</p> <p>b. Conduct incompatible with the standards for the rostered ministries of this church is grounds for discipline of individuals on the official rosters of laypersons of this church (commissioned associates in ministry and consecrated deaconesses and diaconal ministers). These guidelines define and describe kinds of behavior which are incompatible with the standards for these rostered ministries.</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">2) Relationship to Family This church is committed to the sanctity of marriage and the enhancement of family life. This church also allows for the recognition and support of publicly accountable, lifelong, monogamous, same-gender relationships. Individuals on the official rosters of laypersons, whether single, married, or in publicly accountable, lifelong, monogamous, same-gender relationships, are expected to uphold</p>	<p style="text-align: center;">[FOR THE LAY ROSTERS] * * *</p> <p>b. Conduct incompatible with the standards for the rostered ministries of this church is grounds for discipline of individuals on the official rosters of laypersons of this church (commissioned associates in ministry and consecrated deaconesses and diaconal ministers). These guidelines define and describe kinds of behavior which are incompatible with the standards for these rostered ministries.</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">2) Relationship to Family This church is committed to the sanctity of marriage and the enhancement of family life. This church also recognizes and supports publicly accountable, lifelong, monogamous, same-gender relationships. Individuals on the official rosters of laypersons, whether single, married, or in publicly accountable, lifelong, monogamous, same-gender relationships, are expected to uphold Christian ideals of</p>

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**Reinstatement to the Rosters
of the Evangelical Lutheran Church in America**

I. REINSTATEMENT PROCESS

- A. Reinstatement to the rosters of the Evangelical Lutheran Church in America (ELCA) is the responsibility of the Candidacy Committee of the synod where the applicant was last under call rostered as an ordained minister, associate in ministry, deaconess, or diaconal minister of the Evangelical Lutheran Church in America.¹
- B. In the case of an applicant whose rostered ministry was last in one of the ELCA predecessor churches, the successor ELCA synod has the responsibility. In every case, the process begins in the synod from which the applicant left the roster or its successor.
- C. For a period of two years, from January 1, 2010, until December 31, 2011, Candidacy Committees may begin to consider, without waiting for five years to elapse, applications from those whose removal or resignation from the roster was solely the result of being in a lifelong, monogamous, same-gender relationship.
- D. Except as provided in paragraph I.C. above, in the case of an applicant whose removal from the roster was the result of either:
- 1) the official disciplinary process of this church, or
 - 2) resignation or removal from the roster in lieu of the disciplinary process, or
 - 3) application of ELCA churchwide bylaw 7.31.16., where the person was on leave or without call after conduct or allegations that could lead to disciplinary charges,
- then a minimum of five consecutive years without call must elapse before an application for reinstatement may be considered. The passage of five years without call does not guarantee reconsideration.

II. APPLICATION

- A. The applicant provides the completed “Application for Reinstatement” to the appropriate roster of the Evangelical Lutheran Church in America to the synod, and the synod sends a copy to the Vocation and Education unit for information.
- B. Upon receipt of the application, the synodical bishop will notify the Office of the Secretary of the Evangelical Lutheran Church in America and request any pertinent information the churchwide office may have concerning the applicant.
- C. With the approval of the ELCA secretary, the reinstatement process may be transferred from the synod of previous roster to the synod of current residence, upon the written concurrence of both candidacy committees and both synodical bishops. The original synod will provide the receiving synod with all information and documentation concerning the applicant.
- D. The bishop of the synod in which the reinstatement application will be considered

¹Any person removed from a lay roster that existed on December 31, 1987, who seeks to return to active lay roster status, must apply for acceptance to a roster of this church under the standards, criteria, policies, and procedures that apply to the roster of associates in ministry, as identified in ELCA churchwide bylaw 7.52.13. This requirement shall apply to those certified during the period of January 1, 1988, through September 1, 1993, as associates in ministry of this church.

arranges an interview with the applicant. The purpose of this interview is to determine the applicant's eligibility to be a candidate in the synod for ministry. The bishop also determines whether the application is timely under paragraph I.C. or premature under paragraph I.D. above.

- E. In the case of an applicant where inappropriate conduct or allegations of misconduct led to resignation or removal from the roster, the synodical bishop examines the applicant for indications of repentance and amendment of life as well as indication of or attempts at reconciliation with those injured by the conduct, and documents the corrective actions that have occurred before proceeding with the reinstatement process. The bishop should invite comments from those directly affected by the applicant's inappropriate conduct or alleged misconduct.
- F. The applicant is considered for reinstatement by the Candidacy Committee when the application is forwarded to the committee by the bishop. The bishop may, in his or her sole discretion, decline to forward the application to the Candidacy Committee or may forward the application to the Candidacy Committee with a written statement of the bishop's opinion of the application.

III. CANDIDACY COMMITTEE

- A. The synod Candidacy Committee will receive and review the registration by the pastor and Congregation Council of the congregation of which the applicant is a member in good standing. The registration attests that the applicant is an active member of an ELCA congregation.
- B. The committee shall determine that it has received all records and information concerning the applicant, including verification of synodical records concerning the reason for removal from the roster. If synodical records are incomplete, this verification may include conferring with the former bishop, synod staff, or with the churchwide office.
- C. The committee may request any additional information from any source that it deems necessary in order to determine the applicant's readiness for ministry and suitability for reinstatement to the roster.
- D. The applicant must prepare an approval essay and submit it to the Candidacy Committee.
- E. In the case of any applicant who has been off the roster or without call for more than five years, the Candidacy Committee will require the applicant to participate in the Psychological Evaluation and Career Consultation according to the policies of the Vocation and Education unit. The expense of this evaluation is the responsibility of the applicant.
- F. The Candidacy Committee follows the Candidacy Manual standards and procedures for new applicants as its guide in considering a request for reinstatement. The Candidacy Committee interviews the applicant to explore all concerns related to reinstatement, including but not limited to:
 - 1) the circumstances surrounding the removal of the applicant from the roster, including the applicant's reason(s) for leaving the roster;
 - 2) the applicant's reason(s) for requesting reinstatement to the roster with a special focus upon what has changed in the person's life, faith, attitudes, and

- circumstances since the time of removal;
- 3) discussion of the applicant's understanding of ordained, commissioned, or consecrated ministry in the Evangelical Lutheran Church in America, and the applicant's willingness to serve in response to the needs of this church; and
 - 4) discussion of "Vision and Expectations," and the applicant's commitment to live according to the expectations of this church.
- G. The Candidacy Committee may request the Vocation and Education unit to convene a Review Panel to determine the applicant's theological readiness for ordained ministry. The Review Panel will make a recommendation to the committee following the procedures developed by the Vocation and Education unit.

IV. DECISION

- A. The Candidacy Committee will decide the applicant's suitability to serve as a rostered minister of this church. This decision is one of the following:
- 1) approval of the candidate for reinstatement upon receipt and acceptance of a letter of call;
 - 2) postponement of approval with specific recommendations for remedial or developmental work before further consideration for reinstatement; or
 - 3) denial of approval for reinstatement.
- B. If the decision of the Candidacy Committee is to deny an applicant reinstatement, that decision is final. Any such applicant who desires reconsideration must begin the process again by applying under II.A. above.
- C. If an applicant who was removed from the roster under the circumstances described in paragraphs **I.C. I.D.** above is approved for reinstatement by the Candidacy Committee, such approval is not effective unless affirmed by a two-thirds majority vote of the total membership of the Executive Committee of the Synod Council. After the Candidacy Committee reports its approval and the reasons for that approval to the Executive Committee of the Synod Council, the Executive Committee may obtain whatever additional information or advice, including legal advice, it deems necessary before reviewing the decision of the Candidacy Committee.

V. APPROVAL

- A. If approved, the candidate will complete the normal **candidacy documents assignment paperwork** and will participate in the churchwide assignment process through the **Synodical Relations section Vocation and Education unit**.
- B. If after consultation with the synodical bishop, the Vocation and Education unit determines that the process for reinstatement described herein has not been fully or properly completed, then the **Synodical Relations section Vocation and Education unit** shall postpone the candidate's participation in the assignment process until all requirements are met.
- C. An approved candidate is eligible for a call for a period of one year after approval by the synod. Any delay occasioned by a postponement under V.B. above is not counted toward that one-year period of eligibility.
- D. The process for renewal of approval, as defined by the Vocation and Education unit

- (“Candidacy Manual”), is the same as that for other candidates for rostered ministry.
- E. Upon receipt and acceptance of a properly issued and duly attested letter of call, the candidate is reinstated to the appropriate roster of this church.

Adopted by action of the Church Council as policy of the Evangelical Lutheran Church in America, April 16, 1989, revised on November 14, 1994, and further revised by the Church Council April 12, 1999 [CC99.04.29], and November 14, 2004 [CC04.11.69c], and November 2009 [CC09.11.XX].

**Board and Committee Operational Ethics Policy
of the Churchwide Organization
of the Evangelical Lutheran Church in America**

~~The Board and Committee Operational Ethics Policy of the churchwide organization of the Evangelical Lutheran Church in America addresses business ethics and does not include the other ethical values and policies of the Evangelical Lutheran Church in America (referred to as "ELCA"). The Board and Committee Operational Ethics Policy applies to all ELCA churchwide organization (referred to as the "churchwide organization") board and committee members (referred to as "members") in matters relating to the performance of their duties and responsibilities for the churchwide organization.~~

This Operational Ethics Policy addresses business ethics, including conflicts of interest, and applies to members of the Church Council and members of boards and committees (referred to as "members") of the churchwide organization of the Evangelical Lutheran Church in America (referred to as the "ELCA") in the performance of their duties and responsibilities. It does not encompass all the ethical values and policies contained in the governing documents of the ELCA.

All funds and property received and administered by the churchwide organization are entrusted to the organization by God through the faithful financial support of ELCA members and friends. The highest degree of stewardship and fiduciary responsibility is expected of all members, including the receiving, reporting, and use of funds, property, and time. Members are responsible for complying with applicable laws, regulations, and the governing documents, policies, and procedures of the churchwide policies and procedures organization.

Standards of Ethical Conduct

1. *Duty of Loyalty.* Each member is responsible for acting in good faith in the best interests of the churchwide organization. ~~These responsibilities are set forth below.~~
2. *Conflicts of Interest.* All members shall avoid conflicts of interest, potential conflicts of interest, and situations that give the appearance of conflicts of interest.¹
 - a. Conflict of interest means any situation in which the member may be influenced or appear to be influenced in decision-making or business dealings by any motive or desire for personal advantage ~~other~~ rather than the success and well-being of the churchwide organization. Personal advantage means a financial interest or some other personal interest or benefit, whether present or potential, whether direct or indirect. This standard applies to both actual and contemplated transactions. When in doubt, the member is to assume there might be a conflict.

¹For purposes of this ethics policy, participation in the ELCA Pension and Other Benefits Plans and investments with the Mission Investment Fund ~~and~~ or the ELCA Foundation are not considered to present a conflicts of interest.

- b. All ~~present and potential~~ conflicts of interest and potential conflicts of interest involving a member or a family member of a member issues must be disclosed.² If the conflict or potential conflict is known in advance of any meeting, business transaction, contract, or other activity at which issues relating to the conflict may be discussed or on which the issues may have a bearing on the member's approach, whether directly or indirectly, it shall be disclosed ahead of time. If the conflict or potential conflict is not known in advance, it shall be disclosed when the ~~actual or potential conflict or potential conflict~~ becomes apparent. Disclosure ~~is to be~~ shall be made in writing to an ELCA officer ~~of the churchwide organization~~ or chairperson of the board or committee.
- c. When issues relate to a meeting, disclosure is appropriate to the person in charge of the meeting and, at the discretion of the person in charge, to the full meeting. The member ~~shall~~ should leave the meeting room and shall ~~to~~ avoid all discussion, voting, and deliberation on the issue. Following full disclosure of the ~~present~~ conflict or potential conflict, the board or equivalent may decide that no conflict of interest exists and invite the participation of the member. All such actions shall be recorded in any minutes or records kept of the meeting.
- d. All members are likewise to disclose, in writing, matters and relationships that have the potential for giving rise to the appearance of a conflict of interest in business dealings with the churchwide organization. Examples include, but are not limited to, financial interests and/or leadership roles with vendors and other organizations doing business with the churchwide organization. The unit ~~director~~ executive, in consultation with ELCA General Counsel or, as appropriate, the Executive Committee of the Church Council, will evaluate disclosures and determine the appropriate action to be taken. Business dealings with friends and family members are particularly sensitive and are to be disclosed and carefully evaluated because of the potential for inferences of tangible or intangible personal advantage and the appearance of impropriety.
- e. To avoid appearances of impropriety, any gifts, gratuities, and hospitality ~~to a member~~—such as goods free travel; hotel, or residential rooms lodging offered to a typically will not be accepted by any member from any person or organization that sells, delivers, or receives any goods, materials, and services to or from the churchwide organization can ~~only~~ be accepted and used only for the benefit of the organization. Occasional *de minimus* gifts are exempt from this rule.³ Gifts that primarily benefit the churchwide organization and not an individual; —such as gifts of hospitality given to the churchwide organization by hotels, conventions, and conferences in relation to official churchwide organization business; —are exempt from this rule. Members may also may participate in reasonable, normal relationship-building activities, such as meals, sporting entertainment events, and other such similar activities. ~~All~~ Gifts and such participation are to be reported, ~~in advance if possible,~~ to the chair of the board or committee, the

²For purposes of this ethics policy, a “family member” is a spouse, parent, child, brother, sister, or spouse of a brother or sister.

³De minimus gifts are typically gifts of less than \$4575.00 value, such as flowers or foodstuffs. “Occasional” means, for example, something that may be part of a special event or seasonal holiday.

unit ~~director~~ executive relating to the committee, or an officer of ~~the~~ this church.

f. Each member has a duty to maintain and provide complete, accurate, and timely records regarding transactions and issues to which this policy applies.

3. *Confidentiality.* Members shall not disclose information about the churchwide organization that is not intended to be known outside of the churchwide organization or is not ~~known by~~ reported to the public means.

4. *Duty of Care.* The duty of care and obligation of good stewardship requires all members to ~~act first in the best interests of the churchwide organization. All members shall~~ exercise reasonable efforts to inform themselves ~~of~~ about the mission and ministry of the ELCA and of the facts and circumstances related to any matter on which they have decision-making responsibility. All members shall act as a reasonable ~~member~~ person would act under the same or similar circumstances.

5. *Transactions and Reporting.* Each member has a duty to maintain and report complete, accurate, and timely records pertaining to their actions and responsibilities as applicable to their role.

6. *Duty to Disclose.* Members have a duty to disclose all breaches of this policy. Likewise, concerns about the ~~appearance or the~~ possibility of breaches should be reported. Care always must ~~always~~ be taken to be factual and objective. Breaches shall be reported to one of the following: an officer of the ELCA, the director for internal audit, or the General Counsel. There will be no retaliation for good faith complaints, reports, or participation in an investigation.

7. *Violations.* Violation may result in ~~termination~~ removal from the Church Council, board, or committee.

8. *Amendments.* The policy may be amended from time to time.

Adopted 2004
Amended 2009

Representation by Church Council Member

I acknowledge that:

- I have received a copy of the ~~Church Council and Committee~~ Operational Ethics Policy.
- I understand that it is my responsibility to read and comply with the policy and any revisions made to it.
- I understand that:
 - ▶ I am subject to the policy and am required to comply with it.
 - ▶ I am responsible for reporting any possible conflict of interest, potential conflict of interest, or situation that may give rise to the appearance of a conflict of interest that involves me or a family member, is reported to me, or that I observe.
 - ▶ I am responsible for reporting any complaints that I receive under the policy, as well as any other violations of the policy that I observe.

Signature

Date

Name (Please print)

Failure to sign this document does not eliminate the member's responsibilities to comply with the ethical standards of the churchwide organization.

Note: If a member will not sign, the date when the representation is given to the member should be noted for the file.

Representation by Board or Committee Member

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 - I am responsible for reporting any complaints that I receive under the policy, as well as any other violations of the policy that I observe.

Signature

Date

Name (Please print)

Name of Committee

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EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit G, Part 3a
Page 6

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Operational Ethics Policy
of the Churchwide Organization
of the Evangelical Lutheran Church in America

This Operational Ethics Policy addresses business ethics, including conflicts of interest, and applies to members of the Church Council and members of boards and committees (referred to as "members") of the churchwide organization of the Evangelical Lutheran Church in America (referred to as the "ELCA") in the performance of their duties and responsibilities. It does not encompass all the ethical values and policies contained in the governing documents of the ELCA.

All funds and property received and administered by the churchwide organization are entrusted to the organization by God through the faithful financial support of ELCA members and friends. The highest degree of stewardship and fiduciary responsibility is expected of all members, including the receiving, reporting, and use of funds, property, and time. Members are responsible for complying with applicable laws, regulations, and the governing documents, policies, and procedures of the churchwide organization.

Standards of Ethical Conduct

1. *Duty of Loyalty.* Each member is responsible for acting in good faith in the best interests of the churchwide organization.
2. *Conflicts of Interest.* All members shall avoid conflicts of interest, potential conflicts of interest, and situations that give the appearance of conflicts of interest.¹
 - a. Conflict of interest means any situation in which the member may be influenced or appear to be influenced in decision-making or business dealings by any motive or desire for personal advantage rather than the success and well-being of the churchwide organization. Personal advantage means a financial interest or some other personal interest or benefit, whether present or potential, whether direct or indirect. This standard applies to both actual and contemplated transactions. When in doubt, the member is to assume there might be a conflict.
 - b. All conflicts of interest and potential conflicts of interest involving a member or a family member of a member must be disclosed.² If the conflict or potential conflict is known in advance of any meeting, business transaction, contract, or other activity at which issues relating to the conflict may be discussed or on which the issues may have a bearing on the member's approach, whether directly or indirectly, it shall be disclosed ahead of time. If the conflict or potential conflict is not known in advance, it shall be disclosed when the conflict or potential

¹For purposes of this ethics policy, participation in the ELCA Pension and Other Benefits Plans and investments with the Mission Investment Fund or the ELCA Foundation are not considered to present conflicts of interest.

²For purposes of this ethics policy, a "family member" is a spouse, parent, child, brother, sister, or spouse of a brother or sister.

conflict becomes apparent. Disclosure shall be made in writing to an ELCA officer or chairperson of the board or committee.

- c. When issues relate to a meeting, disclosure is appropriate to the person in charge of the meeting and, at the discretion of the person in charge, to the full meeting. The member should leave the meeting room and shall avoid all discussion, voting, and deliberation on the issue. Following full disclosure of the conflict or potential conflict, the board or equivalent may decide that no conflict of interest exists and invite the participation of the member. All such actions shall be recorded in any minutes or records kept of the meeting.
- d. All members are likewise to disclose, in writing, matters and relationships that have the potential for giving rise to the appearance of a conflict of interest in business dealings with the churchwide organization. Examples include, but are not limited to, financial interests and/or leadership roles with vendors and other organizations doing business with the churchwide organization. The unit executive, in consultation with ELCA General Counsel or, as appropriate, the Executive Committee of the Church Council, will evaluate disclosures and determine the appropriate action to be taken. Business dealings with friends and family members are particularly sensitive and are to be disclosed and carefully evaluated because of the potential for inferences of tangible or intangible personal advantage and the appearance of impropriety.
- e. To avoid appearances of impropriety, any gifts, gratuities, and hospitality—such as goods, free travel, or lodging—offered to a member from any person or organization that sells, delivers, or receives any goods, materials, and services to or from the churchwide organization can be accepted and used only for the benefit of the organization. Occasional *de minimus* gifts are exempt from this rule.³ Gifts that primarily benefit the churchwide organization and not an individual—such as gifts of hospitality given to the churchwide organization by hotels, conventions, and conferences in relation to official churchwide organization business—are exempt from this rule. Members also may participate in reasonable, normal relationship-building activities, such as meals, entertainment events, and other similar activities. Gifts and such participation are to be reported to the chair of the board or committee, the unit executive relating to the committee, or an officer of this church.
- f. Each member has a duty to maintain and provide complete, accurate, and timely records regarding transactions and issues to which this policy applies.

3. *Confidentiality.* Members shall not disclose information about the churchwide organization that is not intended to be known outside of the churchwide organization or is not reported to the public.

4. *Duty of Care.* The duty of care and obligation of good stewardship requires all members to exercise reasonable efforts to inform themselves about the mission and ministry of the ELCA and of the facts and

³*De minimus* gifts are typically gifts of less than \$75.00 value, such as flowers or foodstuffs. “Occasional” means, for example, something that may be part of a special event or seasonal holiday.

circumstances related to any matter on which they have decision-making responsibility. All members shall act as a reasonable person would act under the same or similar circumstances.

5. *Transactions and Reporting.* Each member has a duty to maintain and report complete, accurate, and timely records pertaining to their actions and responsibilities as applicable to their role.

6. *Duty to Disclose.* Members have a duty to disclose all breaches of this policy. Likewise, concerns about the possibility of breaches should be reported. Care always must be taken to be factual and objective. Breaches shall be reported to one of the following: an officer of the ELCA, the director for internal audit, or the General Counsel. There will be no retaliation for good faith complaints, reports, or participation in an investigation.

7. *Violations.* Violation may result in removal from the Church Council, board, or committee.

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Adopted 2004
Amended 2009

Representation by Church Council Member

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Signature

Date

Name (Please print)

Name of Committee

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EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit G, Part 3b
Page 6

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Executive Summary
Review of the Churchwide Staff Alliances
Modupe Edeoga and Kenneth W. Inskeep
Research and Evaluation
October 29, 2009

The staff alliances in the Evangelical Lutheran Church in America (ELCA) respond to the Plan for Mission's implementation goals for the churchwide organization. The alliances are intended to assist the churchwide organization in expressing and deepening its commitments, which include:

- encouraging, welcoming, and depending upon the lively and creative exchange of resources and ideas throughout the Evangelical Lutheran Church in America;
- confronting the scandalous realities of racial, ethnic, cultural, religious, age, gender, familial, sexual, physical, personal, and class barriers that often manifest themselves in exclusion, poverty, hunger, and violence; and
- pursuing ardently the ELCA's commitment to become more diverse, multicultural, and multigenerational in an ever-changing and increasingly pluralistic context, with special focus on full inclusion in this church of youth, young adults, and people of color and people whose primary language is other than English.

The alliances assist the churchwide organization in understanding and, where necessary, changing its culture. The work of each alliance is focused on the churchwide organization. The alliances include justice for women, multicultural ministry, poverty and wealth, and young adult ministry.

The primary focus of the review was the perception of churchwide staff of the alliances. The primary goal of the review was to provide alliance leaders with suggestions on how to improve their work with the alliances. The review did not attempt to determine if the culture of the churchwide organization actually has changed. There was concern about how sexism or racism, for example, would be measured, about how baselines would be established, and how progress would be determined. There also was concern that the resources of the alliances are limited and, as a result, more time is needed to judge the impact of their work.

The review was based on the findings of a questionnaire distributed to all ELCA staff based in Chicago. Four hundred and ten questionnaires were fielded and 261 were returned for a response rate of 64 percent.

The review determined the following:

- The issues being deliberated and addressed by the four ELCA staff alliances are issues that the majority of the churchwide staff consider to be important. Among the alliances, the role and participation of young adults in the churchwide organization had the highest percentage of staff (50 percent) indicating the issue needs to be addressed "to a great extent."
- It is clear that many churchwide staff are aware only moderately of the activities of the alliances. Staff are most familiar with the activities of the justice for women and Multicultural Ministries staff alliances and less familiar with the poverty and wealth and young adult ministry staff alliances. There is some indication that the lunch time topical events used by the justice for women staff alliances has made staff more familiar with the alliance.
- The vast majority of staff alliance members said they were *completely* or *somewhat* able to bring concerns, questions, and/or comments from their unit to the staff alliance and that they had found a way to connect information received from the staff alliance to their unit.

- The vast majority of staff alliance members also said they have discussed staff alliance issues with colleagues in their unit three or more times in the last year. The respondents tend to discuss staff alliance issues more informally than formally. The topic discussed most frequently both formally and informally is multiculturalism or racism. Poverty and wealth is discussed formally or informally least frequently. The impact of poverty and wealth may be less directly apparent in the day-to-day work life of staff when compared to gender, race, and age.
- It is difficult to determine the influence of the alliances on the members of the Cabinet of Executives, the unit management team, or the members of the alliances themselves. It is clear, however, that each of these groups *agreed* or *strongly agreed* that they are aware of the issues raised by the alliances and that they have gained positive ways to address these issues.

Areas for Discussion

1. Are the alliances an appropriate strategy for promoting work across units on issues of common concern like the commitments?
2. Are these four areas of work—including justice for women, multicultural ministry, poverty and wealth, and young adult ministry—the appropriate areas of work for the alliances?
3. What advice do committee members have on how the possible measurement of levels of sexism or racism be handled?

Review of the Churchwide staff alliances

Modupe Edeoga and Kenneth W. Inskeep
Research and Evaluation
October 15, 2009

The staff alliances in the Evangelical Lutheran Church in America (ELCA) respond to the Plan for Mission's implementation goals for the churchwide organization. The alliances are intended to assist the churchwide organization in expressing and deepening its commitments, which include:

- encouraging, welcoming, and depending upon the lively and creative exchange of resources and ideas throughout the Evangelical Lutheran Church in America;
- confronting the scandalous realities of racial, ethnic, cultural, religious, age, gender, familial, sexual, physical, personal, and class barriers that often manifest themselves in exclusion, poverty, hunger, and violence; and
- pursuing ardently the ELCA's commitment to become more diverse, multicultural, and multigenerational in an ever-changing and increasingly pluralistic context, with special focus on full inclusion in this church of youth, young adults, and people of color and people whose primary language is other than English.

The alliances assist the churchwide organization in understanding and, where necessary, changing its culture. The work of each alliance is focused on the churchwide organization. The alliances include justice for women, multicultural ministry, poverty and wealth, and young adult ministry.

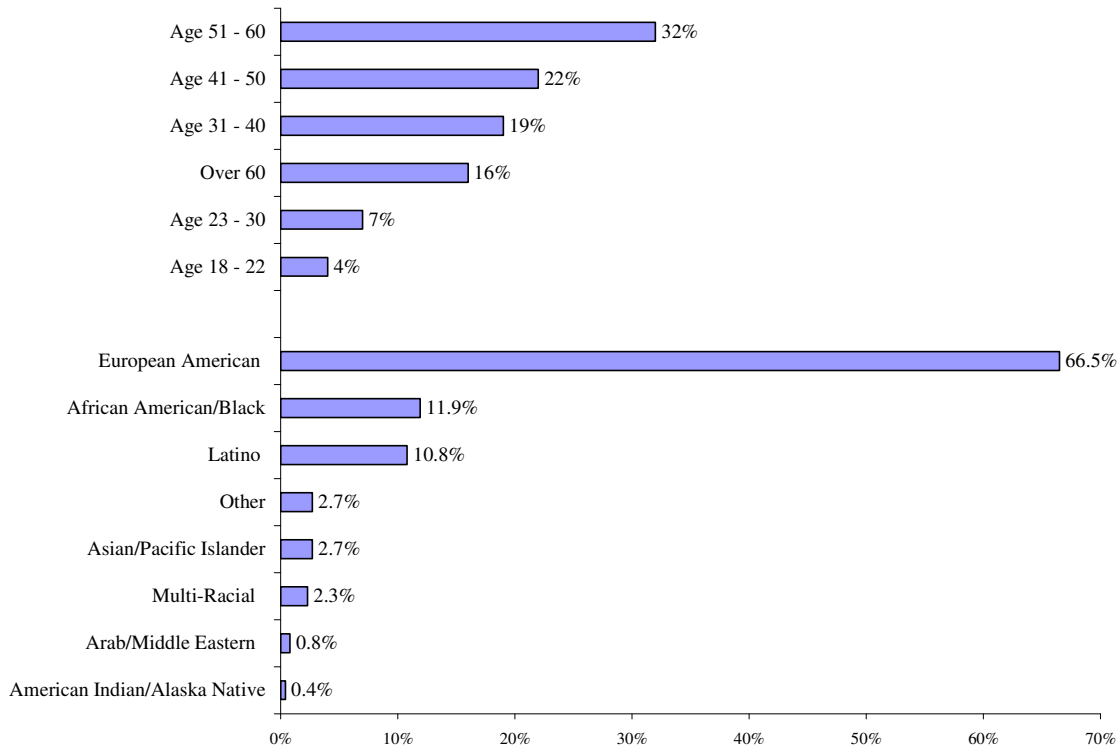
The primary focus of this review is the perception of churchwide staff of the alliances. The review is based on the findings of a questionnaire distributed to all ELCA staff based in Chicago. Four hundred and ten questionnaires were fielded and 261 were returned for a response rate of 64 percent.

Profile of Respondents

Seventy-six percent of the respondents were exempt employees, 51 percent were in program units, and 63 percent were female. Sixty-seven percent of the respondents were European American/Anglo/White. Thirty-two percent were between 51 and 60 and 11 percent were between 18 and 30. (See Figure 1)

Twenty-five percent of the respondents were members of a staff alliance and eight percent were members of the Cabinet of Executives or the unit management team.

Figure 1: Age and Racial/Ethnic Background of Respondents



Overview

The vast majority of the churchwide staff and the Cabinet of Executives or the unit management team believe that the issues the alliance are responsible for addressing should be addressed at least *to some extent*. Less than a majority of respondents believe these issues need to be addressed *to a great extent*. (See Table 1)

Table 1: The extent to which the following are issues that need to be addressed in the culture of the churchwide organization								
Issue	Cabinet of Executives & Unit Management Team				ELCA Churchwide Staff			
	To Little or No Extent	To Some Extent	To a Great Extent	Not Sure	To Little or No Extent	To Some Extent	To a Great Extent	Not Sure
Sexism and/or gender justice	7%	60%	33%	0%	15%	50%	35%	0%
Multiculturalism or racism	7%	47%	47%	0%	13%	46%	41%	0%
Poverty and wealth	10%	52%	38%	0%	14%	49%	37%	0%
The role and participation of young adults (18 -30 years old) in the churchwide organization	10%	43%	47%	0%	12%	38%	50%	0%

Eighty percent of the respondents said they were aware of the churchwide organization's staff alliances.

Respondents were asked to rate how familiar they were with the work of each alliance on a scale of 1 to 5 with 1 being *not at all familiar* and 5 being *very familiar*. Overall, respondents were somewhat familiar with the justice for women staff alliance and multicultural ministries staff alliance, with an average familiarity score of 3.3 and 3.1 respectively. Respondents were less familiar with the poverty and wealth and young adult ministry staff alliances with an average familiarity score of 2.8 each. The Cabinet of Executives or members of the unit management team also were more familiar with the justice for women staff alliance and multicultural ministries staff alliance with an average familiarity score of 3.8 and 3.5 respectively. Their familiarity scores for the poverty and wealth and young adult ministry staff alliances were 3.3 each.

Members of the Staff Alliances

The members of each staff alliance were asked to respond to specific questions about their alliance. Ninety percent or more of the members of the staff alliances said they regularly attend scheduled meetings. Forty-eight percent of the members indicated that they have attended an alliance meeting five or more times in the last year. For those who have not attended a scheduled meeting, the vast majority said it was due to other commitments. Thirteen percent said they did not find the meetings to be worthwhile, that the day of the week was not convenient, or that they were not aware of the meeting.

Eighty-four percent of the staff alliance members said they were *completely* or *somewhat* able to bring concerns, questions, and/or comments from their unit to the staff alliance and 84 percent said they found a way to connect information received from the staff alliance to their unit. The vast majority of the staff alliance members also said that the information presented at the staff alliance meetings was new to them. (See Figure 2)

Seventy percent of the responding staff alliance members have discussed staff alliance issues with colleagues in their unit three or more times in the last year, while five percent have not. (See Figure 3) Forty-two percent have taken ideas from staff discussions to their staff alliance three or more times in the last year, while 18 percent have not. Thirty-four percent have contacted a staff alliance member for input or ideas three or more times in the last year, while 26 percent have not. On the other hand, all the members of the Cabinet of Executives or the unit management team said they have taken concerns, questions and/or comments from their units to the staff alliances and have discussed staff alliance issues with colleagues in their unit at least once in the last year.

Respondents tend to discuss staff alliance issues more informally than formally. In the last year, multiculturalism or racism, and sexism and/or gender justice have been discussed informally by about three-fourths of the respondents (77 percent and 74 percent respectively) on three or more occasions. (See Figure 4 and Figure 5) The topic discussed most frequently both formally and informally is multiculturalism or racism. Poverty and wealth is discussed formally or informally least frequently.

Figure 2: Alliance information and unit communication for alliance members

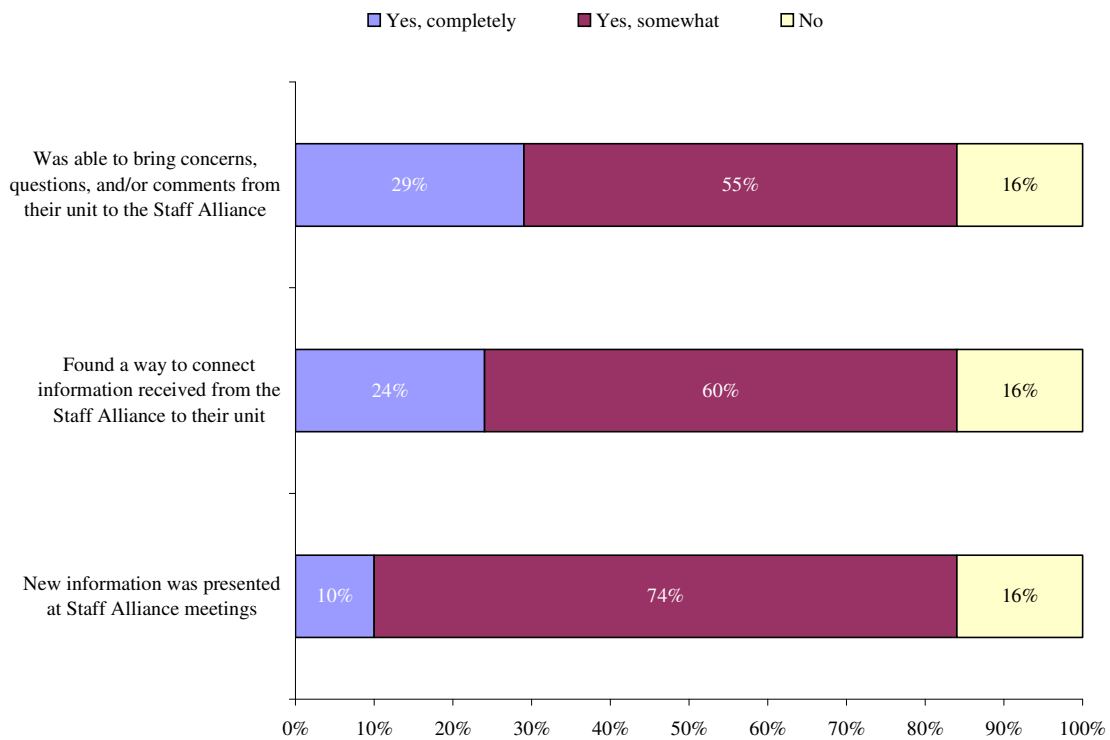


Figure 3: Frequency of interaction with the alliance for alliance members

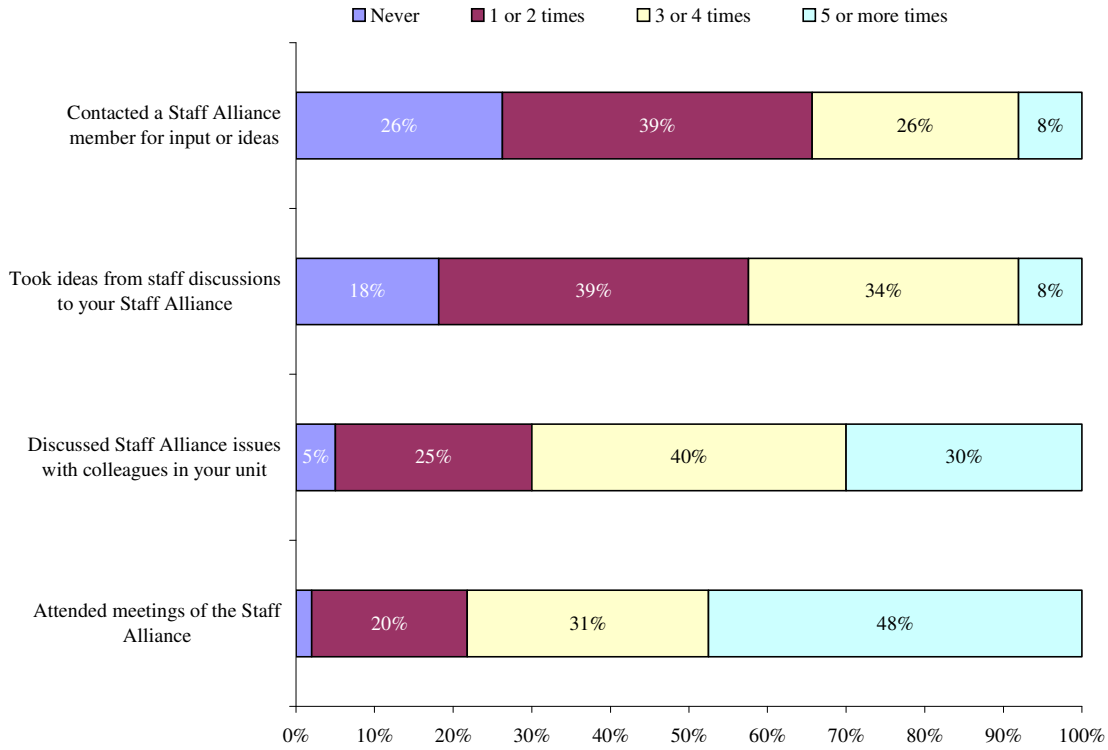


Figure 4: Frequency of formal discussions between colleagues and alliance members

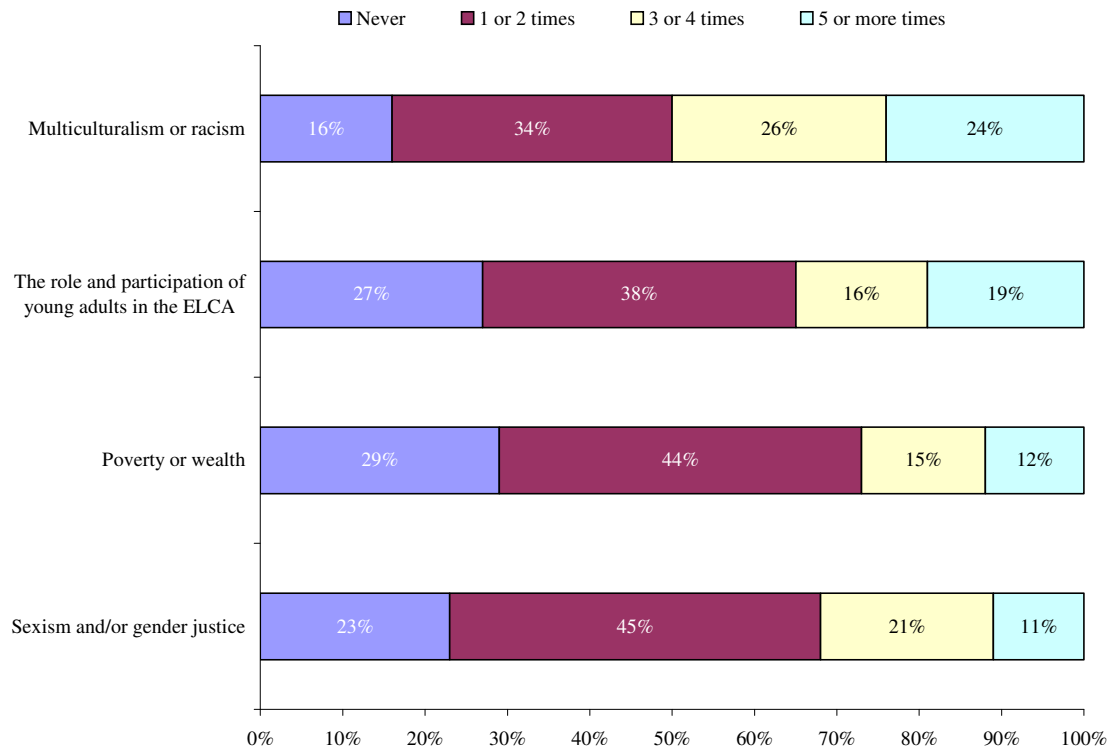
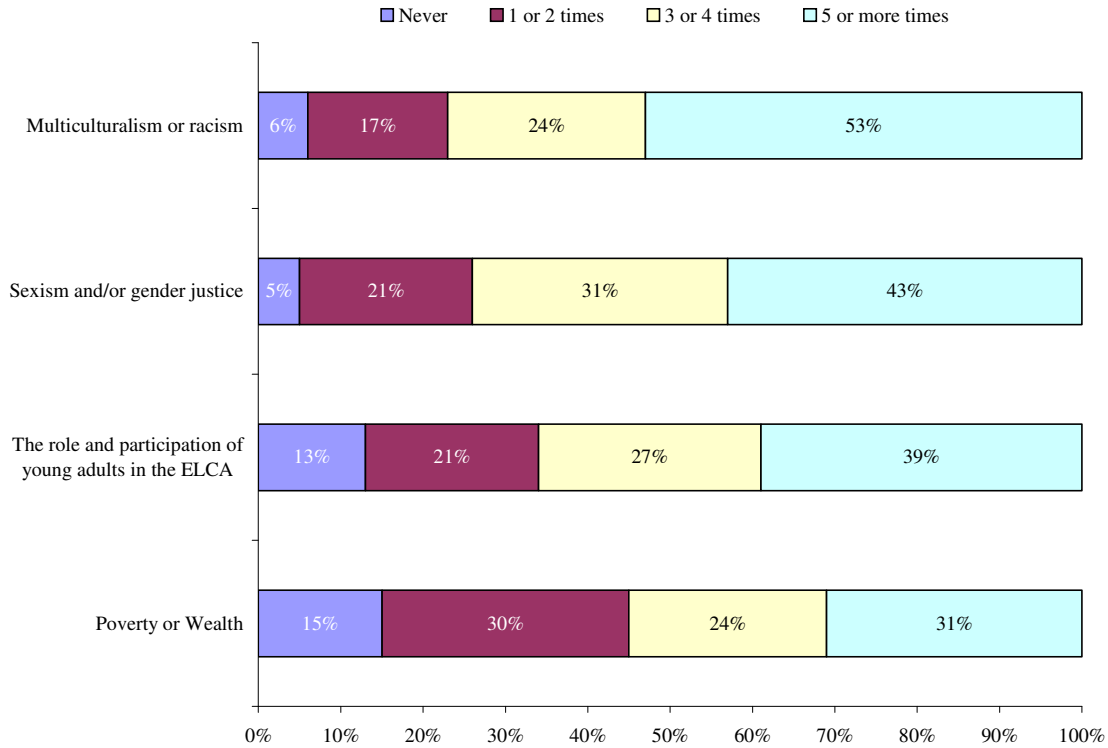


Figure 5: Frequency of informal discussions between colleagues and alliance members

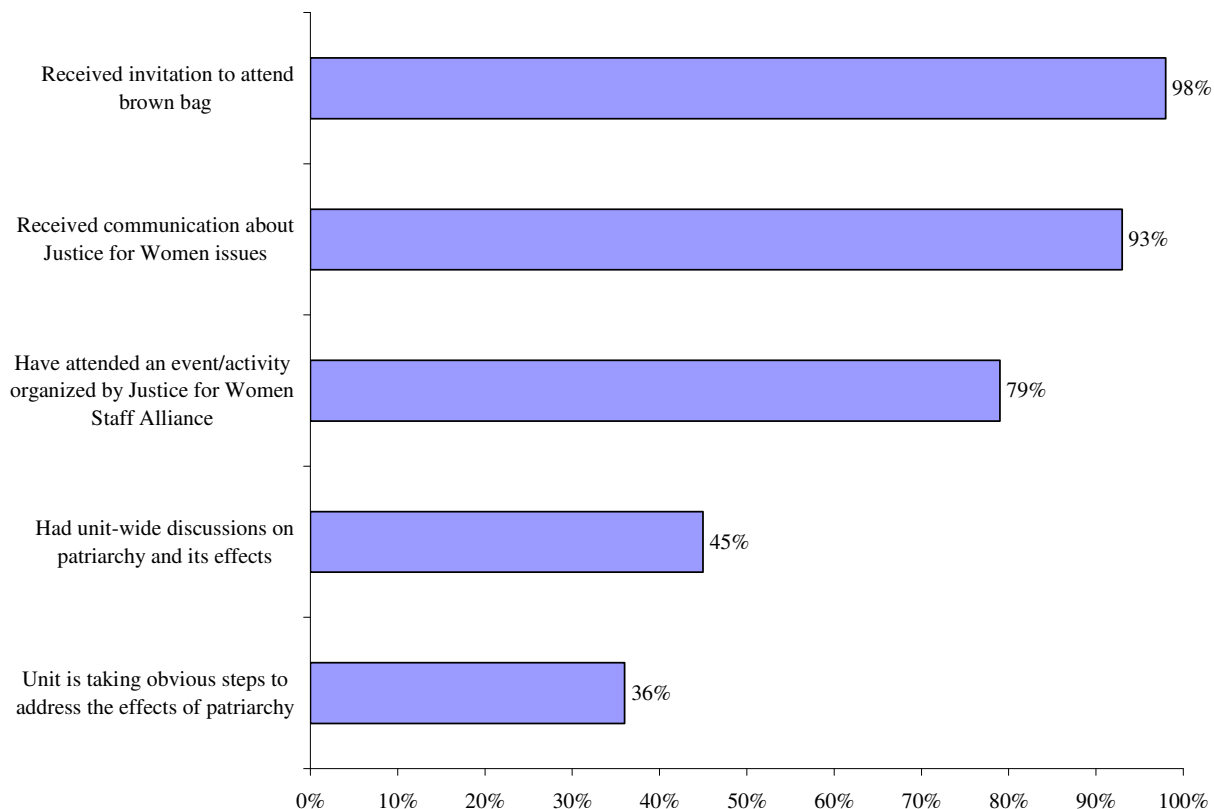


Justice for Women Staff Alliance

Regarding the goals of the justice for women staff alliance, all the members of the Cabinet of Executives or the unit management team and 95 percent of the respondents who are members of the alliance *agreed or strongly agreed* that they have “a clear understanding of what patriarchy is.” (Alliance-specific questions were asked only of these groups.) Eighty percent of the members of the Cabinet of Executives or the unit management team and respondents who are members of the alliance *agreed or strongly agreed* that they are “aware of positive ways to work differently” because of an understanding of patriarchy and gender analysis.

Almost all the responding staff alliance members have received some form of communication (93 percent) and or an invitation to attend a brown bag (98 percent), while 79 percent have attended at least one event or activity organized by the justice for women staff alliance. (See Figure 6) Thirty-six percent of the responding staff alliance members said that their unit had a unit-wide discussion on patriarchy while 45 percent said their units are taking obvious steps to address the effects of patriarchy. The responses received from the members of the Cabinet of Executives or members of the unit management team were similar to those received from the responding staff alliance membership..

Figure 6: Percent indicating “Yes” among justice for women staff alliance members who responded

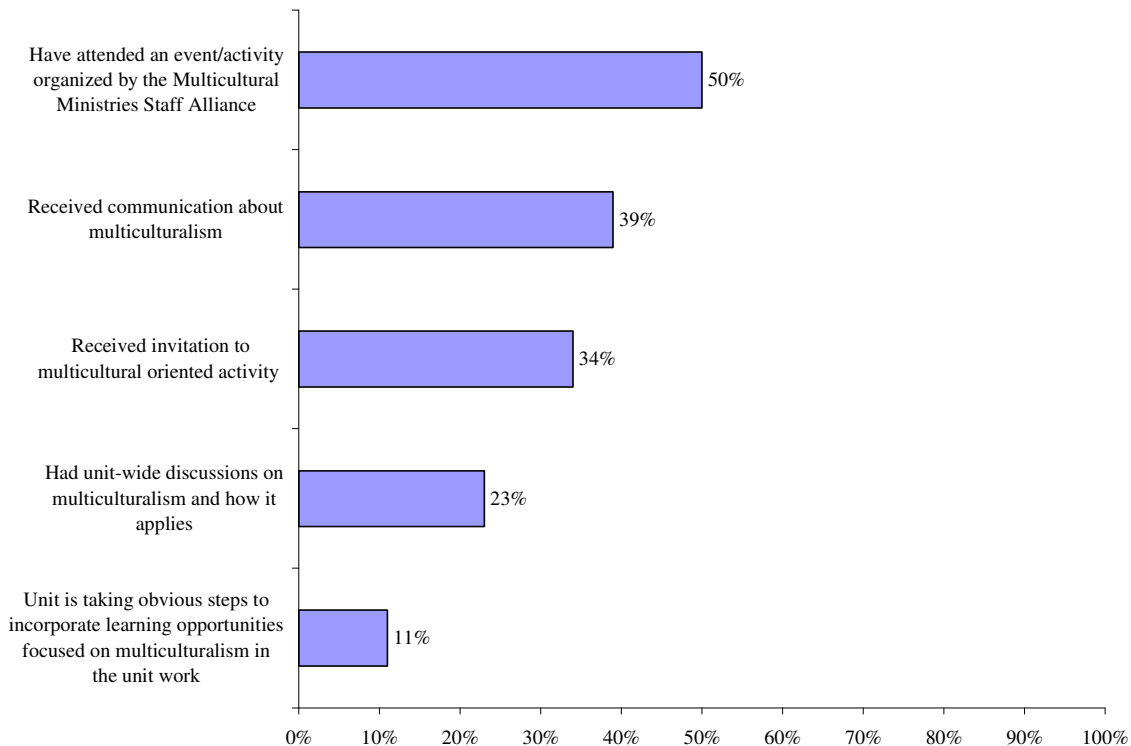


Multicultural Ministries Staff Alliance

Regarding the goals of the multicultural ministries staff alliance, 92 percent of the respondents who are members of the alliance *agreed or strongly agreed* that they have “a clear understanding of what multiculturalism is” and they know the key values of multiculturalism. Eighty-four percent *agreed or strongly agreed* that their awareness of positive ways to recognize and appreciate people from other ethnic groups has increased.

Thirty-nine percent of the responding alliance members remember receiving an invitation to attend a multicultural-oriented activity organized by the alliance. (See Figure 7) Thirty-four percent have attended a multicultural event/activity organized by the alliance and 50 percent of the responding staff alliance members remember receiving correspondence about multiculturalism. Twenty-three percent of the respondents said their unit had discussions on multiculturalism and 11 percent said their unit is taking obvious steps to incorporate learning opportunities focused on multiculturalism into the unit’s work.

Figure 7: Percent indicating “Yes” among the multicultural ministries staff alliance members who responded

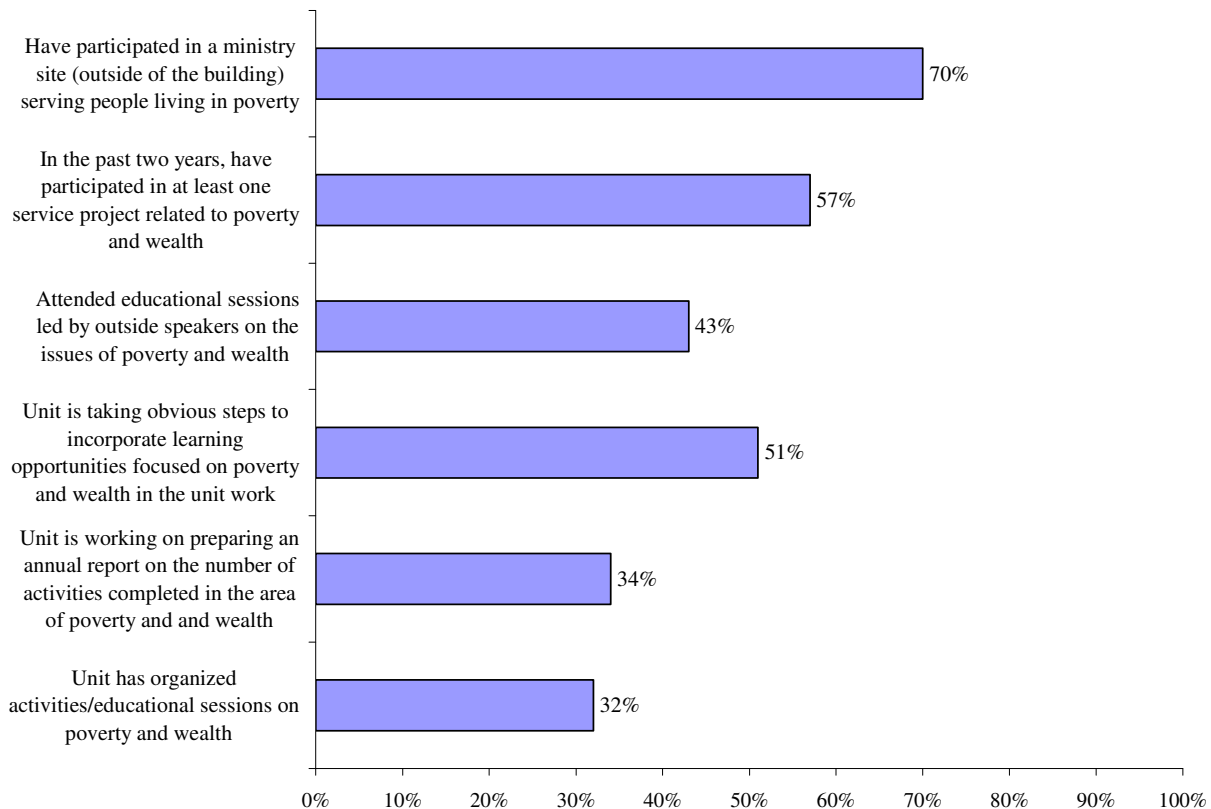


Poverty and Wealth Staff Alliance

Regarding the goals of the poverty and wealth staff alliance, 65 percent of the respondents who are members of the alliance *agreed or strongly agreed* that they are aware of educational opportunities available to churchwide staff to assist them in engaging more effectively with synods, congregations, companion churches, and related agencies in matters of poverty and wealth. Forty-eight percent *agreed or strongly agreed* that the alliance activities have given them a broader understanding of poverty and wealth. Responses received from the members of the Cabinet of Executives or the unit management team to all questions about the poverty and wealth staff alliance were very similar to those received from the responding poverty and wealth staff alliance members.

Fifty-one percent of the responding staff alliance members say their unit is “taking obvious steps to incorporate learning opportunities focused on poverty and wealth in our unit work.” (See Figure 8) About a third of the responding staff alliance members confirm that their unit “is working on preparing an annual report on the number of activities completed in the area of poverty and wealth” (34 percent) and/or it “has organized activities/educational sessions on poverty and wealth” (32 percent).

Figure 8: Percent indicating “Yes” among poverty and wealth staff alliance members who responded



Seventy percent of the responding staff alliance members and 80 percent of the members of the Cabinet of Executives or the unit management team confirm that they have worked in a ministry site serving people living in poverty. Fifty-seven percent of the responding staff alliance members agree that in the past two years, they have participated in at least one service project related to poverty and wealth. Forty-three percent of the responding staff alliance members agree that they have attended educational sessions led by outside speakers on the issues of poverty and wealth.

Young Adult Ministry Staff Alliance

More than three-fourths of the respondents from the young adult ministry staff alliance *agreed or strongly agreed* that their units are “taking obvious steps to incorporate young adults into our larger work” and/or “has given attention to the use of emerging technologies in relation to our work such as social networking sites.” (See Figure 9) Almost half (47 percent) *agreed or strongly agreed* that the online survey, “Generations in the Workplace,” had increased their interest in different generations working together in the churchwide organization. Virtually all (98 percent) believe that “deepening young adult participation in the ELCA” and “having development or leadership opportunities for young adults in the churchwide organization” are important. Seventy-nine percent *agreed or strongly agreed* that their awareness of positive ways to recognize and appreciate young adults working for the churchwide organization has increased. All the responses from the members of the Cabinet of Executives or the Unit management team were similar to those of the staff alliance members.

Figure 9: Percent indicating Agree or Strongly Agree among the young adult ministry staff alliance members who responded



Alliance Benefits to Individuals

The respondents were asked to comment on ways that the alliances benefit individuals. Comments included the following:

- a sense of equality or sense of belonging
- advocacy
- inspired to take a more active role in change, particularly in Justice for Women issues and increasing young adults' involvement
- Brown Bag sessions on sexism are extremely educational
- conversation starters
- deepened desire to continue to work with various organizations on issues of poverty and wealth as it relates to our church's children
- have gained access to useful resources
- having speakers from other units and outside the ELCA is beneficial
- increased awareness and acknowledging there is a problem
- information has been valuable to the staff understanding of multiculturalism
- learning more about myself and others
- networking
- opportunities are given to work on projects like donating goods for the poor
- opportunities to gain information and education in areas of concern and how to address the issues particularly ageism and sexism
- some ideas have been brought from alliance meetings to staff meetings

Alliance Benefits to the Churchwide Organization

Respondents were also asked in what ways the *churchwide organization* benefits from the staff alliances. Comments included the following:

- a positive change in the overall culture within the churchwide organization
- breaks down silos
- education on issues
- fosters advocacy
- helps build relationships
- increases collaboration between staff of various units
- increases awareness
- it helps the staff feel like they have a bigger role to play in the mission of the church
- it keeps the issue in front of our agendas
- it provides a level of accountability on the issues at hand within the building, as well as a healthier work environment
- it represents a commitment of this church and it provides continued awareness
- it should be a forum for management to enforce fair treatment of all staff
- keeps issues in limelight
- learning opportunities
- provides a forum to discuss issues and get a wide representation of views from churchwide employees
- provides opportunities for strategic alliances
- strengthens capacity to serve
- the alliances have the potential to influence churchwide priorities, policies, and practices, even though that potential is not fully realized.

The Future

Fifty-three percent of all of the respondents to the questionnaire and 60 percent of the members of the Cabinet of Executives or the unit management team believe that more attention should be given to the role and participation of young adults in the churchwide organization. (See Table 2) With regard to the other alliances, a significant majority believe the issues should be given at least the same level of attention as in the past.

Table 2: How much attention needs to be given to the following issues						
Issue	Cabinet of Executives & Management Team			ELCA Churchwide Staff		
	Less Attention	As Much Attention	More Attention	Less Attention	As Much Attention	More Attention
Sexism and/or gender justice	13%	67%	20%	15%	51%	35%
Multiculturalism or racism	0%	77%	23%	13%	49%	38%
Poverty and wealth	3%	57%	40%	8%	46%	36%
The role and participation of young adults (18 -30 years old) in the churchwide organization	0%	40%	60%	7%	39%	53%

The respondents gave a variety of suggestions on how the commitments of the churchwide organization can be advanced. They include:

- continue raising the issues
- do things that can attract young adults to the church
- hire young adults in leadership positions
- give the staff alliances more authority
- the presiding bishop should get behind all the alliances just as anti-racism training gets his “seal of approval”
- the staff alliances should be granted a heightened importance and concrete commitments from units and unit directors
- units need to be more accountable for living up to the expectations based on these issues
- the executive directors have to make this part of their agenda
- this should come from the Office of the Presiding Bishop and Human Resources to make real changes.
- make specific goals a performance issue for each employee
- must be incorporated into the work from the ground up. Hire people and managers who have commitment to these issues
- other alliances should follow the model set by the justice for women alliance. People can identify with and react to issues when they are made real to them
- there seems to be too much focus on internal alliance conversation and not enough acting
- decisions need to be made about what staff can STOP doing so that these commitments can receive higher attention and priority
- have a newsletter on each alliance’s activities or an all staff day focusing on the alliances
- there should be a “Day of Deliberation” or half day for all churchwide staff on the purposes and functions of each of the alliances and actions that each staff person can take to begin living out their vision
- establish some engaging activities
- use social networking sites
- introduce the staff alliances to employees as they join the staff
- mention the alliances at every staff meeting or large group meeting throughout the building

- *The Lutheran* or interoffice flyer/newsletter could have articles and stories on the alliances
- bring in organizations that do work in these areas and do a volunteer fair
- have more consistent presentations, seminars, and advocacy within the churchwide organization to develop a culture for change

Other Suggestions and Comments on the Staff Alliance

Respondents were given an opportunity to share any comments or suggestions on the staff alliances. A few respondents were not quite sure that a staff alliance was the best option for addressing the issues. However, no alternatives were suggested.

- Abandon the “us vs. them” mentality and the alliances might be useful
- All members of the alliances should be committed to full participation. Low attendance rate is frustrating.
- Change needs to start from the top
- Find ways to make the meetings focused, more interesting, and worthwhile
- Have certain core expectations that each alliance meets, so there is some parity. It seems that each one functions quite differently from the others
- Have a more clear and defined purpose for the alliance
- Keep up the good work
- Restrict activity to continuing education for staff. The alliances should be educators, not the hall monitors
- Staff alliance members should report back at their unit’s monthly staff meeting
- The alliances need to openly share their work in a more meaningful way including how the rest of us can and should be involved
- The makeup of the alliances should be examined to ensure that the right people (not necessarily the “usual suspects”) are given the opportunity for participation. Some sections do not have people based on parameters of the type of person wanted on the team
- The problem with the staff alliances is the institutional commitment and priority issue
- Workload does not always allow for participation in these extra activities. Maybe if the alliances were funded, with specific deliverables and a public mission, they would make more of a difference

Conclusions

The issues being deliberated and addressed by the four ELCA staff alliances are issues that the majority of the churchwide staff consider to be important. Among the alliances, the role and participation of young adults in the churchwide organization had the highest percentage of staff (50 percent) indicating the issue needs to be addressed “to a great extent.”

At the same time, it is clear that many churchwide staff are only modestly aware of the activities of the alliances. Staff are most familiar with the activities of the justice for women and Multicultural Ministries staff alliances and less familiar with the poverty and wealth and young adult ministry staff alliances. There is some indication that the lunch time topical events used by the justice for women staff alliance has made staff more familiar with the alliance.

The vast majority of staff alliance members said they were *completely* or *somewhat* able to bring concerns, questions, and/or comments from their unit to the staff alliance and that they had found a way to connect information received from the staff alliance to their unit.

The vast majority of staff alliance members also said they have discussed staff alliance issues with colleagues in their unit three or more times in the last year. The respondents tend to discuss staff alliance issues more informally than formally. The topic discussed most frequently, both formally and informally, is multiculturalism or racism. Poverty and wealth is discussed formally or informally least frequently. The impact of poverty and wealth may be less directly apparent in the day-to-day work life of staff when compared to gender, race, and age.

It is difficult to determine the influence of the alliances on the members of the Cabinet of Executives, the unit management team, or the members of the alliances themselves. It is clear, however, that each of these groups *agreed* or *strongly agreed* that they are aware of the issues raised by the alliances and that they have gained positive ways to address these issues.

13.0 Staff Training and Development

13.1 Continuing Education Plan (CEP)

- ~~A. The Continuing Education Plan is a study program by which churchwide employees may develop and enhance their present knowledge, acquire new skills, and experience growth for more effective service.~~
- ~~B. Continuing education activity must be related to the employee's job responsibilities or to a recognized degree program, as provided in Section 13.9 of the Personnel Policies of the Churchwide Organization. The employee's supervisor must approve in advance any use of CEP time or CEP funds. Successful completion of CEP courses, workshops, or seminars does not imply nor guarantee that an employee will receive a promotion, a change in position, or a salary increase.~~
- ~~C. The CEP coordinator within Human Resources has overall responsibility for administration of staff development activity, for facilitating CEP enrollments, for review and assessment of withdrawal requests, for approving or disapproving of these requests, and for monitoring and maintaining appropriate CEP master files for each participant.~~
- ~~D. An employee's continuing education plans for the coming year are to be discussed in conjunction with their annual performance appraisal. A determination of annual continuing education activity is to be made in consideration of the needs of both the employee and the employing unit or section.~~

13.2 CEP Enrollment and Participation

- ~~A. Only churchwide employees eligible for benefits under Section 3 of the Personnel Policies of the Churchwide Organization may participate in CEP. Part-time regular employees may participate in the CEP on a prorated basis, reflecting their percentage of full-time employment.~~
- ~~B. To participate, an employee may annually contribute a minimum of \$25 to a maximum of \$250, and the employing unit or section will triple the employee's contribution. Employee contributions are collected only via payroll deduction and are held by the Office of the Treasurer until utilized by the employee.~~

13.3 CEP Funding

- ~~A. CEP funds are made available to the employee upon request, with the approval of his or her unit executive director or executive for a section.~~
- ~~B. The maximum amount that an employee may have in their CEP account at any time is \$1,500 of employee-contributed funds.~~
- ~~C. The maximum employer contribution for any CEP activity is \$4,500 per participant, per calendar year.~~

13.4 CEP Time

- ~~A. With the approval of his or her unit executive director or executive for a section and the Executive for Human Resources, an employee who participates in the CEP will be eligible to utilize one (1) to ten (10) days of CEP time each year to participate in work-related training courses, seminars, and actual classroom attendance. The amount of time available to the employee is calculated on the basis of one day per year for every twenty-five dollars (\$25) annually contributed by the employee.~~
- ~~B. Time to be taken for continuing education purposes is to be arranged, in advance, with the employee's supervisor. CEP time not taken does not accrue and may not be carried over into the following year.~~
- ~~C. CEP time may not be utilized for registration or, academic counseling. Generally, CEP time may not be used for participation in an undergraduate or graduate degree program, even though the degree program may be related to the employee's job responsibilities. However, if a course cannot be scheduled at any off-work time, CEP time may be used with the consent of the unit supervisor.~~

- ~~D. CEP time may be granted for travel to and from events. This time is limited to no more than two days per event.~~

13.5 Transfers and Terminations of CEP Funds & Time

- ~~A. If an employee transfers to another unit or section within the churchwide organization, the employee's contribution, the employing unit's or section's contribution, and the unused time for that year will be transferred to the employee's new churchwide unit or section.~~

- ~~B. If the employee's service with the churchwide organization is terminated for any reason, including retirement, only the balance of the funds contributed by the employee and the accrued interest are returned to the terminating employee.~~

- ~~C. Under no circumstances will an employee's CEP account remain open after his or her date of termination.~~

13.6 CEP Withdrawals

- ~~A. A CEP withdrawal form should be completed with the required documentation and submitted to the CEP Coordinator in Human Resources.~~

- ~~B. CEP funds will be made available to the employee only when proof of payment accompanies the request for withdrawal or there is sufficient accompanying documentation verifying the costs that are required to be paid by the employee.~~

13.7 CEP Accountability

- ~~A. An employee must complete the course for which they have requested a withdrawal of CEP funds and must have received a passing grade (where applicable). If not, the employer contributed funds are to be returned by the employee to the churchwide organization. Failure to provide proof of course completion and documentation of a passing grade may jeopardize future participation in the CEP.~~

- ~~B. Within two weeks after completion of his or her course of study, the employee is required to submit to the CEP coordinator in Human Resources, program-related receipts and documentation of his or her attendance and course completion as outlined on the withdrawal form.~~

- ~~C. The CEP coordinator is responsible for verifying the appropriateness of the documentation and for tracking the submission of the required information in a timely manner.~~

- ~~D. Use of CEP time is to be entered by the employee in the Time & Attendance System and strictly monitored by the employee's immediate supervisor and approved by the supervisor in the system.~~

13.8 CEP Withdrawal Requirements and Restrictions

- ~~A. An employee may not borrow funds from another employee's CEP account, nor receive an advance of CEP funds.~~

- ~~B. If an employee requests a CEP withdrawal and has an inadequate fund balance, the withdrawal will not be authorized and the request form will be returned.~~

- ~~C. If an employee withdraws from participation in the CEP, he or she will not be permitted to re-enroll for a period of twelve calendar months.~~

- ~~D. CEP funds are intended only for continuing education purposes. Funds may not be used to purchase or lease computers or other equipment.~~

13.9 Degree Programs

- ~~A. CEP funds may be used to help eligible employees develop their skills and upgrade their performance through a degree program at an accredited college or university.~~

- ~~B. CEP funds may be utilized for attending an undergraduate or graduate degree program in any recognized field. It is expected that educational degree program activities will not interfere with the employee's normal job duties for the churchwide organization.~~
- ~~C. Registration and other academic fees, including the cost of books, are covered as a reimbursable expense. Receipts to verify the use of funds requested to cover these fees are required and are to be approved by the employee's supervisor. All such documentation is then submitted to the CEP coordinator in Human Resources.~~

13.10 Internal Training & Educational Opportunities

- ~~A. Unit executive directors and executives for a section are encouraged to promote opportunities for growth, both personal and professional, for their employees. Ongoing, internal eEducational opportunities will be based on the employee's professional and work related needs, the needs of the unit or section, and the need to enhance the work of the churchwide organization. Internal Training activities are intended to will offer professional and personal growth opportunities as determined, recommended, or approved by the unit executive or executive for a section. Discussion of on going educational needs and support are to may be part of each employee's annual performance appraisal.~~
- ~~B. Distinct from sabbatical leaves (described in Section 13.13), these training opportunities will normally require less than one month of the employee's time and will be tailored to fit the needs of employees. In most instances, the training will be provided by a specific unit(s) of the churchwide organization or will be arranged in consultation with Human Resources.~~
- ~~C. Ongoing, internal eEducational opportunities are granted at the discretion of the employing unit's executive director or executive for a section and may not be available each year. Funding may be obtained from accumulated CEP funds or from unit funds.~~

13.11 Individual or Sponsored Study Programs with Travel

- ~~A. Individual or sponsored study programs and travel tours offer employees an opportunity to learn about ELCA issues, concerns and programs in the setting where they occur, through direct interaction with the people involved. Such tours also instill in participants a more meaningful understanding of the ministry being carried out by the ELCA.~~

~~The criteria for evaluating a CEP funding or time request for participation in an individual study program with travel or a sponsored study/travel tour program include:~~

- ~~o having as its primary goal a structured learning experience related to ELCA programs, with specified objectives;~~
- ~~o sponsorship by the ELCA, a related organization, group, or ecumenical organization. (Tours sponsored by non-related organizations are to be evaluated by Human Resources prior to unit approval.)~~
- ~~o being committed to and having responsibility for presenting their experiences and learnings to congregations, churchwide staff, and other groups.~~

- ~~B. An employee who desires to participate in an individual study program with travel must complete and submit, along with his or her request for withdrawal of CEP funds, a proposal which meets the requirements on the CEP Withdrawal Form.~~

~~Travel costs incurred in order to participate in an approved individual study program with travel or a sponsored study/travel tour program are an allowable expense. All proposals that include international travel must be approved by the unit Executive Director and the Executive for Human Resources.~~

13.12 Development Plan

~~With the approval of his or her unit executive director or executive for a section, an employee may be given development opportunities aimed at assisting him or her to: a) better fulfill the requirements of the position he or she holds or, b) qualify for a new position within the churchwide organization.~~

~~A development plan should be part of the employee's annual performance appraisal process. The plan must be based on "the employee's needs, the needs of the unit or section, and the need to enhance the work of the churchwide organization." (See Section 13.10)~~

~~A development plan is a formal, written document that states overall goals, methods of accomplishing the goals, and a time frame for completion. It should be directly related to the employee's job responsibility.~~

- ~~A. Funding may be obtained from the employee's personal funds, accumulated CEP funds (providing the program meets stated CEP parameters), and/or from unit or section funds.~~
- ~~B. An employee may not be compelled to pursue a development plan that requires expenditure of personal or accumulated CEP funds. Successful completion of a development plan cannot be used as a condition of continued employment, promotion, or change of position.~~
- ~~C. The employee is to make arrangements, in advance, with his or her unit executive director or executive for a section for appropriate time off to participate in an approved development opportunity. The employee will receive full salary and benefits during his or her absence.~~

13.13 Sabbatical Leave

- ~~A. The churchwide organization recognizes that employees have a need to increase and extend their knowledge and competency in their fields of specialization. This may be accomplished through a sabbatical leave, normally a period of one to three months, during which time full salary and benefits will be continued.~~
- ~~B. Sabbatical leaves are restricted and are intended for use by those employees (clergy or lay) for whom it can be demonstrated that such leave will increase their value to the churchwide organization. The employing unit, at its sole discretion, determines which employees will be granted a sabbatical leave. An employee is eligible to request a sabbatical leave after six years of full-time employment by the churchwide organization or an ELCA-related institution. The sabbatical leave is not generally combined with any other leave. CEP funds, but not generally CEP time, may be used for sabbatical leave purposes following the guidelines in 13.6 CEP Withdrawals.~~
- ~~C. Subsequent sabbatical leaves may be considered at six year intervals.~~
- ~~D. Requests for sabbatical leave, including the proposed program of study, are to be submitted, in writing, to the employee's unit executive director or executive for a section. Following approval by the unit executive director or executive for a section, the proposed program of study and funding is to be forwarded to the Executive for Human Resources for review and approval, normally one month prior to the beginning of the sabbatical. Requests for sabbatical leave by the full-time salaried officers are to be submitted to and approved by the Church Council Executive Committee and reported to the Executive for Human Resources. No employee may take a sabbatical leave at the completion of his or her service. An employee granted a sabbatical leave shall normally be committed to a minimum of six (6) months of service to the churchwide organization following the conclusion of the leave. Any exceptions must be approved by the Executive for Human Resources.~~

13.0 Staff Training and Development

13.1 Training & Educational Opportunities

Unit executive directors and executives for a section are encouraged to promote opportunities for growth, both personal and professional, for their employees. Educational opportunities will be based on the employee's professional and work related needs, the needs of the unit or section, and the need to enhance the work of the churchwide organization. Training activities are intended to offer professional growth opportunities as determined, recommended, or approved by the unit executive or executive for a section. Discussion of ongoing educational needs and support is to be part of each employee's annual performance appraisal.

Educational opportunities are granted at the discretion of the employing unit's executive director or executive for a section and may not be available each year.

13.2 Sabbatical Leave

The churchwide organization recognizes that employees have a need to increase and extend their knowledge and competency in their fields of specialization. This may be accomplished through a sabbatical leave, normally a period of one to three months, during which time full salary and benefits will be continued.

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Subsequent sabbatical leaves may be considered at six year intervals.

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**Summary of Activities of Program Units and Service Units
of the Churchwide Organization**

Program Units

Church in Society	page 1
Evangelical Outreach and Congregational Mission	page 3
Global Mission	page 5
Multicultural Ministries	page 9
Publishing House of the ELCA	page 11
Vocation and Education	page 14
Women's Organization	page 27

Service Units of the Churchwide Organization

Board of Pensions	page 16
Church Periodical	page 18
Communication Services	page 20
Development Services and ELCA Foundation	page 22
Mission Investment Fund	page 25

Sections of the Churchwide Organization

Ecumenical and Interreligious Relations	Exhibit A, Part 1a
Human Resources	Exhibit A, Part 1a
Research and Evaluation	Exhibit A, Part 1a
Synodical Relations	Exhibit A, Part 1a
Worship and Liturgical Resources	Exhibit A, Part 1a
Information Technology	Exhibit A, Part 4a
Management Services	Exhibit A, Part 4a

PROGRAM UNITS

Church in Society

Submitted by Rebecca Larson

Administration

In a conference call meeting on September 26, 2009, the Church in Society program committee offered suggestions for changes to the social policy resolution "Toward Compassionate, Just, and Wise Immigration Reform." In May, Church in Society completed its strategic plan for 2010-2012.

Advocacy

The ELCA's legislative witness for health care reform has taken numerous forms in the last six months. ELCA policy concerns have been represented in forums with a number of high-level public officials.

A statement of Lutheran principles for foreign aid reform was developed in consultation with Lutheran World Relief, ELCA World Hunger, and ELCA Global Mission colleagues. Based on these principles, a letter on foreign aid reform was developed to which almost all synod bishops signed on. The letter proposed policy changes based on synod experience within ELCA companion synod relationships. The ELCA then supported an initial bill passed by the House of Representatives, which asks the administration to develop a comprehensive proposal for foreign aid reform.

A diverse group of Christian leaders, including Presiding Bishop Hanson and South-Central Synod of Wisconsin bishop Bruce Burnside, met at the Carter Center in May under the theme "Towards a New Christian Consensus: Peace with Justice in the Holy Land," with staff assistance from the Washington Office and ELCA Ecumenical and Inter-Religious Relations. The conference concluded with participants sending a message to President Obama supporting his peace efforts and calling for opening the Gaza borders. An ecumenical letter to the President, which coincided with the President's Cairo speech, was signed by fifty-five Christian leaders including Bishop Hanson.

The Lutheran Office for World Community continues to assist with the implementation of the ELCA Churchwide Strategy for Engagement in Israel and Palestine. This included participation in an ecumenical consultation on international law and the Israel-Palestine conflict on March 31, 2009, and staff support for Bishop Hanson's meeting with King Abdullah II of Jordan and U.S. Muslim leaders on April 20, 2009.

The Corporate Social Responsibility program's work in 2008-2009 took a sudden shift as the financial crisis developed last fall. CSR's long-standing work with banks about lending policies evolved into immediate discussions and resolutions about loan servicing, foreclosure policy, and credit card lending.

Social Ministry Organizations

Five new social ministry organizations have been affiliated with the ELCA since March: Partners for Wichita, Wichita, Kan.; Sharing Place, Jersey City, New Jersey; St. Paul's Center for Caring, Jersey City, New Jersey; Spiritual Program for Education, Arts, and Recreation, Spokane, Wash.; and Bethesda Home, Chicago, Ill. A growing portion of new affiliated social ministry agencies are small, community-oriented organizations.

Lutheran Disaster Response developed pandemic flu preparedness materials in 2006 that now are preparing homes and churches for the H1N1 virus, which emerged this year. These materials can be downloaded at:

<http://www.elca.org/Our-Faith-In-Action/Responding-to-the-World/Disaster-Response/Ongoing-Responses/Pandemic-Flu.aspx>.

Poverty Ministries

An April 18-20, 2009, congregation-based strategic summit (CBOSS IV) held in the Chicago area drew 70 participants from around the country. CS has been working with ELCA mission developers, including through a training event in Denver, regarding the use of congregation-based organizing principles in their development work.

Studies

The studies department's current projects include: the development of a draft social statement on genetics due in March 2010; a criminal justice study—part of the social statement process on this

same subject—to be distributed in November 2010; preparing a "face-lift" for the online Journal of Lutheran Ethics; and the development of a formal plan to increase the reception and use of ELCA social policy documents in ELCA congregations, synods, and related institutions.

World Hunger Ministries Department

Through the end of 2009, ELCA World Hunger is bringing special emphasis in meetings and print and electronic resources to the following areas: 1) the interconnected crises of food, fuel, and finances; 2) the connection between climate change, hunger, and poverty; 3) HIV and AIDS and Malaria; and 4) intentional living or lifestyle choices.

Two "ethics of eating" farm events are being conducted to challenge participants to address justice and lifestyle issues arising from the interconnection between what we eat and the food distribution system in the U.S.

Evangelical Outreach and Congregational Mission

Submitted by Stephen Bouman

The Evangelizing Congregations Mission Plan provides a renewed structure for mission has continued to move EOCM into stronger relationships with our synod bishops and leadership. The plan includes directors for evangelical mission (DEMs) in each of the 65 synods who focus on new evangelizing congregations, renewed evangelizing congregations, synodical missional strategy development, and mission support/stewardship education. Currently, fifty-seven DEMs are in place and are serving synods. In the remaining synods, three DEMs are serving on an interim basis and four vacancies remain. The DEMs reflect a younger, more diverse and gender- balanced field staffing.

The key focus of the Evangelizing Congregations Missional Plan is the creation of synodical missional tables that provide leadership for powerful renewal for a growing Lutheran communion that embraces the increasing diversity reflected in the United States and Caribbean. To date, 231 leaders from 43 synods have attended three EOCM synod mission table project events that explored missional planning initiatives that seek to enhance the ELCA's capacity for evangelical outreach. In 2010, two additional synod mission table project events will be offered to the remaining 22 synods. The new Conference of Bishops (COB) liaison committee has helped imbed the mission of EOCM into the fabric of the conference.

In April 2009, however, due to churchwide budget reductions, EOCM eliminated two area ministry stewardship staff positions; closed the rural ministry office in Des Moines, IA, eliminated the two support personnel positions in the office, and relocated the rural ministry director to the churchwide offices; and ended several contractual staff agreements. In addition, EOCM reduced staff travel by 9 percent and further reduced spending by carefully monitoring all office expenditures. The unit also will conduct the EOCM program committee meeting via conference call this fall in order to minimize expenses.

New Evangelizing Congregations

The development of new evangelizing congregations continues in full force through the ministry of 214 mission developers throughout the ELCA. These courageous leaders engage people with the good news in Jesus Christ, gather new communities of faith, and send out disciples to witness and serve God in the public arena. In 2009, twelve new mission congregations and eight synodically

authorized worshipping communities (SAWC) have been approved to start, ten more new starts have been approved pending funding, and 25 more new start proposals are in process.

Through these new ministries, the ELCA deepens its commitment to reach out in strategic areas in the USA and the Caribbean. We seek geographical balance between areas where we have a strong presence and areas of population growth where the ELCA is not yet known. We continue to grow in the commitment to develop ministries among people living in poverty and working class (38 percent); rural/small town areas (16 percent); urban (41 percent); and ethnic/multicultural communities (51 percent). We also support eighteen communities involved in emergent/post modern ministry and sixteen ethnic communities doing ministry among second or third generation groups.

All five ethnic communities have organized new start teams that, with EOCM support, engage synodical leaders, DEMs, and key bishops in planning and implementing their outreach strategies. One example is the recent gathering of the American Indian/Alaska Native Ministry new starts and renewal team. This group provides leadership and advice to EOCM and key synods in strengthening and enhancing AL/AN ministries based on community priorities and aspiration as defined in the ELCA American Indian/Alaska Native churchwide strategy. While the ministry planning, envisioning and implementing is local, these churchwide teams contribute insight and mutual partnership to ministry development according to community strategies and principles of operation in EOCM.

A recent study of new starts in the ELCA done by the Office of Research and Evaluation shows that ministries that flourish are the ones that intentionally connect to the people and culture of their communities. Rather than relying on formulas, these ministries engage people and local community organizations in order to respond to community needs with community assets. EOCM is in the process of intensifying local efforts and continuing to realign our priorities to local initiatives.

Renewed Evangelizing Congregations

Renewal partnership support with congregations has been a principal part of this church's renewal efforts historically. The 2010 partnership support recommendations and allocations were made by the EOCM Review Table on July 6-8, 2009. The review table included more than twenty participants, including a bishop from each ELCA region. The 2010 partnership support requests from synods totaled nearly \$4 million, and it was apparent that EOCM could only sustain the 2009 budget level of \$2.9 million (maximum). Multiple requests were denied or funded at a reduced level based on budget limitations and/or partnership support criteria established for implementation beginning with the 2010 cycle. The review table made 2010 allocation decisions totaling \$2.8 million for strategic renewal of congregations, ministries among people living in poverty, and ethnic specific ministries. New partnership support criteria enhanced the allocations process for the 2010 cycle, including submission of annual congregation reports, verification of mission support for the wider church, proposals originating from a local missional strategy process with partners, and evidence of collective discipleship faith practices.

A faith practices team has been launched to develop a discipleship faith practices initiative as a significant component of the Evangelizing Congregations Mission Plan. This inter-unit staff team is in a research and discovery phase of the work, including an exploration of the efforts connected to the Book of Faith initiative and the call to discipleship emphasis that has been underway during this decade.

The ministry of the discipleship/evangelism team through the evangelizing network continues to lead revivals (over 100 revivals in 37 locations) and workshops in the area of prayer, leadership, and

evangelism. A Latino lay formation project, a cooperative project with Multicultural Ministries (MM) and Vocation and Education (VE), has identified a core curriculum for lay theological preparation that will be developed and introduced over a three-year period beginning in January 2010.

A new stewardship education program, "Make it Simple," was produced this spring. This two-year annual response program provides congregations with both print and Web-based resources. Additional stewardship mission support interpretation resources include Stories of Faith in Action that will be made available early this fall, the ELCA Statement of Intent, Annual Report Cover intended for use at congregational annual meetings, and the synodical/congregational Thank You certificate. The stewardship key leader (SKL) program is leading capital or annual stewardship programs in 50 congregations in 2009, which represents a growth of over 225 percent in the past five years.

Christian education ministry includes the development and publication of the 2009-2010 annual Christian education planner, My Word! The Bible for Everyone, making a direct connection on the themes of Bible engagement and literacy, which support the Book of Faith Initiative. A collaborative project with the MM unit convened a follow up to the first Latino Christian education consultation held in spring 2008. This consultation reviewed and synthesized Spanish resources produced by several publishers to be made available to ELCA congregations.

Transformational ministry (TM) has been the unit's principal congregational renewal leadership training initiative in recent years. The unit transformational ministry team has partnered with leadership in Region 6 to implement a TM "train-the-trainer" project. The next phase of TM development for local (regional/synodical) delivery systems, include a Southeastern Pennsylvania Synod "train-the-trainer" event in December that will include other Region 7 and 8 synod leaders and teams.

Leadership

EOCM continues to be in partnership with Vocation and Education (VE) unit on various collaborative projects. For example, current efforts include the development of the "regularization of calls to mission development" (the recognition of mission development as an integral aspect of congregational life) and the exploration of a "missional schools of the people" initiative (lay leadership development).

Global Mission

Submitted by Rafael Malpica-Padilla

Context for Global Mission

Historically, mission in the American Lutheran context has been done following two organizational models. In its early development, foreign mission was carried out by supporting the work of missionary societies from Europe (the mother church) and subsequently creating new missionary societies. The work of missionary societies led to the development of mission boards. These two models reflected different approaches to missional engagement: the flexibility and grass-roots emphases of the societies and the centralization and regulation of the boards.

We are witnessing today an increase in the participation by individuals, congregations, and synods in global mission activities both within the companion synods program and outside of it. This increased participation has reaffirmed the notion that global mission is the responsibility of the whole church and not only of one of its expressions, the churchwide organization. The task ahead is to find a

"hybrid" model between missionary societies and mission boards, one that accentuates the role of the churchwide organization, through its Global Mission unit, in convening, stewarding, and helping to shape decisions made about global mission engagement that will honor strategies agreed upon by this church and its companions and allocate resources strategically and equitably among them.

The Global Mission unit is intensifying its consultation with the ELCA Conference of Bishops companion synod program liaison committee, as well as bishops whose synods are in companionship with dioceses of the Evangelical Lutheran Church in Tanzania (ELCT); these synods report spending \$3.2 million in 2008 in support of their ELCT relationships. The guiding question in these conversations is: how can independent actions contribute to a common goal? The ELCA Global Mission unit and synods are seeking to maximize the commonality of shared goals and the flexibility of modalities of engagement. A consultation with the synods relating to the ELCT is scheduled for January 2010.

“The Agreement between the Conference of Bishops and the Global Mission Unit on Companion Synod Relationships in the Evangelical Lutheran Church in America” was adopted by the Conference of Bishops at its October 2009 meeting. This agreement will provide a framework for addressing the organizational and programmatic questions arising from these historical relations as patterns of shared responsibility in missional engagement are developed between synods and the churchwide organization.

International Development and Disaster Response

In May 2009, the Global Mission unit began a two-year strategic planning process to redefine and realign its sustainable development ministry. Change will be realized through well-defined strategies and priorities, which will be developed in consultation with global companions. Activity to date has focused on identity and systems, including discussion of mission, vision, and core values that are informed by current activities, review of foundational documents, and involvement of "stakeholders" through surveys and working groups. Existing systems for grant management are being evaluated in the light of technology tools that can enhance GM's accountability framework. A new procedure for grant intake and tools for internal planning have been introduced as a first step toward development of a new permanent structure. Staffing within the international development and disaster response (IDDR) section is being shaped to ensure necessary competencies and efficiency in workflow. As part of this process, a new staff position that will work directly with health ministries—in particular the HIV and AIDS and malaria strategies—has been approved to be filled by year's end.

Responding to several disasters in September and October, GM-IDDR has worked with companion churches and institutions in Indonesia, the Philippines, the Samoan Islands, and other earthquake and typhoon-stricken areas to respond to the needs of survivors. Supporting ecumenical companions such as Church World Service and the Action by Churches Together (ACT) network of churches and church-related agencies, the ELCA immediately provided from undesignated international disaster funds: \$30,000 for health teams in Indonesia, \$30,000 for material aid and emergency evacuation in the Philippines, and \$20,000 for material aid to Samoa and American Samoa.

Companion Synods

Global Mission unit staff shared with the companion synod liaison committee the results of the

recent companion synod survey, which indicated that in 2008, ELCA synods reported sending 463 short- to long-term volunteers to their international companions and spending \$6.6 million on their companion synod relationships. Also shared was a report on the development of several tools and resources for the global ministries of ELCA synods, congregations, and related organizations, including (a) shared mission personnel placements between synods and Global Mission; (b) assistance in complying with the U.S. Patriot Act in transmitting funds internationally; (c) a digital companion synod profile; (d) guidelines for developing relationships with international scholars sponsored by the ELCA; (e) the global engagement survey; and (f) an updated companion synod handbook.

Global Formation: Events

- For more than 25 years, Global Mission Events (GMEs) have informed and motivated ELCA members who are passionate about global mission. As ELCA members participate directly in global mission at the grassroots level, they are asking for more accessible, affordable, and hands-on education and training resources. In response, the global formation team worked with several churchwide units to develop a one-and-a-half day event model—global formation event—that meets the needs of congregations for capacity building in a more intimate environment than that provided by the larger GMEs. Four global formation events already have been held; three are scheduled for 2009 and around 12 will take place in 2010.
- This summer, the global formation team collaborated with the ELCA Youth Gathering and companion synods to invite 40 youth from ELCA companion churches to the gathering.
- An important meeting will be held November 3-5, 2009, at Luther Seminary to discuss the future of the ELCA's global mission. Participants will explore Lutheran approaches to mission in a decentralized context and contribute to the development of resources for congregational use on core values, equity, and capacity building skills in accompaniment.

Global Service

- Since January 1, 2009, Global Mission has sent a total of 121 new mission personnel into service. This includes seven long term/contract missionaries, 11 Global Mission two-year personnel, four international Horizon seminary interns, 41 volunteers, four Companion Synod volunteers, one person serving through the global sabbatical awards program, two Global Mission Associates, and 50 new Young Adults in Global Mission. These 121 new mission personnel represent 47 synods of the ELCA.
- The ecumenical mission personnel orientation during the month of July is one way the ELCA lives out its ecumenical commitments. This summer there were 69 participants at the ecumenical orientation. These included 29 new ELCA mission personnel, 23 new Presbyterian Church (USA) mission personnel, seven from the Reformed Church in American, nine from the Capuchin Corps (a Catholic based volunteer missionary organization), and one person from the Episcopal Church USA.
- The Young Adults in Global Mission (YAGM) program sent a record number of young people into service this year. Malaysia was added as a new country program for 2009. The program in Slovakia was expanded to also include placements in Hungary. Site placements in Slovakia and Hungary have been refocused toward ministry exclusively among Roma ("Gypsy") populations. In addition to these three countries, YAGM volunteers also are serving in Argentina, Uruguay, Mexico, Palestine, South Africa, and the United Kingdom. YAGM volunteers gathered for their

own orientation program in Chicago at the end of August. Staffing in the global service section was reconfigured in 2009 to include a new associate director position with responsibility for YAGM and recruitment efforts.

- The 2009 summer missionary conference in July invited missionaries to engage the theme "One Mind in Christ: Holy Imagination and the Future Shape of Global Mission." Participants learned and applied a model of dialogue called the Public Conversations Project method in order to discuss the theme. Missionaries not present at the event were able to remotely access videos of the conference and add their voices to the conversation via a blog created specifically for the conference. The 2010 SMC will use the same public conversations method to focus on the theme of evangelism. The 2011 gathering will engage the theme of diakonia/service.

Global Program

ELCA Global Mission accompanies companion churches in a wide range of ministries of witness and service, provides scholarships to assist companion churches as they develop leadership within their churches, engages with the Lutheran World Federation, Lutheran World Relief, Church World Service, and other ecumenical partners in relief and development work, and supports the ELCA-wide Peace Not Walls campaign that seeks justice in the Holy Land. The following are several highlights of GM programs over the past few months.

- *Zimbabwe.* The ELCA Church Council has received regular reports about the amazing cooperative response of the Evangelical Lutheran Church in Zimbabwe, the Lutheran Communion in Southern Africa (LUCSA), and the Evangelical Lutheran Church in America to the crisis in Zimbabwe caused by hyperinflation and civil unrest. In 2008, using a major ELCA World Hunger grant, Global Mission provided funding for a major intervention that prevented the closing of four church hospitals during the most difficult days of the crisis. It also provided seed that was planted in the regions around the hospital as well as food supplies for families to ward off hunger during the growing months. This seed yielded a harvest that saved lives and the situation in Zimbabwe—both financial and political—has stabilized somewhat. During the past months, GM, working with LUCSA, is assisting the hospitals and the Zimbabwean church to rebuild; it also partnered with Global Health Ministries, which has provided medical equipment and supplies. In this transition time, efforts are being made to build the capacity of the church's health system for the future, which will include partnership in the ELCA's intensified malaria and HIV and AIDS engagement that was affirmed by the 2009 Churchwide Assembly.
- *Lutheran Malaria Initiative.* Following approval by the 2009 Churchwide Assembly of a two-year pilot phase of the Lutheran Malaria Initiative, Global Mission has intensified its work with the Lutheran Communion in Southern Africa, plus companion churches in East and West Africa; where possible, the ELCA is cooperating with Lutheran World Relief in East and West Africa. In recent months, GM staff have been engaged in assessment, training, and institutional capacity building in the southern Africa region in preparation for the malaria initiative. In the ELCA, this malaria initiative will be carried out in the context of the response of the companion churches to diseases intensified by poverty, including HIV and AIDS. Before year's end, staff will be added both in Chicago and in southern Africa to lay the foundation for malaria projects that will be rolled out, should the 2011 Churchwide Assembly approve a wider churchwide malaria campaign.
- In the wake of the Church Council's approval of the HIV and AIDS strategy and the 2009

Churchwide Assembly's affirmation of a fundraising effort to support the strategy's implementation, the Stand With Africa campaign of the World Hunger Appeal will be folded into this new HIV and AIDS campaign. Global Mission has used more than \$500,000 annually—funds raised through the Stand With Africa campaign—for ongoing cooperative work with companion churches. Most has been used to assist them respond to the HIV and AIDS crisis in Africa, with the remainder supporting cooperative work within the two other Stand With Africa foci: conflict and food security. With the narrowing of the focus of the new HIV and AIDS campaign, the conflict and food security projects funded by Stand With Africa will either be funded through the regular World Hunger budget or discontinued. In this transition time, the Global Mission unit has underscored the need for continuity in the funding stream that supports the ELCA's global HIV and AIDS work through ELCA accompaniment of companion churches responding to the HIV and AIDS crisis.

- A result of the budget reductions earlier this year is the decision to close the ELCA's Wittenberg Center in Germany, which began in 1999, and which assists this church "to explore and engage the Lutheran tradition in order to inform, guide, and renew the church's mission today." GM is engaged in conversations with the Lutheran World Federation relating to other means to continue some of center's functions, especially in anticipation of the 500th anniversary of the Reformation in 2017.

Multicultural Ministries

Submitted by Sherman Hicks

The purpose of the ELCA Multicultural Ministries program unit is to guide and assist this church in becoming multicultural and reaching the goal of full partnership and participation of African Descent, Arab and Middle Eastern, Asian and Pacific Islander, Latino, and American Indian and Alaska Native people in church and society.

Following is a portrait of this unit's work carried out through the implementation of Multicultural Ministries' strategic plan 2009-2011, which is tied to the following ELCA priorities:

Priority 1: The churchwide organization, working collaboratively with congregations, synods, agencies and institutions and other partners, will give priority to accompanying congregations as growing centers of evangelical mission.

Priority 2: The churchwide organization, working collaboratively with congregations, synods, agencies and institutions and other partners, will give priority to building capacity for evangelical witness and service in the world to alleviate poverty and work for justice and peace.

Goal I: The Multicultural Ministries unit work will be centered on increasing the number of ethnic-specific and multicultural congregations and deepening the discipleship of congregational members.

Multicultural Ministries, Evangelical Outreach and Congregational Mission, the Latino Association, and Vocation and Education held the first phase of the "Latino youth training; equipping evangelists for the 21st century" in September 2009. Youth representatives from the various ELCA regions, including two pastors, came to Chicago to develop the training agenda. The goal for this event is to make the preliminary plans for the 2010 event for 50 Latino youth.

Goal II: The Multicultural Ministries unit will focus its resources on increasing and

strengthening cohesiveness within and among ethnic-specific communities, working for peace and justice across all cultures.

The African Descent, Latino and Asian and Pacific Islander ministries directors have created electronic newsletters that go out to their respective communities. The newsletters serve as vehicles for information sharing, informing the community about events in the community, as well as projects and programs.

The “Talking Together as Christians Cross-Culturally—Africans and Asians” project was sponsored by Multicultural Ministries, Evangelical Outreach and Congregational Mission, and Church in Society. These units worked on tools that extend the ELCA cross-cultural conversation and moral deliberation about ministry matters to Southeast Asian, East Asian, and African nationals. The planning team worked together to research how these communities talk together as church about ministry issues that range from evangelism and outreach to social issues affecting their daily lives. This data will be used to create appropriate resources for congregational leaders of these communities to lead conversation. These resources will be added to an existing resource, “Talking Together as Christians Cross-Culturally.” A consultation was held November 7-9, 2008, in Orlando, Fla. There were seven synod teams including: Southeastern, Southeastern Pennsylvania, Metropolitan Chicago, New Jersey, Minneapolis Area, Greater Milwaukee, and North-West Lower Michigan synods. The planning team is looking at the possibility of using “*Talking Together as Christians Cross-Culturally*” to encourage conversation about the concerns of the communities of color in the ELCA related to the recently adopted social statement on human sexuality and especially the “Report and Recommendations on Ministry Policies.”

In October 2009, Edeoga Modupe from the Research and Evaluation staff will release the final report of the ministry needs assessments that have been carried out with each of the five ethnic communities. This final report will assist each of the communities in the development of resources that will help them to grow in mission, leadership, and ministry.

There was an opportunity for Multicultural Ministries to be supportive of the Multicultural Youth Leadership Event (MYLE) held in New Orleans, La., July 19- 22, 2009. Multicultural Ministries staff was present at the event and made presentations to the MYLE adult chaperones. Each of the six ethnic associations hosted a reception for MYLE participants. Multicultural Ministries staff was also involved in the planning of the MYLE.

A multicultural resource catalog that contains all of the resources produced by ELCA churchwide units is under development. The catalog will allow for better marketing, placement, and accessibility of resources that are available to the user. The catalog will be available in print and via the web. The catalog will serve not only as a reference, but also will have an educational component. The catalog will include categories such as outreach, anti-racism, and stewardship in the first half and a listing of all the resources according to the ethnic community for which it is directed in the second half. This new resource will help both the ethnic communities and the whole church to achieve better knowledge of the many resources that are available and how they can better access and use them in their congregations. The multicultural resource catalog also will list resources that will assist the church in becoming anti-racist and multicultural.

Goal IV: The Multicultural Ministries unit will work to increase the number of rostered and lay leaders in congregations, synods, seminaries, and churchwide expression from the ELCA's ethnic-specific communities.

Multicultural Ministries in partnership with Vocation and Education, Women of the ELCA,

Evangelical Outreach and Congregational Mission (EOCM), and Church in Society (CS), hosted a young adult ministry planning team in October 2009. This team of young adults from five cities and areas across the country returned to their communities to develop local teams and host local events to help more young adults of African Descent to discern their call, deepen their understanding of discipleship, and further develop their capacity for leadership. The vision and goal is for these 15 to 18 young adults and the events they help organize to result in identifying 100 to 125 new young adult leaders of African Descent within the coming year

In October 2009 Becoming II, the second leadership training event for ELCA American Indian and Alaska Native youth and young adults ages 16-22 will be held in Minneapolis, Minn. The emphasis of the event is to build self esteem, explore leadership gifts, and build skills that these American Indian and Alaska Native young adults can use in their home communities, congregations, and career planning. Becoming I was held in the Minneapolis area in November 2007 with 18 young adults and 10 counselors.

Multicultural Ministries partnered with Vocation and Education and Evangelical Outreach and Congregational Mission program units to bring together rostered and lay professional women of color. There were 137 rostered and lay professional women of color in ministry in attendance that participated in the "At the Sound of Our Name: Women of Color in Ministry" event held April 16-18, 2009, at Eaglewood Resort and Spa. Some identifiable outcomes of the "At the Sound of Our Name" event: 1. The plan to spawn local/regional/virtual events to continue and build strength and momentum has been successful; 2. Active Facebook group for "At the Sound of Our Name: Women of Color in Ministry"; 3. Region 7 has held four planning meetings toward a gathering to bring in more Region 7 women, also building on Latina strategy, sponsored by bishops; 4. District of Puerto Rico is holding an event in October to gather more women. This will be supported by the local Women of the ELCA synodical unit. In December, the Virgin Islands will gather; 5. At least four women are currently in mentoring and discernment for ministry out of this event, and two others have testified to finding a new calling in this area; 6. One-hundred and twenty time and talent sheets identified the gifts these women leaders are willing to bring to begin self-sustainability of the movement; 28 have been identified as willing to work specifically with looking for grants and other avenues of support for remaining events; 7. Both anecdotal and Research and Evaluation's evaluative data suggests a high level of positive spirit and response to the event that has strengthened these women for Gospel mission.

Publishing House of the ELCA

Submitted by Beth A. Lewis

Year to Date Accomplishments:

Strategic Focus: Throughout 2009, Augsburg Fortress (AF) has been implementing its 2009-2011 strategic plan with special emphasis on focusing AF's work to provide group-use worship and faith formation resources for congregations and text/reference resources for higher education.

This focus resulted in the closure of our bookstores, limiting our attendance at events, and discontinuing the growth of consumer-oriented product lines. This refinement of AF's focus permits us to invest our limited human and financial resources in the development of high quality resources for these core constituents.

One other goal in this refinement strategy is to find a buyer for our Friar Tuck and Lydia clergy shirts and blouses product lines. We have engaged a business broker, but with the slow economy, we have not found a serious prospect yet.

Resources for Congregations: Among the major success stories for Augsburg Fortress in support of congregations are these new resources in 2009:

- The *Lutheran Study Bible* was published in March 2009 in both hardcover and paperback versions. This new NRSV Bible has been extremely well received. We exceeded the first 12 months sales goal of the hardcover version in the first six weeks of publication! Based on customer requests, in late October, we will publish two additional LSB options: a larger print version and a deluxe gift edition.
- Book of Faith adult Bible study resources. We have published a wide range of adult Bible study resources in support of the ELCA's Book of Faith initiative. www.bookoffaith.org These fall into four primary categories:
 - ◆ Foundational courses, including *Making Sense of Scripture*
 - ◆ *Opening the Book of Faith Spanish Edition* was published in August with financial support from the Vocation and Education unit.
 - ◆ *Leading in Faith* facilitator and leader training materials
 - ◆ Three different adult Bible study series (*Together in Faith* for those who want lectionary-based studies, *People of Faith* for those who want to focus on the people of the Bible, and *Books of Faith* for those who want book-by-book studies)
 - ◆ An Advent journey resource, *Book of Faith Advent Reflections: While We Wait* will be published in early October.
 - ◆ In November, we will publish a Book of Faith Lenten journey, *Marks of the Christian*.
- *Spark* Sunday School resources have been very well received by churches of all sizes throughout the ELCA. For the first time ever, congregations who want to choose between a traditional classroom format, lectionary format, and rotation format for various age groups of children may do so with one Sunday School curriculum! This Bible-centered curriculum for children age 2 through grade 6 features two new children's Bibles, *Spark Story Bible* (age 2 through grade 2), and *Spark NRSV Bible* (grades 3 through 6). These Bibles have also proven to be popular as gifts to children in congregations and by parents and grandparents. www.activatefaith.org and www.sparkbibles.com
- *Fed and Forgiven* communion education resources were published this past summer. They include print and DVD resources to provide education about Holy Communion for children, youth, and adults. We had a large assortment of these resources available at the ELCA Churchwide Assembly and sold out during the event. www.fedandforgiven.com
- In response to customer requests, subscribers to the deluxe version of www.sundaysandseasons.com now will have access to new thematic worship series content. Four times each year, these thematic worship series will be refreshed with new content to help inspire and equip congregational leaders with their worship planning. For Advent 2009, we are offering a new lectionary-based series, "Is It Light Yet?"
- The second volume of occasional services, readings, and prayers in the ELW family of resources, *Evangelical Lutheran Worship Occasional Services for the Assembly*, will be published in

November.

Resources for Higher Education: A number of ELCA college and seminary faculty members have written new books for Augsburg Fortress this year, primarily for use in higher education, but also as resources for clergy and lay people. Among them are:

- Michael Cooper-White (Lutheran Theological Seminary at Gettysburg), *The Comeback God*
- Paul Dovre (Concordia College), *Holy Restlessness: Reflections on Faith and Learning*
- Terence E. Fretheim (Luther Seminary), *About the Bible*
- Eric W. Gritsch (Lutheran Theological Seminary at Gettysburg), *Toxic Spirituality*
- Rolf Jacobson (Luther Seminary), Karl N. Jacobson, and Hans H. Wiersma (Augsburg College), *Crazy Book*
- Paul Jersild (Lutheran Theological Southern Seminary), *The Nature of our Humanity: Ethical Issues in Genetics and Biotechnology*
- Kristin Johnston Lergen (Lutheran Theological Seminary at Gettysburg), *What Christians Can Learn From Buddhism*
- Dirk Lange (Luther Seminary), *Trauma Recalled: Liturgy, Disruption and Theology*
- Lois Malcom (Luther Seminary), *Holy Spirit: Creative Power in Our Lives*
- Brian Peterson (Lutheran Theological Southern Seminary), *Proclaiming the Gospel*
- Melinda Quivik (Lutheran Theological Seminary at Philadelphia), *Serving the Word: Preaching in Worship*
- Robert F. Shedinger (Luther College), *Was Jesus a Muslim?*
- Kirsi I. Stjerna (Lutheran Theological Seminary at Gettysburg), *No Greater Jewel*
- Alicia Vargas (Pacific Lutheran School of Theology), *Cómo estudiar la Biblia*
- Timothy J. Wengert (Lutheran Theological Seminary at Philadelphia), *Martin Luther's Catechisms*
- Ritva H. Williams (Augustana College), *The Bible's Importance for the Church Today*

Stewardship of Resources: In December 2008, AF launched the conversion of our information technology infrastructure. While it has not gone as smoothly as anticipated, we have seen significant improvements and anticipate continued refinement in coming months. One major improvement is that we are able to create far more flexible and detailed management reports than with the former system.

AF's lease on the headquarters office space at 100 S. Fifth Street, Minneapolis, Minn., expires in February 2010. The executive staff worked throughout 2009 with CBRE, a leasing agent, on identifying possible new locations. After months of analysis and negotiation with four possible landlords, we have signed a 66 month extension at our current location that will save approximately \$170,000 per year during the period 2010-2015 as compared to our current lease.

About five years ago, AF started using a "Print on Demand" process for book publishing. This permits us to keep books "in print" after demand declines late in their product life cycle. It also assists us in minimizing the carrying costs of inventory while responding to customer demand in a timely manner. AF has over 1,200 titles available using this new technology.

Vocation and Education

Submitted by Stanley Olson

To assist new Church Council members in understanding the scope of Vocation and Education (VE), this report is structured according to VE's three work groups. The goals of VE are three: helping people of the ELCA claim their vocations, assisting in the calling forth and equipping of leaders, and nurturing many of the education and ministry networks that are part of the ELCA ecosystem.

Educational Partnerships and Institutions Group

Book of Faith Initiative (BFI): A one-time mailing of general information was sent through the U.S. Postal Service to all ELCA congregations, inviting them to engage the BFI. To support synod advocates in their preparation of teacher training events, grants of \$2,000 were sent to each synod. Planning is underway for a February 2010 synod advocate training event, and a synod advocate leadership team has been created. It is hoped that the team will continue this effort beyond the initial five years of the BFI.

Lifelong Learning and First Call Theological Education (FCTE): The Lilly Endowment-funded Vocation of a First Call Congregation project will conclude in 2009. Learnings from the project are available on a DVD, which has been distributed to synods. Additional copies are available for a small cost. With the loss of the grant-funded staff, VE's support for FCTE will happen by incorporating synodical FCTE leaders into existing lifelong learning leadership networks.

Seminarian indebtedness: The consultation on seminarian educational indebtedness has been strengthened and expanded through a new million dollar Lilly Endowment grant. Dr. Don Huber, recently retired academic dean at Trinity Seminary, will staff the effort. The work will call together ELCA leaders to recommend practices that will sustain a healthy economy for pastors and rostered lay leaders, including the financing of seminary education, and move toward reducing debt loads.

Schools and the education social statement: School and early childhood center leaders have embraced the statement, "Our Calling in Education," because they perceive that it validates their work as part of the ELCA's mission. Through the mechanisms of various local associations of schools, multiple gatherings are occurring to discuss the statement's implications and to advance the mission of schools, including teacher education.

Lutheran Partners Magazine: Awards recently conferred by the Associated Church Press for work done in 2008 were: (1) Department Award of Excellence, for "Written on the Heart," the Rev. Stephanie K. Frey and the Rev. Marcus R. Kunz, editors, January/February, May/June and July/August; and (2) Publication Redesign, Honorable Mention, Ann Rezny, designer.

Vocation of the Lutheran College: In collaboration with Augsburg College, VE will convene a gathering of representatives from all ELCA-related colleges to discuss outcomes of recent programs for the theological exploration of vocation and to encourage other colleges to begin such efforts. This event will serve as a primary response by VE to the implementation of the "Our Calling in Education" among our colleges and illustrates a principle method for continuing VE's ministry in linking faith and daily life.

New College Presidents: Janet Morgan Riggs, Gettysburg; Darrel Colson, Wartburg College; Troy VanAken, Thiel.

Youth and Young Adult Ministries Group

Campus Ministry: The annual campus ministry conference at the end of June was an occasion for continuing education and mutual support among campus ministers. As part of new staffing patterns, the nine regional coordinators were oriented to campus ministry work. In addition, each region now has a local campus ministry staff person who will serve as a mentor to orient and support new local staff.

Outdoor ministry: Almost 40 outdoor ministry professionals participated in an executive leadership event held in April on strengthening financial management practices. VE sponsored and placed 32 international camp counselors from 20 countries serving at 24 different ELCA outdoor ministry sites last summer. This fall, VE will introduce a new summer camp curriculum, Keeping the Earth. It includes age-level Bible studies and activities for lower elementary through senior high and adult campers. The most recent ELCA outdoor ministry conference was just held near Houston, Tex.

Young adult ministry: In 2009, Twitter with @ELCAYOUNGADULTS was added to our other social networking communities with over 1000 dedicated followers. VE will partner with the Foundation and Mission Investment Fund to hold a series of networking events for young adults to learn more about opportunities for engagement with the ELCA, including the Lutheran Malaria Initiative. VE staff will work with ELCA communications staff in planning and convening a conference in August 2010 for ELCA communicators, students, young adults, campus ministry staff, and church college chaplains that will center around the use of social media in telling stories of faith.

Youth ministry: A new design for the ELCA Youth Gathering in New Orleans called over 37,000 persons in New Orleans into a servant learning experience. Over \$650,000 of gifts were gathered through advance giving online (a first!), through the Sunday worship offering, and gifts to the ELCA World Hunger Appeal's "Change The World" Challenge. The Multicultural Youth Leadership Event and Definitely Abled Youth Leadership Event gathered nearly 900 and 100 respectively. The triennial LYO Convention included almost 300 young leaders and their mentors from over 40 synods. Just under 8 percent of the total Churchwide Assembly voting members were 30 or younger, a new record, but still short of the 10 percent target the assembly adopted for future assemblies and for other assemblies, councils, and committees.

Leadership Group

Candidacy: The work is accomplished through a network of partners that includes synods, seminaries, and the churchwide staff. Following the actions of the Churchwide Assembly to welcome people in publicly accountable, lifelong, monogamous, same-gender relationships into rostered ministry, staff have been working to help draft the needed amendments to implement the changes, while maintaining respect for a variety of convictions on these matters.

Multicultural leadership development and recruitment: In partnership with Pacific Lutheran Theological Seminary, a new Theological Education for Emerging Ministry (TEEM) cluster in the Mandarin language has been created in the Los Angeles area. Preliminary conversations have begun to replicate this program for the fast-growing African national communities. The director also is working with others to support the evolving role of the Lutheran Seminary Program of the Southwest, and with full communion partners to develop a Spanish Language TEEM curriculum. In collaboration with Lutheran School of Theology in Chicago, the first presentation of the triennial Everito Falco Lectures was completed. The topic this year was Christian vocation. As part of the lecture given in Puerto Rico, there was dedication of a digitalized collection of the late Bishop Margarita Martinez's works.

Disability ministries: Two new networks have been created to enhance ELCA work in Braille ministries and with people with mental illnesses. The Braille ministry network is working to increase the worship resources that are available in Braille. The ministry with people with mental illness includes our ecumenical partners and independent organizations.

Mobility database: The director for rostered leadership oversees the new online mobility database. It's being well received, but the learning curve is steep for many of the rostered leaders and for the synod staff handling administration. We are confident that this new resource will assist synods in identifying leaders with the skills needed transform congregations into centers for evangelical outreach.

Board of Pensions

Submitted by John Kapanke, President

The ELCA Pension and Other Benefits Program is designed to support the well-being of rostered leaders and churchworkers. Following are brief updates of our work.

ELCA Participating Annuity and Bridge Fund

Plan members with monthly annuity payments and those with Bridge Fund accounts (not yet annuitized) received letters in late September telling them of action taken by the trustees of the Board of Pensions regarding the ELCA Participating Annuity and Bridge Fund. This action was difficult to take, but necessary. (You received e-mailed copies of the letters, sent on September 24, along with an *In Brief* overview.)

The Board of Pensions has spent months working with our trustees, senior staff, and external advisors — analyzing data and searching for the right decision to help us meet our goal of providing members with lifetime monthly annuity payments. Questions about monthly annuity payments and/or the interest crediting rate for Bridge Fund accounts are both understandable and expected.

While it's one of the most difficult decisions we have ever had to make, the action taken, we believe, is needed to support the well-being of all members. The historic and unexpected downturn in investment markets in late 2008 and early 2009 created a significant gap between the net assets in the fund and the projected lifetime benefit obligations to members. As of August 31, 2009, the deficit was 26 percent. After thorough analysis of the risks faced by the fund, review of market performance data through most of third quarter 2009, and with careful consideration of the potential impact on members, the Board of Pensions will reduce the deficit by reducing member's monthly annuity payments and the fund's interest-crediting rate beginning in January 2010.

- Effective January 1, 2010, monthly annuity payments will be decreased by 9 percent. Based on assumed future investment returns of 7.6 percent, the Board of Pensions anticipates that monthly annuity payments will be decreased by an additional 9 percent in both 2011 and 2012.
- For year 2010, the interest-crediting rate will be -3.5percent for members in the Bridge component of the fund. Based on assumed future investment returns of 7.6 percent, the Board of Pensions also anticipates the interest-crediting rates will remain at -3.5 percent for both 2011 and 2012. These expected interest-crediting rates correlate with the reductions in monthly annuity payments described above for members already receiving an annuity.

This action is designed to bring the fund close to fully funded status (net assets in the Fund equal to projected lifetime benefit obligations to members) by the end of 2012.

In response to anticipated member concerns, I hosted five teleconferences for members to call and ask questions and learn more about the proposed changes. We averaged about 100 persons per call.

Special Needs Retirement Fund

The purpose of Special Needs Retirement Fund (SNRF) is to seek to provide extra income for retired churchworkers and/or their surviving spouses who are living with the greatest financial needs. SNRF is co-administered by the Board of Pensions and the ELCA Foundation. The SNRF managing committee has made changes in eligibility requirements (effective January 1, 2010) with the goal of increasing support to those currently receiving benefits and increasing the number of people eligible for benefits, when possible. Eligibility criteria for 2010 will be:

- Retired prior to 1997 (change from 1993) with at least 10 years of ELCA or predecessor church retirement plan participation, unless precluded by death or disability.
- Sponsored in the ELCA or predecessor church retirement plan on the date of retirement, disability, or death (for eligible surviving spouse).
- Total monthly income from all sources is less than:
 - \$1,550 a month if single (*change from \$1,400*)
 - \$1,800 a month if married (*change from \$1,650*)
- The value of all assets, including a home, is less than \$150,000 (of which up to \$30,000 may be cash or investments).

Note: Those people living in a nursing home **and** receiving Medicaid are not eligible for income from this fund. Those people receiving government housing assistance, which could be affected by receiving additional income, should contact the Board of Pensions service center. Additionally, with the announced reductions in annuity payments, it is the goal of the managing committee, if financially possible, to increase monthly SNRF payments (in the amount of the annuity decrease) for those currently receiving SNRF benefits. A decrease in annuity payments may also make others eligible for SNRF benefits.

A Journey of Renewal

The Board of Pensions' new pilot program based on the Wholeness Wheel, *A Journey of Renewal*, provides an opportunity for leaders to reflect on their personal and professional well-being, make lifestyle improvements, and be renewed for ministry. It is a year-long commitment for 30 pastors recommended by their synod bishop. Features include an opening gathering, coaching, a mid-year event, continued coaching, and a closing retreat, with follow-up support to all for the sustainability of healthy leaders who will enhance the lives of God's people. The first half of the year focuses on creating healthy leaders, and the second half supports them in sharing health and wellness in their ministry settings so as to enhance the lives of God's people. The pilot synods for 2009 are the Greater Milwaukee Synod and the Montana Synod. In 2010, we will involve five more synods. We are hopeful that in 2011 (and beyond) we will bring greater opportunity for more synods to be involved.

2010 Health Plan Information

The 2010 Health Plan design for the ELCA-primary portion of the plan continues the theme of engaging plan members to improve and maintain their health. As a result, the basic PPO design and

financial incentive structure remains in place, although the plan parameters (deductibles, out-of-pocket maximums, financial rewards) have been modified to maintain our 80 percent/20 percent employer/member cost share for medical, pharmacy, and mental health benefits combined.

The overall average health plan contribution rate increase for sponsored members has been held to 2 percent for 2010, reflecting:

- Improving engagement and health of members
- Successful claims management programs
- Renegotiation of pharmacy contract
- Long-term objective to reduce surplus
- 2010 plan design changes

As always, I welcome your comments and questions. I look forward to seeing you in November.

Church Periodical

Submitted by Mr. Daniel J. Lehmann, Editor

The church periodical, The Lutheran, shall be published by this church through the Publishing House of the ELCA and shall be identified as a magazine of this church. (17.31.)

Fiscal year 2009 is proving to be a challenge, with circulation down 11.9 percent through September and advertising revenue down 16.6 percent through the November issue.

At the same time, *The Lutheran* and its two children publications appear to be financially healthy, at least for the short term, with an estimated net operating surplus through the first seven months of the fiscal year of \$100,067. The accuracy of that number is in question due to problems Augsburg Fortress, Publishers has in providing subscription revenue figures for the magazine.

The dip in circulation is particularly disappointing given strides made the previous two years to staunch cancellations. From 2000 to 2006, the magazine averaged an annual loss of 40,600 copies. In 2007 and 2008, the drop fell to 13,000 and 14,800, respectively. With congregations overwhelmingly pointing to budget concerns, *The Lutheran* has lost 30,800 subscribers through the September issue of 2009. Paid circulation as of October 1, 2009, stood at 251,254.

Advertising revenue also trails last year's figure. Through the November issue, we've sold \$756,206 in ads, some \$150,000 behind last year's pace. It appears we will miss our goal for 2009 by at least \$100,000.

Through the first seven months of FY 2009, income apparently totaled \$1.84 million and expenses totaled \$1.74 million for *The Lutheran*; income totaled \$108,063 and expenses totaled \$101,977 for *The Little Lutheran*; and income totaled \$3,273 and expenses totaled \$7,641 for *The Little Christian*. The three budgets are being underspent to keep total operations in the black for the year. (As a reminder: *The Lutheran* is self-funded; the only mission support received from the ELCA is free office space.)

(Final figures for fiscal year 2008 showed the magazines' combined operations posted a surplus of \$167,633. This is compared with surpluses of \$219,573 for FY 2007, \$266,262 for FY 2006, and \$285,622 for FY 2005—the first year of financial operations independent of Augsburg Fortress.)

The magazine's endowment (cash reserves) totaled \$1.36 million as of August 31, 2009, up 46.5 percent (\$431,880) from a recent low of \$929,635 as of March 31, 2009. The increase reflects the addition of the 2008 surplus to the endowment as well as the upturn in the ELCA Endowment Fund Pooled Trust due to the rally of the stock market.

With the economy still struggling and the uncertainty of the fallout from decisions made by the Churchwide Assembly this past summer, the outlook for FY 2010 is fuzzy at best. The magazine will need to budget for at least the same size of circulation loss for the year ahead to avoid operating at a loss. All costs are under thorough review.

For 2009, the magazine rolled out a subscription plan for nonsubscribing congregations with minimum copy purchases at the lowest rates based on average weekly worship attendance instead of the number of baptized members. The magazine continues to promote a quarterly subscription plan based on synods with supplements that appear in *The Lutheran*. The plan has met with limited success to date.

In an attempt to entice lapsed congregations to resubscribe, the magazine will undergo a significant overhaul, both in content and design, during 2010. Because of the decline in advertising revenue (and therefore space needed for those ads) *The Lutheran* will be published as a 52-page magazine starting with the January 2010 issue. Articles will focus more on content that supports the near-term goals of the ELCA: helping congregations grow in evangelical outreach and making the church a more inclusive body, better reflective of the demographic changes taking place in the United States.

The Advisory Committee for *The Lutheran* continues to meet in March and October. Six people have been recruited to stand for election to the committee at the November 2009 Church Council meeting. They will replace three Advisory Committee members whose six-year terms expire in fall 2009: Carol A. McDivitt of Loveland, Colo., who serves as chair; Dave Mowitz of Des Moines, Iowa, who serves as secretary, and Pastor Marguerite M. Rourk of Oakton, Va. Appointed advisers to the committee are Deborah L. Chenoweth, Hood River, Ore., representing the Church Council; Bishop Harold L. Usgaard, Southeastern Minnesota Synod, Conference of Bishops; and Kristi Bangert, executive director, Communication Services unit, Office of the Presiding Bishop.

The four-year term of editor expires November 30, 2009. The Advisory Committee, in consultation with the presiding bishop, is to make a recommendation to the Church Council on filling the position (two-thirds vote required) at the November 2009 council meeting.

Magazine staffers attended 31 synod assemblies this spring. Most synods provided podium time for staffers to tout the advantages of subscriptions to *The Lutheran* and to re-establish a relationship between the magazine and synods and congregations. Those synod assemblies missed this year will be attended in 2010, with the cycle repeating every two years.

Basic subscription plan rates for *The Lutheran* remain unchanged: \$7.95 per subscription on the congregational plan, \$11.75 per subscription for the leadership plan, and \$3.95 per subscription for the quarterly synod plan. Individual subscriptions were increased in 2009 to \$17.95 from \$15.95 with discounts on two- and three-year subscriptions. Congregational subscription plans have not been increased in seven years and a rate increase in the next year or two is inevitable.

The Little Lutheran is now in its third year of publication. Paid circulation stands at 9,776, while *The Little Christian*, in its first year of publication, boasts a paid circulation of 608. Both figures are for the November 2009 issues.

Income from *The Little Lutheran* helps underwrite production and distribution costs of *The Little Christian* (content is identical). However, the magazines still do not generate enough revenue to pay the salaries of three editors assigned to the magazines on a part-time basis. The difference is made up by *The Lutheran*. In an attempt to meet this challenge, a series of three ads for *The Little Christian* were placed this fall in magazines of the ELCA's full communion partners. This mid-five-figure

investment will be one means of determining the market for the magazine outside our denomination.

The Lutheran magazine's Web site now averages 25,755 unique visitors monthly. Average visit length (a metric increasingly used to measure site effectiveness) rests at 76 seconds. The Web site continues to enable social bookmarking and actively participates in social networks such as Facebook and Twitter. The magazine's "green" or electronic subscription plan has yet to gain traction with congregations: only two congregations purchase Web subscriptions for their members.

Amber Leberman, Web manager and associate art director, is on sabbatical from September 23 to December 23, 2009. Andrew Lynch, a recent graduate of the University of Missouri's School of Journalism, is serving as Web intern during her absence. Upon her return, Leberman will initiate a redesign for www.thelutheran.org.

Communication Services

Submitted by Rebecca Larson

Communication needs of this church have been extensive throughout 2009. ELCA Communication Services staff has been involved in nearly every significant event, initiative, or program of this church during this time, and it continues to perform at a high level to meet these needs despite declines in funding and staff. Significant events for staff included the ELCA Youth Gathering, the Churchwide Assembly, as well as initiatives such as production of a documentary airing on ABC-TV; the ELCA video contest based on this church's tag line; continuing work to build, enhance, and promote ELCA.org; reporting on proposals and subsequent actions of the Churchwide Assembly; and developing and executing a churchwide communication plan post-assembly.

Communication Services organizes its work in four teams: public media, marketing communications, interactive media and networks, and the ELCA news service.

Public Media Team

The process of ending production of *Grace Matters*, the radio ministry of the ELCA, was completed on April 12, 2009 (Easter). The programs are available online at www.gracematters.org and a selection of the past programs are available on Odyssey Networks at www.odysseynetworks.org. The one-hour documentary, "Native Nations: Standing Together for Civil Rights," hosted by veteran actor Peter Coyote, aired on NBC television stations between May 3 and November 1, 2009 (www.elca.org/nativenations). About 150 stations broadcast the program, including those which aired it on ABC Television stations in 2008. Beginning October 18, 2009, the documentary "Ready to Forgive: An African Story of Grace," began airing on ABC television stations through December 2009. More information and dates and times of specific airings can be found at <http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Communication-Services/Broadcast-Media/Television/Ready-to-Forgive.aspx>. These network opportunities are through the National Council of Churches USA and partnership with the Interfaith Broadcast Commission.

Videos produced included "Orientation to Voting Members and Parliamentary Procedures" (Office of the Secretary), a mission support video, "Stories of Hope and Promise," and the synod assembly video, "The Intersection of Fear and Hope" (Office of the Presiding Bishop). Staff also produced a number of other video reports for the assembly. Public media also was responsible for managing the production of the Churchwide Assembly plenary sessions, providing projection in the

plenary hall, electronic voting, microphone cueing, open captioning, and video for live Internet streaming.

Staff continued to support churchwide units at the 2009 Youth Gathering in New Orleans and responded to other video requests. Among them were “Care for Returning Veterans” workshop, a “Mission Interpreter Coordinator” training video, Bible Study intros for Women of the ELCA, “Becoming a First Call Congregation” DVD, and a “Worship and Music” DVD. Staff produced a few “Stories of Faith in Action” videos for the Web that highlight mission work of ELCA members and congregations.

Marketing Communications Team

From March through May the "God's work, our hands." advertising campaign television spots aired nationally on CNN, CNN Headline News, Fox News, HGTV, and DIY Network. The ads aired locally in areas densely populated with ELCA Lutherans, our target demographic. These local advertising buys included Minneapolis-St. Paul, Minn.; Sioux Falls, S.D.; Fargo-Valley City, N.D.; Rochester, Minn.-Mason City, Iowa-Austin, Minn., and Minot-Bismarck-Dickinson, N.D. Overall, the national buys exceeded our goals at an average of 12 percent above the audience guarantees, and the local buys over-delivered by an average of 30 percent per market.

In mid-June, the team launched the first-ever ELCA "God's work, our hands" video contest. The campaign invited congregations and individuals to tell others how they do God's work with their hands. Over a 30-day period, 224 video entries were submitted, there were 392,000 page views, and 8,500 new e-mail addresses were provided. Generous donations from Odyssey Networks and Lutheran Film Associates supported the campaign.

Social media activity continues with more than 8,000 fans on Facebook (starting with less than 100 in mid-April) and 1,399 followers on Twitter. The post-Churchwide Assembly social media strategy focused on listening to conversations, responding with accurate information, protecting our ELCA brand, and connecting with members. These new media continue to offer promising and cost-effective ways to reach members.

Additional workgroup activity includes more than 200 projects completed through publishing services, and three theme-focused issues of *Seeds for the Parish* (green, welcoming, and technology), which garnered more than 1,100 new subscriptions with a total reach of 200,000 households. Staff worked with colleagues to create the 2010 issue of *Stories of Faith in Action*, which was delivered to 30,000 rostered leaders and congregation council presidents in September. The magazine featured 18 stories of mission-support-funded ministries of this church.

Interactive Media & Networks Team

Members and the general public have put the ELCA.org Web site on the map. More than 800,000 unique visitors racked up more than nine million page views since the March 2009 Church Council meeting. During the ELCA Youth Gathering, more than 46,000 people visited the site. This year's Churchwide Assembly broke all records for Web-related media, when some 134,000 unique visitors from at least 160 countries accumulated more than 1.5 million page views during the assembly week. On average 2,000 people tuned in for each live plenary Webcast, with a peak of more than 4,000 simultaneous viewers on August 21. Recorded video clips had over 38,000 views during the week by 12,000 people; assembly photo images recorded 1.3 million views.

A number of innovations helped staff share the 2009 Churchwide Assembly with more people

than ever. For the first time news conferences were Webcast live, with 400 people tuning in on August 22; the #cwa09 tag appeared on 5,000 "tweets" (Twitter) during the assembly; the ELCA Facebook page gained some 1,000 fans who posted over 2,000 messages; the assembly blog had 28,000 page views by 8,000 people.

The more "traditional" work of the interactive media and networks team continued and expanded. The Resource Information Staff (RIS) took on resource distribution for Church in Society and Women of the ELCA units; since January RIS staff answered more 53,000 calls on the ELCA 800 number, including more than \$62,000 in credit card donations and some 1,600 resource requests; CO staff supported synod resource center directors by organizing monthly conference calls and helping to plan a meeting of the Association of Lutheran Resource Centers (ALRC) in October.

ELCA News Service

The ELCA news service has responsibility for reporting on the ministries of the churchwide organization and the ELCA as a whole. Four staff worked at the ELCA Youth Gathering in New Orleans, reporting and working with local media to assist them in coverage of the event, which was extensive and positive. A team of 18 people including staff, interns, and volunteers reported on the 2009 Churchwide Assembly in Minneapolis through print, audio and video, using the Web, blogs, and social media. The staff had contact with 92 separate outside news organizations that reported on the assembly, and it hosted seven news conferences that were broadcast live via the Web.

The news staff reported on the social statement on human sexuality and the ministry policy proposals vigorously, seeking a wide range of comment on these proposals prior to the assembly. Today the staff continues to report on a wide range of responses to the actions of the assembly, as well as ongoing work to meet those mandates. Other significant stories the staff reported include Bishop Hanson's meeting with the King of Jordan, the "Tour de Revs" for ELCA World Hunger, immigration reform, health care, the murder of Dr. George Tiller in a Wichita church, plus a wide range of messages from the presiding bishop and other leaders. Since March the staff has written 200 news releases and responded to a significant number of international, national, and local media inquiries.

Staff also was involved in planning the Churchwide Assembly, personally meeting with and mentoring synod communicators in media relations work, personally visiting communication staff of Lutheran agencies in Washington and Baltimore, and assisting bishops, pastors, and other leaders in preparing communications during a crisis situation.

Development Services and ELCA Foundation

Submitted by Cynthia Halverson

The generosity of the members of the ELCA remains strong even in the midst of economic instability and pressure points that challenge patterns of giving. The downward shift in gift income experienced at the end of 2008 and beginning of 2009 has rebounded somewhat in the last two quarters. We continue to communicate with major donors and monitor response rates to specific fund raising appeals as we move into these final, typically strong, giving months of the year.

The good news from ELCA World Hunger Appeal is that giving for June - August was the strongest of any year this decade. By the end of August we had exceeded 2007 giving levels. As nearly 60 percent of the annual gifts to World Hunger Appeal typically come in during the last four months of the year, we have planned for an intensified year-end push through direct mail, continued

focused contact with major donors, and strong promotion for the new "Good Gifts" catalog. At the end of September, giving to the World Hunger Appeal exceeded \$8.7 million toward the \$18.7 million goal.

At the writing of this report, giving through Global Mission Support is approaching \$3.8 million. Missionary sponsorship support is slightly ahead of one year ago at this time at \$2.45 million; giving to Global Gifts equals approximately \$1.35 million, approximately 67 percent of the annual expectation.

We are on pace to meet our 2009 Fund for Leaders goal of \$2,825,000 despite recent news that three congregations and one major donor family decided to withdraw their gift commitments for a total of \$500,000 for the Fund. Scholarships totaling \$684,605 will support 86 students this year. This includes the first four recipients of the Mission Investment Fund/Mission Developer Scholarship, who will receive a total of \$33,625 this year.

Giving to Vision for Mission, the churchwide undesignated appeal, is trailing 2008 giving by 19 percent at the end of September, with \$396,520 received toward a \$1 million goal.

Planning for implementation of fundraising for the Lutheran Malaria Initiative (LMI) and the HIV and AIDs Strategy are underway. Staffing strategies for both initiatives are still under consideration as we explore how best to build on the current capacities and strengths of our fundraising and communications efforts. It is anticipated that intentional fundraising for both initiatives will get underway in 2010.

Supported by a strong team, David Novak continues to provide creative and thoughtful leadership to our regional staff and planned giving partnerships. Presently this church is served by 23 regional gift planners and three staff representing 45 synods. The economic downturn has placed a significant strain on the budgets of the Lutheran Planned Giving partnerships (LPGs). Nearly all the LPGs have experienced some level of budget and financial concern. Good stewardship of our resources requires the Foundation to explore a more regional approach to providing gift planning services across the country.

In December 2008, the Development Services and ELCA Foundation leadership team developed a plan to assess the ELCA's Charitable Gift Annuity program (CGA program). Assessment areas include gift planning, constituent management, marketing, investment management, governance, financial analysis, information systems, administration, accounting, and legal/regulatory compliance. As part of this assessment, the Foundation contracted with Charitable Solutions, LLC to perform a risk assessment of the CGA program. We are pleased to report that Charitable Solutions assigned an overall current pool health assessment grade of 1 out of 10 (with 10 being the worst). Risk audit results and significant recommendations to date from the overall assessment will be presented to the Budget and Finance Committee in November.

As of June 30, 2009, the ELCA's gift annuity pool had approximately 5,060 active annuities with associated segregated assets totaling approximately \$103 million. As of September 30, gift planners have developed over \$2.5 million in new charitable gift annuities and are working toward a goal of \$4 million.

The Foundation administers approximately 410 active charitable remainder trusts and a limited number of pooled income funds with investments totaling approximately \$61 million as of June 30, 2009.

The Endowment Fund Pooled Trust has experienced a significant recovery in market value during 2009, but has not continued to enjoy its historical success in terms of new investor participants

and ELCA endowment contributions. The slower pace of new investments and endowments reflects global economic concerns and related impacts on charitable giving.

As of August 31, 2009, the Pooled Trust held 1,738 accounts totaling \$304.6 million. This represents a net increase of 34 accounts and a net increase of approximately 17 percent in market value from December 31, 2008. Of total Pooled Trust net assets, approximately \$126 million were to benefit ministries of the churchwide organization. The Pooled Trust's year-to-date investment performance (gross of investment management fees) through August 2009 was 18.9 percent vis-à-vis a benchmark of 19.0 percent.

In closing, I am grateful to the DSFO management team for their strong leadership in challenging times and to the whole staff for the hard and creative work that continues to undergird strong giving for ministry. We will continue to build on a twenty-year history of solid gift planning and development work as we encourage, receive, and shepherd gifts for ELCA funding priorities as well as the ministries, organizations, and institutions of this church.

Mission Investment Fund of the ELCA

Submitted by Ms. Eva M. Roby, Executive Vice President

Financial Update

The Mission Investment Fund of the ELCA (MIF) financial results during 2009 continued to be strong. The major source of funds to meet loan demand is the sale of investment obligations. As of August 31, 2009, total investment obligations were \$480 million, an increase of almost \$29 million (6.4 percent) since December 31, 2008. MIF's 14,401 investors have a total of 24,482 accounts. Funds of ELCA congregations comprise 45 percent of investment obligations. The 3,543 congregations that participate in MIF have investments totaling \$215 million.

As of August 31, 2009, 770 loans with balances of \$474 million were outstanding, a net decrease of 27 loans and \$15 million from December 31, 2008, as the demand for loans has declined due to the current economic conditions. MIF has approved 64 new loans for \$46 million, and disbursed \$38 million in loans during 2009. In addition to loans, MIF held \$24.5 million in real estate for future use of new congregations.

Through August 31, 2009, the increase in total net assets was \$2.7 million, which included unrealized gains from endowment funds of \$0.4 million. The net assets of MIF are \$165 million, or 25 percent of total assets.

Loans

MIF continues to provide lower-than-market interest rates to new-start congregations that are purchasing their initial property sites or constructing their first church buildings. The current rate is 3.5 percent, which is 250 basis points less than our standard rate. In addition, MIF offers a 1 percent rate reduction to established congregations that build satellite ministries. Most loan requests continue to be from established ministries.

A risk rating and account watch system was developed last year to assist in maintaining sufficient controls to mitigate the risk of loss. This system also assists with internal and external communication regarding individual loans as well as overall portfolio performance. We have tested this system with favorable results and have updated our procedures to incorporate it as of September 2009.

Marketing

MIF is continuing to increase the number of investors and borrowers through compelling advertising, direct marketing, and strategic public relations initiatives. A number of key initiatives in 2009 are notable. MIF launched a series of direct marketing campaigns to raise its profile and increase the customer base. In addition, two initiatives were created to extend our reach with constituents. These include a pilot congregational advocate program that encourages congregations to tell their members about MIF and how it helps to do God's work in the world, and MIF's first-ever advertising on local cable television. The eight-week advertising flight began in September and targets people aged 25-49 in four Midwest areas with large concentrations of Lutherans.

Real Estate and Consulting Services

As of August 31, 2009, MIF held \$24.2 million in real estate. Of that total, sites valued at \$6.2 million have been identified as excess property and have been placed on the "to be sold" list. Two properties were purchased for new mission starts from January 1 through August 31, 2009: Columbus,

Ohio, for \$450 thousand, on April 8; and Collierville, Tenn., for \$378 thousand, on July 1, for a total of \$828 thousand. During this period, MIF had no sales of excess property.

Looking forward

Mission ONE joint operating guidelines call on the financial services units of the ELCA to "develop coordinated distribution strategies." As a first step toward this goal collaboration, a committee with representation from each of the three units (Mission Investment Fund, Board of Pensions, and ELCA Foundation) has been assigned to develop strategies related to the sales and marketing of the units' products to ELCA-affiliated social ministry organizations (SMOs). A coordinated distribution strategy will ensure that the financial units:

- Have a unified presence;
- Communicate a consistent message;
- Avoid creating confusion in the minds of targets; and
- Broaden their relationships and presence with SMOs.

The 2010 to 2012 strategic plan for the Mission Investment Fund will be presented for approval at the October 2009 board of trustees meeting. Consultation began with the board of trustees at the 2009 fall meeting and continued with the MIF strategic planning committee, staff, and other partners. The plan's three four goals are to:

- Grow awareness of and participation in the Mission Investment Fund;
- Secure investors' confidence in the long-term strength and stability of the Mission Investment Fund; and
- Provide exceptional service that demonstrates the Mission Investment Fund's unique commitment to the mission and ministry of this church.

Women of the ELCA

Submitted by Linda Post Bushkofsky

This summer staff represented Women of the ELCA at several ELCA events, helping the churchwide women's organization live out its commitment to engage in ministry interdependently with the ELCA. The large congregation event in June, Let The River Flow II, afforded us the opportunity to learn more about large congregations and to raise the awareness of leaders in those congregations regarding Women of the ELCA. Our research has shown that many large congregations do not have active units of Women of the ELCA, but often have what they label as "women's ministries."

July brought the ELCA Youth Gathering and our participation there as a program exhibitor. We invited the young women to answer a question: how do your relationships with women bless your life? Here are some of their responses. Kayla said: "When I surround myself with positive, good women, such as my mom, they show me what I can accomplish. My mom's the reason I'm here in New Orleans. Thanks to her I'm blessed by being here to help." Kate said: "The older women serving Christ in my life are my biggest role models. They inspire me to live every day for God's glory. Without the relationships I have with other women of God, my life would be very different."

Genny said: "I am especially blessed by the example of some of the older women in my church ... they have been a testament and witness to devotion and service. Thanks to them!" Robin said: "They inspire me to try new things and to never give up. All the women I meet and talk to make a difference in the world and I know I can, too."

Angela said: "My friendships make me strong, give me courage, and comfort me. I am less without them and so much more with them." Tiffany said: "My relationships with women brighten my life every day. My grandma is an excellent example. She's an incredible role model, and her kind spirit shines through. She's showed me what is essential in my life."

Nicole said: "Women are what keeps this beautiful, yet wretched and sinful place we call 'earth' together. When women congregate and act as a whole, they can be extremely powerful and change anything. Together, women can do anything and with time, we will. It's vital that women continue to strengthen relationships with other women. Together women can overcome adversity and change the world forever."

What did we learn from the 2009 ELCA Youth Gathering? The young women of this church are bright, thoughtful, articulate women of faith. The young women respect the older women of the church and, even if they don't say it, they look to older women as role models. Young women want to be in relationship with "older women," and they understand that to be in relationship with one another means give and take on all sides. Young women are excited to learn about Women of the ELCA. Many didn't know about *Lutheran Woman Today* or the program resources the organization offers or even the option of becoming an individual partner in Women of the ELCA. And this is true even in congregations that have a unit of Women of the ELCA. These women are yearning to be part of a women's organization, but they aren't being truly welcomed into Women of the ELCA.

How have the actions of the churchwide assembly with regard to the social statement on human sexuality and ministry policies affected Women of the ELCA? One executive board member chose to resign because of the actions taken. Two members of the synodical board in the Greater Milwaukee Synodical Women's Organization have done likewise. Two resolutions were brought to the October convention of the Eastern Washington-Idaho Synodical Women's Organization asking that women's displeasure with the actions taken be supported by the withholding of offerings to Women of the

ELCA; both resolutions were defeated upon the recommendation of Reference and Counsel. Some of the congregations that have chosen to leave the ELCA or are taking votes now to do so are congregations with active units of Women of the ELCA. Not only, then, are we losing some congregational units, but we are losing some synodical leadership. The vice president, for example, of the Southwest Texas Synodical Women's Organization must step down because her congregation has left the ELCA. So although the actions taken at the churchwide assembly do not have a direct impact on the mission and ministries of Women of the ELCA, they do have an indirect impact, the depth of which we do not currently know.

Beyond the activities in which we participated this summer, the churchwide staff has continued its efforts in producing resources for use by our participants. We are receiving much positive feedback to the free monthly resources available as PDF downloads from our Web site. These include: *God Colors Outside the Lines: A Short Workshop on Diversity and God's Church*; *The Three Stations: A Readiness Exercise*; *Shared Wisdom: An Effective Style of Leadership*; *Hospitality: More Than Warm and Friendly*; *Katharina von Bora Luther: A Bold Life of Faith*; *Rachel's Day: Taking Action for Children with a Storybook Project*; *Looking into the Mirror: A Lenten Reflection*. All are available at www.womenoftheelca.org, along with additional information about the organization.

The organization continues to build on its communication tools that support the community of women. A new e-newsletter, *Bold Connections*, launched this summer and currently has more than 5,300 subscribers. A new blog also launched in late summer; it helps connect issues, events, and trends with the mission, purpose, and ministries of Women of the ELCA. Both can be accessed at www.womenoftheelca.org. The organization, its magazine *Lutheran Woman Today*, and its electronic magazine *Café* are active in social networking through Facebook and Twitter.

The organization award \$75,000 in grants this year, continuing its long tradition of grant-making. Domestic ministries received 31 grants totaling \$67,000 while eight \$1,000 grants were awarded in six countries. Twenty-five female members of the ELCA received a total of \$22,000 in scholarships through Women of the ELCA in 2009.

Augsburg Fortress, Publishing House of the ELCA
Submitted by: Beth A. Lewis, President and CEO
Date of Board Meeting: April 24-25, 2009

Category 1: (Policies with an impact beyond the unit, which require Church Council approval.)
None

Category 2: (Policies related to the day-to-day functioning of the unit or to the specific mandate of the unit.)

Voted to approve the minutes of the October 24-25, 2008, and December 15, 2008, open session meetings of the board of trustees.
(PH.09.04.01)

Voted to express appreciation and extend thanks to Michael D. Bash, Debra Jacobs Buttaggi, Paul Carlson, Linda Chinnia, Richard L. McAuliffe, Pr. Lee M. Miller, and Pr. Kwanza Yu for their service as members of the Augsburg Fortress board of trustees.
(PH.09.04.02)

Voted to elect the following persons to serve as officers and members of the Executive Committee of the board of trustees: Janet Thompson, chair; Linda Brown, vice chair; Mary Butler, secretary; Marty Stevens, member at large; and Steve Titus, member at large; and to express appreciation for the leadership provided by the members of the outgoing Executive Committee.
(PH.09.04.03)

Voted to elect the following persons to serve as members of the audit and finance committee of the board of trustees: Linda Brown, Steve Titus, and Marty Stevens as members at large, and Janet Thompson, *ex-officio*; and to express appreciation for the leadership provided by the members of the outgoing audit and finance committee.
(PH.09.04.04)

Voted to elect the following persons to serve as members of the board development committee of the board of trustees: Beth Marie Halvorsen, Jan Ruud, Marty Stortz, and Scott Suskovic as members at large; and Janet Thompson, *ex-officio*; and to express appreciation for the leadership provided by the members of the outgoing board development committee.
(PH.09.04.05)

Executive Session actions

Voted to accept the 2008 financial statement audit report as submitted and request that management provide the audit and finance committee with a written responses to the recommendations provided in the management letter.
(ES/PH.09.04.01)

Voted to approve the minutes from the October 24-25, 2008, and December 15, 2008, meetings of the

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit J, Part 1a
Page 2

board of trustees in executive session.
(ES/PH.09.04.02)

Category 3: (Other procedures and board actions.)
None

ELCA Board of Pensions

Submitted by: John G. Kapanke, President

Date of Board Meetings: July 30-August 1, 2009, and October 30-November 1, 2009

Category I: Policies with an impact beyond the unit which require Church Council approval.

Approved the restatements of the following Trusts:

- Restated ELCA Retirement Trust
- Restated ELCA Master Institutional Retirement Trust
- Restated ELCA Medical and Dental Benefits Trust
- Restated ELCA Survivor Benefits Trust
- Restated ELCA Disability Benefits Trust
- Restated ELCA Supplemental Retirement Benefits Trust
- Restated ELCA 457(b) Deferred Compensation Trust
- Restated ELCA Benefits Contribution Trust

Approved the merger of the ALC Major Medical-Dental Trust for Retired Participants into the ELCA Benefits Contribution Trust.

Approved the creation of the ELCA Participating Annuity Trust.

Approved amendments to the ELCA Retirement Plan resulting from the closing of the annuity fund to new entrants effective April 3, 2009.

Approved amendments to the ELCA Master Institutional Retirement Plan resulting from the closing of the annuity fund to new entrants effective April 3, 2009.

Approved amendments to the ELCA Retirement Plan for The Evangelical Lutheran Good Samaritan Society resulting from the closing of the annuity fund to new entrants effective April 3, 2009.

Adopted a resolution proposing a slate of potential nominees for Board of Trustees, which were submitted for election at the Churchwide Assembly in August 2009.

Adopted a resolution proposing a slate of two potential nominees to fill an unexpired term of a previous trustee, whose resignation was acknowledged by the Executive Committee of the Board of Trustees on April 9, 2009, and which is submitted for approval by the November 2009 meeting of the Church Council.

Category II: Policies related to the day-to-day functioning of the unit or to the specific mandate of the unit.

August amendments

Approved amendments to the ELCA Retirement Plan to correct a plan drafting error. (Approval by President)

Approved amendments to the ELCA Retirement Plan to allow a non-spousal beneficiary to roll money out of the plan into an inherited IRA. (Approval by President)

Approved amendments to the ELCA Retirement Plan to clarify that, as permitted by law, 2009 minimum required distributions shall not apply. (Approval by President)

Approved an amendment to the ELCA Retirement Plan to remove the annual withdrawal limits for surviving spouses, terminally ill members, and divorced spouses. (Approval by the Board of Trustees)

Approved an amendment to the ELCA Medical and Dental Benefits Plan to conform the plan to the past-due account management policy put in place earlier this year. (Approval by President)

Approved an amendment to the ELCA Medical and Dental Benefits Plan because of the termination of the ELCA Continuation of The ALC Medical-Dental Trust for Retired Participants, which assets were transferred to the ELCA Benefits Contribution Trust. (Approval by President)

Approved an amendment to the ELCA Medical and Dental Benefits Plan to bring the plan into compliance with the Mental Health Parity Act. (Approval by President)

Approved amendments to the ELCA Medical and Dental Benefits Plan to clarify that, since Medicare covers certain drugs and supplies as Part B medical expenses, the plan will cover those drugs and supplies as any other Part B medical expense and not under the prescription drug benefit. (Approval by President)

Approved an amendment to the ELCA Medical and Dental Benefits Plan to establish certain amounts related to benefits for 2010. (Approval by the Board of Trustees)

Approved an amendment to the ELCA Survivor Benefits Plan to conform the plan to the past-due account management policy put in place earlier this year. (Approval by President)

Approved amendments to the ELCA Disability Benefits Plan to conform the plan to the past-due account management policy put in place earlier this year. (Approval by President)

Approved an amendment to the ELCA Master Institutional Retirement Plan that would allow employers to make a "safe harbor" contribution, which automatically satisfies the IRS average contribution percentage non-discrimination test. (Approval by President)

Approved an amendment to the ELCA Master Institutional Retirement Plan to allow a non-spousal beneficiary to roll money out of the plan into an inherited IRA. (Approval by President)

Approved an amendment to the ELCA Master Institutional Retirement Plan to clarify that, as permitted by law, 2009 minimum required distributions shall not apply. (Approval by President)

Approved an amendment to the ELCA Retirement Plan for The Evangelical Lutheran Good Samaritan Society to allow a non-spousal beneficiary to roll money out of the plan into an inherited IRA. (Approval by President)

Approved an amendment to the ELCA Retirement Plan for The Evangelical Lutheran Good Samaritan Society to clarify that, as permitted by law, 2009 minimum required distributions shall not apply. (Approval by President)

November amendments

Approved amendments to the ELCA Retirement Plan to clarify that the 10 percent/\$10,000 annual withdrawal limits on distributions from employer accounts do *not* apply in the case of hardship. (Approval by the Board of Trustees)

Approved amendments to the ELCA Retirement Plan to further clarify the annuity fund closing amendments made in August 2009. (Approval by the Board of Trustees)

Approved amendments to the ELCA Retirement Plan to clarify the application of increases or decreases to monthly participating annuity payments. (Approval by the Board of Trustees).

Approved an amendment to the ELCA Medical and Dental Benefits Plan to clarify that, if open enrollment occurs during a member's applicable waiting period, s/he can enter the plan under open enrollment before satisfying her/his applicable waiting period. (Approval by President)

Approved amendments to the ELCA Medical and Dental Benefits Plan to clarify that plan members cannot inappropriately use, misuse, or overuse services and supplies, and that if the PPO administrator finds such inappropriate use, misuse, or overuse, it may deny coverage. (Approval by President)

Approved an amendment to the ELCA Medical and Dental Benefits Plan that recognizes the changing landscape among state-sponsored medical assistance programs. (Approval by President)

Approved an amendment to the ELCA Disability Benefits Plan that treats any non-payment of employer contributions during the first two months of a member's disability in the same manner as any other contribution delinquency. (Approval by President)

Approved an amendment to the ELCA Disability Benefits Plan to change the time limit for a president-level appeal from 180 days to 60 days. (Approval by the Board of Trustees)

Other Actions

April 9, 2009 (Executive Committee special teleconference): The Executive Committee of the Board of Trustees passed a resolution affirming the action of the Board of Pensions to close the annuity fund.

April 23, 2009 (special teleconference): **Approved** a resolution affirming the action of the Board of Pensions to close the annuity fund.

May 15, 2009 (electronic mail votes): **Approval** to retain PricewaterhouseCoopers (PwC) as the independent auditor for the year ending December 31, 2009.

Approval to authorize additional fees up to \$30,000 to PwC for additional work to complete the 2008 audit.

June 29, 2009 (electronic mail vote - special teleconference): **Adopted** the resolution relating to the change of banking relationship from Bremer Bank to Wells Fargo N.A.

July 30-August 1, 2009 meeting: **Adopted** the resolution approving the 2009 Contribution Rates for the ELCA Medical and Dental Benefits Plan, the ELCA Survivor Benefits Plan and the ELCA Disability Benefits Plan, and Retiree Support.

Approval of Election of Officers: Lois A. O'Rourke, chairperson; Michael J. McCoy, vice chairperson; Ingrid S. Stafford, secretary; and Roger A. Saylor, treasurer.

Approval of Committee Chairs: Ruby M. Joy, Appeals; Ingrid S. Stafford, Audit; Bruce D. George, Corporate Social Responsibility; Michael J. McCoy, Finance; Roger A. Saylor, Investment; Greg K.

Smith, Nominating; James D. Swinford, Products and Services.

Approval of Board of Pensions' representative to the ELCA Advisory Committee on Corporate Social Responsibility: Ruby M. Joy

Approved resolution to encourage all trustees to contribute as they are able and be prayerfully led toward a financial gift to the Special Needs Retirement Fund in 2009 and in future years.

September 21, 2009 (special teleconference): **Adopted** a resolution to establish the interest crediting rate, annuity adjustment, and dividend for 2010. The interest crediting rate for 2010 was set at -3.5 percent for the ELCA Participating Annuity and Bridge Fund. The annuity adjustment of -9.0 percent, and payment of no dividend for 2010 were approved.

Adopted a resolution to provide appropriate adjustments in accounts of members who invested in the annuity fund between October 1, 2008 and April 3, 2009, based on the month and amount of their investment.

October 30-November 1, 2009 meeting: **Adopted** the 2010 Budget.

Approved revisions to the 2009-2011 strategic plan.

Approved trustee committee assignments.

Approved election of at-large member of Executive Committee: Pr. Jeffrey D. Thiemann.

Adopted the resolution designating a portion of 2010 remuneration as rental/housing allowance for the following employees: Pr. Robert D. Berg; Pr. Philip A. Blom; Pr. Donald E. Fulton; Pr. Catherine A. Malotky; and Pr. Sandra L. Rothschiller

Adopted a resolution designating pension and disability payments as rental/housing allowance for 2010.

Category III. Other procedures and board actions.

Voted to receive the Board of Pensions' 2009 August management report.

Voted to receive the Board of Pensions' 2009 November management report.

October 30-November 1, 2009: **Approved** the charters and associated calendars for the following committees: Audit, Corporate Social Responsibility, Executive, Finance, Investment, Nominating, and , Products and Services, as presented and amended.

Women of the ELCA

Submitted by: Linda Post Bushkofsky, Executive Director

Meeting date: October 16-18, 2009 (Spokane, Washington)

Category 1: (Policies with an impact beyond the unit, which require Church Council approval)

None

Category 2: (Policies related to the day-to-day functioning of the unit or to the specific mandate of the unit)

Regarding the Eighth Triennium (2008-2011):

- Adopted a \$788,706 budget for the Eighth Triennial Convention that will be held July 12-14, 2011, in Spokane, Washington.
- Adopted a policy for the appointment of at-large delegates for the Eighth Triennial Convention.
- Adopted a \$874,452 budget for the Triennial Gathering being held July 14-17, 2011, also in Spokane.
- Adopted the theme of "Renew, Respond, Rejoice!" for the 2011 Triennial Gathering.

Recommended to the executive director the annual distribution from the India endowments

Received and approved the report of the executive director evaluation committee; extended to the executive director a third four-year term (August 1, 2010 – July 31, 2014).

Received and approved a budget for FY2010 that anticipates total revenue and support of \$2,475,300; related to this budget, the executive director announced a reduction in and restructuring of the churchwide staff that eliminates seven positions as of January 31, 2010.

Approved the creation of seed grants for congregational units as part of the organization's "Raising Up Healthy Women and Girls" health initiative.

Determined the use of two estate gifts received by the organization in 2009, totaling approximately \$800,000.

Received a positive report on the first annual campaign for the Katharina von Bora Luther Fund, an endowment fund of the organization popularly known as Katie's Fund that was created in 1997.

Category 3: (other procedures and board actions)

Engaged in continued anti-racism education.

Engaged in continued stewardship education, learning about a women's drop-in center in Spokane that received a \$2,800 grant from Women of the ELCA in 2009.

Received a report from the board of directors of Church Women United.

Summary of Regional Activities

Region 1

Submitted by Shelley Wickstrom

Region 1 is the partnership of the churchwide, the six synods of Alaska, Northwest Washington, Southwestern Washington, Eastern Washington/Idaho, Oregon, and Montana and related ministries. Our congregations are made of people of the plains, the mountains, the rivers, tundra, and sea. Lutherans in Wales, Alaska can see Russia from their backyards. Pacific Lutheran University, pan-Lutheran Trinity Lutheran College, and Holden Village are in Region 1. We do not have an ELCA seminary, but Pacific Lutheran Theological Seminary has developed collegial relationships with the Seattle University School of Theology and Ministry and the Northwest House of Theological Studies that benefit Region 1 candidates.

This past year has been one of shifting to new ways of partnering for the sake of the Gospel. We've moved from working with shared staff in a regional center to an emerging focus on consultation and training for the benefit of synod-specific and shared ministries. The region maintains a financial services office that serves the six synods and their related ministries.

"To assist this church to bring forth and support faithful, wise, and courageous leaders whose vocations serve God's mission in a pluralistic world" is an overarching theme of regional work. Every synod was represented at the Word and Service roster consultation that followed the annual Lutheran Staff Association conference. Five synods offer First Call Theological Education together. The Montana Synod was a pioneer in ELCA First Call Theological Education and continues to offer an annual event that prepares newly-rostered leaders for service within the context of the history, cultures, and geography of Montana and Wyoming.

Participants in the EOCM behavioral interview training plan to use this interview style to screen for mission developers and also will adapt this interview technique for synod mobility conversations, candidacy committee work, call committee training, and a pastor's annual review. Two synod assemblies had Kaleidoscope Institute founder Eric Law as their keynote presenter. His presentations expand the work of an ecumenical team that continues to train leaders and offer workshops in cultural competency in the region.

"Practicing our Faith in Salmon Nation" is the endeavor by seven parish clergy and two PLU religion professors to carry out their pastoral and teaching vocations more effectively in the challenging environment of the Pacific Northwest. Building on that work, Lutheran Campus Ministry of Oregon State University hosted "To Swim with the Salmon: Spirituality and Ecojustice in the Pacific Northwest."

In this next year, a region-wide Campus Ministry consultation on funding and a tri-synodical partnership will occur. Regional conversations are underway on training lay presiders and broadening lay theological education. Synod leaders of hunger, companion synod, and global mission committees are meeting for training. Three synods have global formation events scheduled. Candidacy committee leadership will meet for consultation and additional committee training is anticipated. The Region 1 governing council is researching videoconferencing and adapting their structure to reflect the new nature of our regional partnership. Our bishops are meeting by conference call for mobility, planning, and mutual support. The Lutheran Staff Association will meet and is drawing participants from outside the region. WELCA members across Region 1 will gather this summer and are excited to serve as regional hosts for the WELCA Triennial in 2011.

Region 2

Submitted by Margy Schmitt Ajer

Region 2 has the largest geographic area and the smallest number of synods of any region in the ELCA. We cover the southwestern quarter of the U.S. plus Hawaii. But in spite of vast distances, the synods of Region 2 share a deep sense of partnership and support around mission and ministry. The territory of our region encompasses huge metropolitan areas and small communities, and we celebrate the wide diversity of people with whom we serve. We have strong connections to California Lutheran University and Pacific Theological Seminary, as well as networks of advocacy offices, social service agencies, and outdoor ministries.

In the past year, the synods of Region 2 have continued to foster partnerships around a wide variety of mission and ministry needs. We continue our joint program of First Call Theological Education and our twice-a-year mobility conferences. This year we have been working on building the relationships between the directors for evangelical mission and our candidacy staffs and committees as we strive toward a more seamless approach to the uplifting and support of those ministry candidates with special gifts for missional leadership.

As noted above, much of our work has been around the churchwide initiative of bringing forth and supporting leaders, in the following ways:

- We continue to focus on the concept of vocation, especially among young adults.
- We are in our 12th year of offering FCTE events as a region.
- We offer two mobility conferences a year, in which rostered leaders interested in seeking a call in Region 2 have an opportunity to meet and talk with bishops and staff from all five synods.
- The mobility staff from each synod continue to work together to make the mobility and call processes more helpful.
- We continue a very collaborative relationship with PLTS in working with ministry candidates around the Lutheran year, diaconal ministry, and other preparation issues.
- We are seeing candidates who participated in a TEEM program focusing on Asian candidates for ministry going through the approval and assignment process
- We are exploring the possibility of a lay theological education pilot this summer.

Our work in the coming year will in many ways be more of the same. The five synods of Region 2 (Sierra Pacific, Southwest California, Pacifica, Grand Canyon, and Rocky Mountain) continue to work very collaboratively as they seek to serve and proclaim the good news of the Gospel throughout the southwest.

Region 3

Submitted by Craig Boehlke and Paul Baglyos

Region 3 exists to support the synods and congregations of the Dakotas and Minnesota, while also helping make the connections so that these folks can feel connected and part of the larger ministries of the ELCA. We are intimately and daily involved in the five strategic directions of this church, but work behind the scenes in facilitating leadership groups to make a more effective and connected church.

Of particular note in this region has been a collaborative effort involving deployed staff for Evangelical Outreach and Congregational Mission, Mission Investment Fund, Vocation and Education,

and Synodical Relations in partnership with several Region 3 synods, Luther Seminary, and churchwide staff to continue to focus on developing missional leaders and the transformation of at-risk congregations. This is breaking new ground in nurturing partnerships and seeking aggressively to address growth in evangelical outreach. We are sponsoring multiple opportunities for training in the renewal of congregations, coaching of leaders, and sharing resources across synod lines.

In 2009 the transfer of regional responsibilities for Campus Ministry added significantly to the load of work for the coordinator. We are hopeful that this will ultimately be a good move, but for the short term it has been stressful to the whole system, which is needing to grow into the new ways we will accomplish our work.

Region 3 has successfully moved through transitions of several synod bishops and key leaders. During 2009 we have had a very deliberate search and now 30-day overlap for the new coordinator. Funded by the synods of Region 3, the hope is that this will contribute to a smooth transfer of leadership and minimal loss of momentum for many key programs and relationships in this region.

Region 4

Submitted by Herbert E. Palmer

Region 4 consists of a number of distinct geographical parts of the United States, including the heartland, parts of the Southwest, and the South. Our synods include the Nebraska Synod, Central States Synod, Arkansas-Oklahoma Synod, Northern Texas-Northern Louisiana Synod, Southwestern Texas Synod, and Texas-Louisiana Gulf Coast Synod. There are a number of Lutheran colleges and universities in Region 4 and one seminary program.

Although Region 4 has some major urban centers of the country with Houston, Dallas - Fort Worth, Central Texas, and New Orleans, the region is spotted with small cities and towns, and is distinctively rural. Oil and gas, agriculture, and tourism are major industries. Region 4 is blessed with a diverse and expanding population of people, yet the numbers of people who affiliate with ELCA congregations is decreasing. Mission opportunities and challenges have to do with reaching out to people of color, population shifts from rural to urban, and the economic and social impact upon people who live in poverty. We are challenged not only to develop leaders from our diverse populations of people who are prepared to serve in the community, but also to have congregations in which they might serve.

The position of Region 4 coordinator for ministry leadership was filled on March 15, 2009, after being vacant for a number of months. This position, unlike the 8 other regional coordinators, is half-time. There is accountability to Synodical Relationships section and Vocation and Education unit (VE). With VE there is work with candidacy, Campus Ministry, and assignment. Campus Ministry was included in the Regional ministry on June 1. Region 4 is grateful to churchwide staff in VE and SR who continued to carry on Region 4 coordination during the vacancy, and grateful to Region 4 synod staff who assisted. We also appreciate the patience of synodical committees during the vacancy.

Since March the regional coordinator attended five of the six synod assemblies, during which time there was contact established with candidacy and Campus Ministry leadership. The coordinator also attended the Churchwide Assembly on behalf of SR and participated in the fall assignment. There have been several planned meetings, over a few days each time, at the Lutheran Center for discussion and sharing information about the work of the church in the areas of VE and SR.

Two initial interview trainings for candidacy members and representatives were held for two days each. Because of the geographical size of the region, it serves the synods well to have such events

planned both in the northern part of the region and in the southern part of the region. There were also two one-day Word and service consultations to bring rostered lay persons together for discussion about the three rosters. Consultations have been planned throughout the ELCA in order to give feedback to the churchwide organization about the ministry and visibility of our Word and service rosters. Region 4 will also host a global mission consultation to bring together synodical leadership who work with hunger issues, the malaria initiative, and HIV/AIDS.

Campus ministry teams have been anxious about changes in churchwide leadership relating to Campus Ministry. It has been important in these last months to establish relationships and understand the ministry that is happening in Campus Ministry in the region. Campus Ministry leaders participated in the national campus ministry gathering in Chicago. It was a good opportunity for debriefing changes and for building new relationships. The coordinator has met with synodical Campus Ministry teams in four synods and visited with campus pastors in one other. There also has been a visit with Bethlehem Lutheran Church in Beaumont, Tex. for discussions about building a relationship with the Lamar University campus.

Candidacy committee meetings throughout the region are ongoing. Seventeen meetings have been planned or are planned from March through December. Committees meet with candidates, retreats are planned to continue to build relationships and to instruct, and theological review panels are organized for TEEM candidates and others. Panels meet in various locations in the synod or on seminary campuses. The regional coordinator attempts to attend all of these meetings as the representative of the churchwide organization to the conversation and to interpret ELCA policies.

In this past year, it has been important to build relationships with synodical teams in candidacy, Campus Ministry, and the new churchwide staff. It is the primary work of Region 4 to be centered "in Lutheran conversations about vocation to enhance this church's witness and service." Candidacy committees engage in theological conversation for the sake of the mission and set a goal to be excellent in the ministry they have been asked to lead. The committee members intentionally get to know candidates, their sense of call, and how their preparation is proceeding. Our committees understand the importance of equipping leaders for the church.

Campus Ministry is a wonderful setting for inquiry about issues of life, vocation, and faith. Campus pastors are aware of the importance this ministry has, not only for the individuals who gather, but for the whole church. Some campus pastors plan trips to Lutheran seminary campuses to encourage the conversation about a public call to ministry. There are service projects to reach to the neighbor in need, Bible studies around life issues, and inspiring worship. Our campus ministries reach into the life of the campus as well as the local congregations to bring people together in ministry. Financial grants through the churchwide organization are essential for sustaining these ministries and staff.

In the year ahead we will continue to pursue candidacy with excellence. We will work to diversify the committees to include people of color. Our committees also need to diversify by generations. Campus ministry teams are planning, in the next year, to work more closely with cooperating congregations who host a campus ministry outreach.

Region 5

Submitted by Carl Richard Evenson

The twelve synods of Iowa, Illinois, Wisconsin, and Upper Michigan are gathered together into Region 5. The region is comprised of traditional and contemporary thinking, a variety of farm, small

town, and urban cultures, and only some racial diversity, primarily in the Milwaukee and Chicago areas. The result is a limited amount of dialogue, diversity in bishops, but a common commitment to our life together.

In the last year new work has come to the regional office with coordination of the campus ministries within the region. About 18 key sites demand ongoing nurture, budget assistance, quadrennial reviews, and network sharing. Additional devotion to relationships has been necessary and record keeping time has increased.

In the area of candidacy, where much of my time has been spent, the bishops of the region have cautioned against reduction in attention. Candidacy decisions affect the church for years into the future and a mutual discernment is important. The assignment of seminarians has gone well enough, but current financial and social stresses affect this church's ability to serve vacant congregations well.

The key strategic direction for Region 5 continues to be to assist this church to bring forth leaders. To this end, regional emphasis continues to encourage the vital contributions and deepening relationships that emerge through candidacy and in campus ministry within the synods. The task of the region and the deployed regional presence is to keep all parties working toward that goal for the sake of raising faithful and prepared leaders to serve the church.

As we look into 2010, the work of Region 5 will be directed toward assisting in the training of candidacy committees and adjusting the assignment process for churchwide as well as synods.

Additionally, coordinator attention to understanding campus ministry and its ministers will be valuable.

Synod global mission and world hunger leaders will be meeting for the first time in two years. These kinds of gatherings of the people of God serves to build trust, increase awareness, share the burdens of life, and enable good interaction between expressions, individuals, and groups within the Evangelical Lutheran Church in America.

I treasure my calling to serve as coordinator for ministry leadership and will endeavor to take up that calling faithfully in the days ahead. May the Lord of the Church strengthen us for the difficult year before us. My prayers go with the Church Council and all who serve this church so well.

Region 6

Submitted by Marilyn Smith

The mission of Region 6 of the ELCA is to be a bridge between the synods of the region and between the synods and the churchwide organization.

To raise up "courageous, wise, and faithful leaders" is the primary goal of the cooperative work of the synods of Region 6. Some of the focus of regional work is to partner with synods in the oversight of the candidacy process as new rostered leaders are identified and formed for public ministry. Others with whom the region works are faithful leaders already rostered or lay persons elected and appointed to key leadership roles in their synods. It is the privilege of the region to assist in equipping them with the information, support, and resources to work in the areas of ministry entrusted to them. Among the endeavors undertaken by the Region 6 office through the work of the coordinator were:

- Regional/churchwide mission support consultation
- Synodical officer training with churchwide staff
- First Call Theological Education event
- Seminar for mentors

- Advisory member of candidacy committees
- Vocation and Education representative to Trinity Seminary
- Congregationally based community organizing training
- Support for bishops in the assignment of First Call candidates
- Facilitating the work of the annual Covenant Cluster gathering
- Attending synod assemblies
- Attendance at Churchwide Assembly
- Oversight of the Region 6 archives

This year also included a three-month sabbatical for the regional coordinator. The focus of my sabbatical was an inquiry in the role played by mentors in the formation of rostered leaders.

The administrative focus for this year has been on financial reporting. The region's bookkeeper, Carol Webb (a member of the Indiana-Kentucky Synod Staff), and I have worked closely with the IK Synod's accountant to establish an updated system of accounting and reporting. In addition, we collaborated with the ELCA internal auditor to develop appropriate procedures and safeguards for documents and records.

The regional archives continue to grow and serve under the management of archivist Jennifer Long. The synods of the region are grateful to Trinity Lutheran Seminary for continuing to provide the space for the archives and to provide technical support at a minimal cost.

There were transitions this year. Kathleen Lemmerbrock of the Northwestern Ohio Synod has assumed the role of Region 6 secretary-treasurer, a position previously held by the late Bp John Schreiber. Judy Rehmel, the region's long time steering committee chair, retired from that position and as vice-president of the Indiana-Kentucky Synod. It was a joy to represent the region at the recognition festivities hosted by the IK Synod at their assembly. Judy's leadership and efforts on behalf of the region will long have impact. The new chair of the Region 6 Steering Committee is Thomas Taylor, vice-president of the Southern Ohio Synod.

Region 6 also welcomed Pr Walter May as our liaison from the Department for Synodical Relations. We are pleased to have Pr May working with us as we explore how the region best facilitates the mission undertaken by the synodical and churchwide expressions of the ELCA.

Region 7 Report

Submitted by Peggy Wuertele

Region 7 is the "meeting point" for the six synods of the ELCA located in the Northeast and the non-geographical Slovak-Zion synod with the ELCA churchwide expression. Located on the campus of the Lutheran Theological Seminary at Philadelphia, the regional office seeks to enhance relationships and work among the partner synods, the seminary, the churchwide office of the ELCA, and other ministries located on the region's territory. We do this by working with the bishops and other leaders to accomplish ministry across synod lines.

The Region 7 office supported the mission of the ELCA in the Northeast in 2008 in the following areas:

Candidacy: participation in 25 synod candidacy meetings (in six synods), facilitation of Theological Review Panels at the Lutheran Theological Seminary at Philadelphia for candidates coming to the ELCA from other traditions, convening the annual consultation for candidacy leaders, offering

ongoing training and support to synod staff and candidacy committees, working with the staff at LTSP to educate students about the various steps of the candidacy process

- Coordinating First Call Assignment for the region
 - Coordinating and directing the Institute for Congregational Ministry (our regional continuing education event for first call leaders)
 - Coordinating a retreat for the bishops of the region
 - Coordinating gatherings of Christian Education and Lifelong Learning networks
 - Coordinating Mission Support Consultations for the churchwide office with the synods of the region
 - Facilitating the registration and arrangements for the Board of Pensions Pre-retirement meetings
- 2008 was a year of transition in our region, as two new bishops were elected. The regional staff assisted in orientation for them and for new staff as they take office.

Leadership in Region 7 is provided by the steering committee:

- Rev. Bruce Davidson, Chair
- Bp. David Strobel
- Rev. Mark Wimmer, Treasurer
- Rev. Beth Anderson
- Rev. Nancy Brown

Region 8

Submitted by Nancy E. Gable

Region 8 is comprised of eight synods in the mid-Atlantic region of the United States of America: (a) Northwestern Pennsylvania Synod, (b) Southwestern Pennsylvania Synod, (c) Allegheny Synod, (d) Lower Susquehanna Synod, (e) Upper Susquehanna Synod, (f) Delaware-Maryland Synod, (g) Metropolitan Washington D.C., Synod, and, (h) West Virginia-Western Maryland Synod. On this territory, we find the Lutheran Theological Seminary at Gettysburg, the first and oldest Lutheran Seminary in North America, founded in 1826; three colleges of the ELCA: Gettysburg, Susquehanna and Thiel; eight outdoor ministry sites; and numerous expressions of social services, schools, and advocacy ministries. The region is comprised of nearly 1,150 congregations, 453,000 baptized members, and three major urban centers (Washington, D.C., Baltimore, and Pittsburgh) many mid-sized cities and suburbs, and numerous town and country parishes (some dating to pre-Revolutionary War days). From open farmland, to the industries of coal and steel, to the centers of government, cultural, social and educational centers, the region encompasses a great variety of people, places, and issues. The industrial, mining, and farming communities have seen declines in population, as has the Lutheran church in this region. Yet the cities have seen significant growth, including increases in African American, Latino, and African immigrant populations.

During this past year there has been important 'grassroots' ministry work throughout Region 8, involving people from throughout the region. First, the Region 8 bishops worked with regionally based staff from the Evangelical Outreach and Congregational Ministry unit to kick off a multiple year "Missional Leadership Training" opportunity. Participants will continue to work in colleague groups and with the larger learning group for three years. Second, as they shared at the ELCA Churchwide Assembly, three pastors from the WV/WMD Synod created "Tour de Revs," an exciting bicycle expedition that benefitted both ELCA World Hunger and Disaster Response. Their ride through the

synods of Region 8 promoted excitement and amazing creativity that financially supported both World Hunger and Disaster Response and generated lots of publicity for the ELCA. Check out this incredible story at www.tourderevs.org/.

Region 8 synods work collaboratively in many aspects of the First Call Theological Education (FCTE) program. Each year over 100 first call pastors, diaconal ministers, deaconesses, and associates in ministry gather for an annual conference that fulfills one of the core principles of the ELCA's FCTE emphasis: context, skills, and identity. In November 2008 the keynote presenter was Dr. Mark W. Oldenburg, Steck Miller Professor of Worship and Liturgy at the Lutheran Theological Seminary at Gettysburg. The theme for the conference was authenticity in service or, "How do I make the transition from seminarian to rostered leader with dignity and aplomb." One new aspect of the 2008 annual conference was the Bible Study lead by bishops using the Gospel text from Matthew 25 text on sheep and goats. Another important aspect of each annual conference is the "bishops' panel." In 2008 the bishops shared their most memorable worship faux pas and how the Gospel was proclaimed through that experience.

In my last report, I noted that beginning in fall 2008, all partners in Region 8 are committed to the continuing development of the Lutheran Theological Seminary at Gettysburg's (LTSG) certificate in theological studies program. Born as a result of conversations between the region's bishops, the coordinator for ministry leadership, and the faculty of LTSG, this certificate program provides participants an opportunity to deepen their faith, nurture and satisfy their hunger for greater theological understanding, grow in their passion for the Gospel and for God's people, and enhance their understanding of the practice of ministry. Region 8's candidacy committees are utilizing this certificate program to meet the academic requirements for those preparing for rostered ministry through the Theological Education for Emerging Ministries (TEEM) program. These candidates report both excellent academic experience and a strong sense of group cohesion that assists with their ongoing formation as future pastors of the ELCA.

Region 9

Submitted by Harvey L. Huntley, Jr.

Region 9 consists of six synods in the Southeastern U.S. and the Caribbean. These synods represent significant diversity in demographics, cultures, and context (urban, rural, coastal, Appalachian, et al.). This region is one of the faster growing areas of the U.S., especially with the in-migration of African descent populations.

In the past year EOCM has introduced a churchwide African Descent strategy as a major initiative in the region. The region also sponsored a Word and Service consultation in Atlanta in the spring. New responsibilities have been added to the regional coordinator's position that have necessitated a major realignment of responsibilities and development of a written covenant between the region and the churchwide organization. Ongoing work in candidacy continues to be a major focus, including the offering of initial interview training for new candidacy committee members. A new component of the region's work in 2009 was the planning of a staff event for all churchwide staff deployed in the region with responsibilities for finances, stewardship, and mission interpretation. Region 9 has a very strong archives housed at Lutheran Theological Southern Seminary (LTSS) that continues to expand its rich historical collection under the guidance of a very capable staff. The region also has an active council for stewardship education that brings together seminary representatives, synod representatives, and

churchwide deployed staff with stewardship responsibilities for collaboration and cooperative endeavors, including a First Call Theological Education course, a middler retreat for LTSS students (now required in the curriculum), and a projected Senior Symposium in January 2010. Other ministries sponsored by the region include an annual Bishop's School for senior high youth in cooperation with LTSS, Career Crossroads (a career discernment retreat for adults from a faith perspective), a regional Vocation and Education (VE) gathering of networks related to the mission of the VE unit, and a global mission consultation. The region also has been involved in planning a Racial Justice Leadership Training Event for bishops and synodical staff in consultation with the African Descent Strategy (EOCM).

A major focus of the work of the region on an ongoing basis is the development of leaders for the whole church. In addition to the work of candidacy committees, the region is now involved in campus ministry in a new role that serves to augment the capacity for identifying and nurturing leaders, as well as linking campus ministry leaders more directly with candidacy processes. In the fall of 2008, the region coordinated a consultation on missional leadership that included EOCM staff (churchwide and deployed), bishops, candidacy committee members, and seminary representatives. That event was followed less than two months later with a major consultation related to the African Descent strategy. In mid-winter the Vocation and Education gathering focused on discernment among young adults with an assemblage of related networks—candidacy, campus ministry, youth ministry, outdoor ministries, and seminary. The region currently is developing a grant proposal to develop a new resource for career discernment among college students through Lutheran Campus Ministry in the region. These are examples of ways the region is seeking to cultivate networks for attending to leadership needs of the church and develop needed initiatives in collaboration with partners.

A central part of the work of the regional coordinator in the coming year will be cultivating relationships with campus ministry sites in the region, a total of 40, since this is a new responsibility added in June 2009. The region also will be developing a written covenant with the churchwide organization that reflects the priorities agreed upon by consensus between the regional leadership and the churchwide organization. There will be three key focal points for the work of Region 9 in the future: candidacy, campus ministry, and synodical relations. The region is involved with the Eastern Cluster of ELCA seminaries in a coordinating effort related to youth and young adult ministries, including Project Connect. The implementation of the African Descent strategy is another area where the region has been invited to be a key collaborator, including the offering of a racial justice leadership training event.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit J, Part 1b
Page 10

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1 Revised Proposed Social Policy Resolution

2 **Toward Compassionate, Just, and Wise Immigration Reform**

3
4 The Evangelical Lutheran Church in America (ELCA) has a long history of helping
5 immigrants, refugees, and asylum seekers settle in the United States and supporting fair
6 and generous immigration policies.¹ Social conditions and historical events in this decade
7 call for renewed attention to immigration. One factor is the estimated 12 million
8 unauthorized immigrants (close to one-half of unauthorized-immigrant households are
9 couples with children²) residing in the United States—living in the shadows, vulnerable
10 to injustice and mistreatment, and representing a mass violation of the rule of law. Other
11 factors include: the 2006 immigration demonstrations across the nation; and the emphasis
12 on national security and immigration enforcement following the September 11, 2001,
13 terrorist attacks. The ELCA recommits itself to join with others in seeking
14 compassionate, just, and wise immigration reform through this social policy resolution.

15
16 **Theological Commitments**

17
18 In 1998, the ELCA adopted a message on immigration that reiterated long-standing
19 Lutheran commitments to both newcomers and just laws that serve the common good.³
20 Its core conviction was that “hospitality for the uprooted is a way to live out the biblical
21 call to love the neighbor in response to God’s love in Jesus Christ.”⁴ Two biblical
22 references guided the message’s direction: 1) “The stranger who resides with you shall be
23 to you as the citizen among you; you shall love the stranger as yourself, for you were
24 strangers in the land of Egypt: I am the Lord your God” (Leviticus 19:34) and 2) “I was a
25 stranger and you welcomed me” (Matthew 25:35). In Jesus of Nazareth, the God who
26 commands us to care for the vulnerable identifies with the human stranger—the person
27 unknown and regarded with suspicion who stands on the receiving end of both welcome
28 and hospitality and rejection and resentment.⁵ Not cited in the 1998 message but also
29 relevant is Romans 13:1-7 and related Lutheran interpretations of the role and authority
30 of government.

31
32 ***Created in the image of God***

33
34 “Human beings are created ‘in God’s image’ (Genesis 1:27) as social beings whose
35 dignity, worth, and value are conferred by God.”⁶ We are created to live together with
36 God and one another in love and freedom, reflecting or imaging God’s perfect love and
37 freedom.⁷ Therefore, this church seeks to oppose anything that disables or destroys a
38 person’s capacity to relate to God and others in this way. With respect to work, the
39 honoring of God’s image involves advocating for a “sufficient, sustainable livelihood for
40 all,” while recognizing that individuals amount to significantly more than their capacity
41 for labor.⁸ Further, “through our work we should be able to express this God-given
42 dignity as [people] of integrity, worth, and meaning.”⁹ Thus, “[n]o one should be coerced
43 to work under conditions that violate their dignity or freedom, jeopardize their health or

44 safety, result in neglect of their family’s well-being, or provide unjust compensation for
45 their labor.”¹⁰

46 ***A just government that serves the common good***

47

48 God appoints and authorizes governments to preserve the created order and serve the
49 common good, primarily through the exercise of judgment between right and wrong,
50 good and bad.¹¹ The ELCA further specifies that governments are to serve the *global*
51 common good, for example, through fair trade policies or refugee assistance.¹² Governing
52 authorities are to seek justice, foster peace, protect people, and support their well-being.¹³
53 This church therefore acknowledges the rule of law and the role of government in
54 facilitating orderly migration and integration, and preventing migration that might be
55 dangerous or harmful to host communities.¹⁴ The law must be just, governance must be
56 good, and enforcement must be humane. It should also be recognized that just as there are
57 legitimate grounds for the use of force, there are also legitimate grounds for showing
58 restraint.¹⁵ The fairness of laws and the practices of governance and enforcement require
59 constant evaluation in light of the Christian doctrine of sin. The ELCA’s posture toward
60 governing authorities is one of critical respect—respectful of their role to serve the
61 common good, yet critical of unjust and harmful ideologies, structures, and processes.

62

63

A Broken Immigration System

64

65 ***Families separated, people marginalized, and communities at risk***

66

67 Because of overstaying their work, student, or tourist visas or crossing the border
68 illegally, an estimated 12 million immigrants live in the United States without legal
69 status.¹⁶ Backlogs for family preference visas result in people waiting up to 15 years or
70 more to be reunited with loved ones. Many without legal status, desperate to survive and
71 provide for their families, consistently risk dangerous border crossings and abrupt, forced
72 separation from their families after they arrive. These alternatives are considered better
73 than the socio-economic pressures they face in their home countries.

74

75 Although laws prohibit employers from hiring unauthorized workers, many
76 employers, for a variety of reasons, are not in compliance. Numerous major industries
77 (e.g., agriculture, construction, and hospitality), small businesses, and family households
78 across America find such workers indispensable. Many employers turn to the
79 undocumented workforce for flexible, industrious, and low-cost labor to do work United
80 States citizens often will not do. The cost savings, however, are realized at the expense of
81 unauthorized workers and the wider community when employers pay lower wages, evade
82 state and federal taxes, and withhold payment for benefits such as health and disability
83 insurance. Fearing immigration officials, detention, and deportation because of their
84 unauthorized status, undocumented workers are vulnerable to exploitation. Consequently,
85 unfair and unsafe work conditions often go unchecked, illnesses and injuries go
86 untreated, crimes and abuse go unreported, and this country’s labor laws often go
unenforced.

87 *The “new security paradigm” and enforcement-only approaches*

88

89 The September 11, 2001, terrorist attacks on the United States renewed the federal
90 government’s policy emphasis on national security, focusing particular attention on
91 border control and interior enforcement. One fear was that lax immigration controls and
92 the non-enforcement of existing laws would allow terrorists to cross borders illegally,
93 remain here indefinitely, and move about inconspicuously. Other concerns related to drug
94 trafficking, the entry of criminals, and connections with increasing gang-related activity
95 in the United States. As federal immigration responsibilities migrated from the
96 Department of Labor to the Department of Homeland Security, immigration issues have
97 increasingly been viewed through the lens of national security. The blurring of the
98 distinction between anti-terrorism efforts and the prosecution of routine worksite
99 immigration violations—both responsibilities of U.S. Immigration and Customs
100 Enforcement—has resulted in false characterizations of unauthorized immigrants.

101 Meanwhile, the U.S. Customs and Border Protection’s budget has grown by 80
102 percent from \$6 billion in 2004 to over \$10 billion in 2009, with resources being directed
103 primarily toward expanding its security personnel and infrastructure (e.g., physical and
104 virtual fencing, and enforcement).¹⁷ Increased patrolling and fencing along the southern
105 border of the United States have made attempts to cross the border illegally more
106 difficult. Yet many continue to opt for more remote locations, more hazardous
107 conditions, and more expensive traffickers (who are often connected to organized crime).
108 As a result, deaths in the desert average more than one a day.¹⁸ Fence building has also
109 been fraught with controversy because of: impacts on border communities and United
110 States-Mexico relations; environmental and private property concerns; and exceptionally
111 high costs and mismanaged construction.¹⁹ Immigration raids, round-ups, and
112 crackdowns conducted like military operations on businesses and homes have had
113 negative side effects. They have heightened fear and mistrust among unauthorized and
114 authorized immigrants, and separated and traumatized families and communities across
115 America.²⁰

116 Further, the practice of detaining immigrants is skyrocketing, even while alternatives
117 have proved more humane, less costly, and more effective.²¹ The federal government
118 detains more than 300,000 immigrants and refugees every year in a nationwide
119 immigration detention system, much of it operated by for-profit corporations.²²
120 Vulnerable people such as families with children, torture survivors, asylum seekers,
121 trafficking victims, and those with serious medical conditions such as HIV and AIDS are
122 detained pending court hearings for civil immigration violations. They are jailed in
123 remote federal prisons and detention centers, contract prison facilities, and rented space
124 in local jails and state prisons, and are often mixed in with criminal populations. Most
125 detainees lack legal counsel and many suffer from overcrowding, inadequate medical and
126 mental health care, vulnerability to physical and sexual abuse, and neglect leading in
127 some cases to death. Detention also imposes heavy financial and emotional costs on
128 families living without the support of the detained person. Finally, many of those
129 deported are removed without attorney involvement or a hearing before a judge, even
130 when their deportation may mean significant danger and deprivations, including lifelong
131 exile from their family.²³

132 The massive number of unauthorized immigrants residing in the United States has
133 also cast doubt on the federal government's competence to carry out its immigration
134 responsibilities. Such doubt follows from unresolved congressional debate, an
135 overwhelmed and under-resourced immigration system, and obvious violations of
136 immigration law on a vast scale. Meanwhile, some state and local governments have
137 expanded their authority and dramatically increased their legislative activity concerning
138 immigration, with some taking over enforcement responsibilities.²⁴ While states with the
139 largest foreign-born populations (i.e., traditional immigrant-receiving states) tend to
140 propose bills that expand immigrants' rights, states newly experiencing rapid
141 immigration growth (i.e., new destination states) tend to propose bills that contract
142 immigrants' rights, such as imposing certain prohibitions on the receipt of state public
143 benefits and services.²⁵ Racism, prejudice, and negative stereotyping have been a part of
144 these debates as well.²⁶

145

146 *Refugees struggling to rebuild their lives in the United States*

147

148 Refugees are among the most vulnerable people in the world.²⁷ Their stories are often
149 filled with fear, pain, and loss because of the forced separation of families, persecution,
150 war, and genocide. Many have been warehoused in camps for up to a decade or more in
151 dangerous conditions and with limited support, where neither repatriation nor integration
152 into the camp's host country is feasible. Even when individuals are resettled, their family
153 members often are not, causing further sorrow. The United States has been a world leader
154 in providing protection and assistance to refugees both internationally through
155 humanitarian assistance and domestically by resettling refugees and integrating them into
156 our communities. However, resettlement agencies complain of chronic underfunding—
157 with some viewing this as inconsistent with this nation's humanitarian intentions and
158 federally-mandated resettlement programs. Current economic conditions have made it
159 difficult for resettled refugees to find the security and stability to rebuild their lives.
160 Agencies supporting such integration are in critical need of further resources to provide
161 the basic services refugees need to survive in this country. These organizations currently
162 rely on private sources of funding to help underwrite the cost of services and to
163 compensate for a lack of sufficient federal support. These private sources have declined
164 because of the weakened economy.

165

166

166 **Resolutions**

167

168 In light of current immigration laws, practices, and policy debates; their impact on
169 immigrant communities and this country as a whole; and existing ELCA theological and
170 moral commitments, this church commits itself to the following actions, balancing
171 humanitarian, labor, and security issues:

172

173 **1) Reunite families and integrate the marginalized**

174

175 This church urges the United States government to prioritize family reunification.
176 Many refugee and immigrant families, including “mixed families” (families composed of
177 United States citizens, often children, and/or legal permanent residents), are separated
178 with no viable means of timely reunification. It calls for Congress and the Executive
179 Branch of the government to address statutory and administrative factors and the lack of
180 humanitarian waivers that contribute to barriers and backlogs separating families and the
181 systematic marginalization of human beings. The ELCA also advocates for the welcome
182 and care of unaccompanied children who have lost or are separated from their families. It
183 again calls for “flexible and humane ways for undocumented [individuals] who have been
184 in this country for a specified amount of time to be able to adjust their legal status.”²⁸
185 They should be permitted to come out of the shadows and have immediate family
186 members join them on a path to earned legalization.

187 **2) Protect the rights of people at work**

188

189 New legislation should facilitate an orderly, regulated future flow of workers,
190 consistent with America’s labor needs and obligations, to contribute to the global
191 common good. Legal pathways for entry to work in the United States ought to correspond
192 to the annual need for foreign workers. Migrant workers should be permitted to have
193 immediate family members join them and together be offered a path to permanent
194 residency. They should also be free to travel within and outside the United States.
195 Worksites must provide: fair wages, benefits that do not undercut domestic workers, and
196 conditions and protections comparable to domestic expectations (e.g., legal recourse for
197 exploitation, freedom to change employers). A secure, efficient, mandatory, and
198 enforceable means of verifying a job applicant’s eligibility to work in the United States
199 should be implemented.²⁹

200

201 **3) Establish just and humane enforcement**

202

203 This church believes that governing authorities have the responsibility to protect the
204 nation’s borders and maintain its security. It supports the establishment of clear protocols
205 and safeguards for raids on worksites that ensure immigrant families and local
206 communities are not harmed. It is troubled by the use of criminal charges in routine
207 immigration-status violations and advocates against this approach. The ELCA also
208 supports increasing the use of more humane, less costly, and more effective alternatives
209 to detention, such as supervised release programs. When detention is necessary,
210 compliance with humane standards and access to vital services must be ensured at every
211 facility housing detainees. Families with children should never be detained in penal
212 settings. Children should be united with family members whenever possible, or provided
213 with guardianship if needed. Immigrant children in federal custody ought to be treated in
214 accordance with child welfare principles consistent with their best interests. This church
215 advocates for a fair deportation process consistent with American values, including, for
216 example, the right to appointed legal representation and a hearing before a judge. It
217 supports the right to judicial review and advocates for increased access to legal counsel
218 for immigrants to seek opportunities for relief from detention and deportation. Finally,

219 the ELCA calls for a moratorium on and a comprehensive assessment of fence building
220 along the United States-Mexican border, noting especially its impact on local
221 communities.

222 **4) Revitalize refugee protection and integration**

223

224 This church calls for reform of the United States refugee resettlement system in order
225 to address the growing demand for resettlement worldwide and to facilitate refugee
226 integration within this country. The United States government should continue to use
227 refugee resettlement strategically as part of a larger protection response, seek to end the
228 warehousing of refugees, and find sustainable solutions for refugees who are unable to
229 return home. Special attention must be paid to protecting and integrating refugees created
230 by actions of the United States that contribute to refugee flows in the world. The ELCA
231 also calls for renewed commitment to family unity and family reunification as a basic
232 human right and integral to long term integration. Finally, increased federal support of
233 local agencies and organizations that welcome refugees and assist them in rebuilding
234 their lives is urgently needed.

235

236 **5) Address root causes of forced migration**

237

238 Immigration and refugee laws and their reform should not be considered in isolation
239 from United States foreign policy and globalization issues. In particular, this church
240 acknowledges the obligation of the United States to serve the common global good. This
241 includes the need for better economic and trade policies designed, for example, to
242 strengthen Mexican and Central American economies and create job opportunities with
243 family-sustaining wages for would-be migrants. In general, the United States, in concert
244 with other nations, must address through policy and action the root causes of forced
245 migration, such as extreme poverty, unemployment, political persecution, armed
246 conflicts, genocide, environmental degradation, religious intolerance, trade policies, and
247 other forms of injustice. The aim is for would-be migrants to be free to remain in their
248 homeland, support their families, and contribute to their communities. This church
249 supports the ratification of international legal instruments that defend the rights of
250 migrants, refugees (including unaccompanied children), and asylum seekers. The ELCA
251 advocates especially for the right to migrate to support oneself or one's family, the right
252 not to be forced to migrate, the right to be reunited with family, and the right to just
253 working conditions.

254

255

¹ Cf. *Immigration* (Chicago: Evangelical Lutheran Church in America, 1998).

² <http://pewhispanic.org/reports/report.php?ReportID+107>. See also Jeffery S. Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the United States," (Washington DC: Pew Research Center, 2009).

³ *Ibid.*, 6.

⁴ *Ibid.*, 3.

⁵ "Jesus characterizes ... hospitality in part as the exemplary recipient of hospitality. From his conception in Mary's womb by the power of the Holy Spirit to his birth in a manger through to his burial (in a tomb of

Joseph of Arimathea), Jesus was dependent on the welcome of others.” Amos Yong, *Hospitality and the Other: Pentecost, Christian Practices, and the Neighbor* (Maryknoll, NY: Orbis Books, 2008) 101. Cf. Luke’s account (24:13-35) of Jesus appearing as a stranger on the road to Emmaus.

⁶ *Sufficient, Sustainable Livelihood for All* (Chicago: Evangelical Lutheran Church in America, 1999) 9.

⁷ One of the ELCA’s ecumenical partners articulates this point: “In the mystery of the one God, the three divine persons—Father, Son, and Holy Spirit—live in, with and for one another eternally in perfect love and freedom.” *The Study Catechism*, The Presbyterian Church (U.S.A.), 1998.

⁸ Cf. *Sufficient, Sustainable Livelihood for All*, 9. The language of “work” as opposed to “labor” is preferable when considering matters of employment. “Work, for example, a good gift from God and an expression of a person’s intellectual and physical powers, is spoken of by the negative term ‘labor’ in order to represent the relation of worker and employer as an exchange rather than a partnership.” Oliver O’Donovan, *The Ways of Judgment* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2005) 36.

⁹ *Sufficient, Sustainable Livelihood for All*, 9.

¹⁰ *Ibid.*, 9.

¹¹ Cf. Romans 13:1-7. “[A]ll political authority, orderly government, laws, and good order in the world are created and instituted by God ...” Article 16 (German text), “The Augsburg Confession,” *The Book of Concord*, eds. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress Press, 2000) 48.

¹² *For Peace in God’s World* (Chicago: Evangelical Lutheran Church in America, 1995) 5.

¹³ Cf. Luther’s discussion on the relationship between the practices of government and the well-being of society embedded in his commentary on the daily bread petition of the Lord’s Prayer. See Martin Luther, *The Large Catechism in The Book of Concord*, 449ff.

¹⁴ The ELCA message on terrorism adds a word of caution to national security concerns. “Governments often abuse and violate their authority under the guise of seeking security. They may deny the rightful aspirations of an oppressed group, violate human rights, or inflict their own unjustifiable violence on people in the name of fighting terrorism.” *Living in a Time of Terrorism*, p. 5. The message also shows a sober awareness of the limits of such interests. “The security that governments—including that of the United States—can provide from the threats of terrorism has limits. Human beings, finite creatures that we are, are always vulnerable; eliminating vulnerability would also do away with freedom. Governments cannot provide perfect or total security; when they claim to do so, they become agents of arrogant pride and the injustice and insecurity that flow from pride. If they are to secure freedom for vulnerable people, governments must recognize their limits in providing security.” p. 6.

¹⁵ Cf. George W. Forell and James F. McCue, “Political Order and Vocation in the Augsburg Confession,” in *Confessing One Faith: A Joint Commentary on the Augsburg Confession by Lutheran and Catholic Theologians*, eds. idem (Minneapolis: Augsburg Publishing House, 1982) 330f.

¹⁶ Jeffery S. Passel and D’Vera Cohn, “A Portrait of Unauthorized Immigrants in the United States,” i.

¹⁷ Doris Meissner and Donald Kerwin, *DHS and Immigration: Taking Stock and Correcting Course* (Migration Policy Institute, February 2009) 9.

¹⁸ *Ibid.*, 15.

¹⁹ *Ibid.*, 11ff.

²⁰ See Randy Capps, Rosa Maria Castaneda, Ajay Chaudry, and Robert Santos, *Paying the Price: The Impact of Immigration Raids on America’s Children*, a report by The Urban Institute for the National Council of La Raza, 2007.

²¹ *DHS and Immigration*, 50ff.

²² See “The History of Immigration Detention in the United States,” Detention Watch Network www.detentionwatchnetwork.org/node/2381.

²³ See generally INA s. 292, 8 U.S.C. s. 1362 (non-citizens removed have the privilege of being represented by counsel, but at no expense to the government); Department of Justice, Executive Office for Immigration Review, FY 2007 Statistical Yearbook (Apr. 2008), p. G1 (in 2007, approximately 58 percent of non-citizens in removal proceedings were not represented by counsel); INA s. 235(b)(1)(B)(iii), 8 U.S.C. s. 1225(b)(1)(B)(iii) (non-citizens who are considered “arriving aliens” under the law, and who are not determined by an Asylum Officer to have a credible fear of persecution, are removed from the United States under a process called expedited removal, without hearing or review); Department of Homeland

Security Office of Inspector General, Removals Involving Illegal Alien Parents of United States Citizen Children, p. 5 (Jan. 19, 2009) (Between 1998 and 2007, more than 100,000 non-citizen parents of United States citizen children were removed from the United States.)

²⁴ See “Regulating Immigration at the State Level: Highlights from the Database of 2007 State Immigration Legislation and the Methodology,” Laureen Laglagaron et al. (Migration Policy Institute, October 2008). In 2007, 1059 immigration-related bills were introduced by state legislators.

²⁵ Ibid, p. 3f., 27.

²⁶ “Policies, practices, and attitudes that are hostile to immigrants living in the United States and that unduly curtail the legal arrival of immigrants, refugees and asylum seekers fail to live up to our country’s tradition of welcoming newcomers in a fair and generous way.” *Living in a Time of Terrorism* (Chicago: Evangelical Lutheran Church in America, 2004) 6.

²⁷ Refugees are defined as individuals who have “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” according to the United Nations’ 1951 “Convention Relating to the Status of Refugees,” which was adopted by the United States in the Refugee Act of 1980. Cited in *Immigration*, 10.

²⁸ *Immigration*, 8.

²⁹ *DHS and Immigration*, 28.

CSR Activities Report – August 2008 – August 15, 2009

	Company	Issue	Communication with Company	ELCA Social Policy
1.	Alcoa	Sustainability	9/22/08 – Dialogue	Sustainability
		Labor rights	10/09/08 – Dialogue 2/24-25/09 – Dialogue 4/22/09 – Dialogue	Human Rights
2.	American Electric Power	Sustainability	2/11/09 – SIRAN led dialogue	Sustainability
3.	Bank of America	Loan Servicing	12/16/08 – Dialogue	Domestic Access to Capital
4.	Bristol-Myers Squibb	HIV/AIDS	9/22/08 – Dialogue	International Access to Pharmaceuticals
5.	Capital One	Predatory Credit Cards	3/18/09 – Dialogue 3/30/09 – Dialogue	Domestic Access to Capital
6.	Chevron	Environment	10/12/08 – Sign-on letter 12/12/08 – Dialogue	Environmental Topics
7.	Choice	Commercial Sexual Exploitation	11/05/08 – Dialogue	Human Rights
8.	Circuit City	PVC	10/09/08 – Dialogue	Environmental Topics
9.	Citigroup	Loan Servicing	11/12/08 – Board of Pensions filed resolution 12/19/08 – SEC challenge 1/14/2009 – Dialogue 1/16/09 – Resolution withdrawn 2/18/09 – Dialogue	Domestic Access to Capital
10.	Cocoa Sector (Hershey's, Cadbury, Mars, Divine, Nestle)	Human Rights/ Child Labor within Cocoa Foundation	10/31/08 – Survey sent to Cadbury, Divine USA, Hershey, Mars and Nestle 12/04/08 – Correspondence	Human Rights/ Sustainability
		Human Rights and Sustainability	2/06/09 – Dialogue	

* - denotes the ELCA is lead

	Company	Issue	Communication with Company	ELCA Social Policy
			6/3-4/09 – Dialogue	
11.	Coke	Water	9/26/08 – Dialogue	Environmental Topics
12.	ConocoPhillips	Human Rights	12/02/08 – Board of Pensions filed resolution 3/24/09 – Resolution withdrawn	Human Rights
13.	Costco*	Toxins	9/11/08 – Dialogue	Environmental Topics
14.	Dell	Environment	3/24/09 – Dialogue	Environmental Topics
15.	Discover	Predatory Credit Cards	3/19/09 – Dialogue	Domestic Access to Capital
16.	Freeport McMoran	Human Rights	8/21/08 – Dialogue 12/12/08 – Dialogue 5/11/09 – Dialogue	Human Rights
17.	General Mills	Sustainability	12/18/08 – Ceres led dialogue 2/20/09 – Ceres led dialogue	Sustainability
18.	Goldman Sachs*	Loan Servicing	10/27/08 – Board of Pensions filed resolution 12/04/08 – Dialogue 12/17/08 – Resolution withdrawn	Domestic Access to Capital
19.	Hewlett Packard	Human Rights	10/31/08 – Correspondence 2/1/09 – Correspondence 2/13/09 – Correspondence 2/20/09 – Correspondence	Human Rights/ Churchwide Strategy for Engagement in Israel and Palestine
20.	Home Depot	EEO/Diversity	12/05/08 – Board of Pensions filed resolution 05/28/09 – Annual Meeting	Non Discrimination in Business Activities
21.	ITT	Sustainability	3/23/09 – Ceres led dialogue	Sustainability
22.	Johnson & Johnson (Tibotec)	Health Care Reform	11/03/08 – Dialogue	International Access to Pharmaceuticals

* - denotes the ELCA is lead

	Company	Issue	Communication with Company	ELCA Social Policy
23.	JP Morgan Chase (formerly WAMU)	Fair Lending	9/12/08 – Dialogue 2/03/09 – Dialogue	Domestic Access to Capital
		Credit Cards	12/16/08 – Dialogue 2/11/09 – Dialogue	
24.	Kellogg's	Sustainability	3/31/09 – Ceres led dialogue	Sustainability
25.	Macy's*	PVC	10/22/08 – Sign-on letter 12/05/08 – Board of Pensions filed resolution 12/17/08 – Dialogue 1/22/09 – Resolution withdrawn	Environmental Topics
26.	Merck	Research Partnership	12/18/08 – Dialogue 2/06/09 – Dialogue	Access to Health Care
		Sustainability	1/21/09 – SIRAN led dialogue	Sustainability
27.	Morgan Stanley	Loan Servicing	12/05/08 – Dialogue 1/16/09 – Dialogue	Domestic Access to Capital
28.	Nestle	Cocoa Sustainability	5/12/09 – Dialogue	Human Rights/ Sustainability
29.	PNC Financial*	Loan Servicing	11/05/08 – Board of Pensions filed resolution 12/17/08 – Dialogue 12/29/08 – SEC challenge 1/12/09 – Dialogue 1/13/09 – Resolution withdrawn	Domestic Access to Capital
30.	Procter & Gamble*	GMO's	4/13/09 – Dialogue	Environmental Topics
31.	Pfizer	HIV	4/30/09 – Dialogue	International Access to Pharmaceuticals

* - denotes the ELCA is lead

	Company	Issue	Communication with Company	ELCA Social Policy
32.	Sears*	PVC	10/01/08 – Dialogue 3/17/09 – Dialogue	Environmental Topics
33.	Southern	Global Warming	10/14/08 – Dialogue 12/12/08 – Board of Pensions filed resolution 3/26/09 – Dialogue 5/27/09 – Annual Meeting	Global Warming and Climate Change
34.	Starbucks	Cocoa Practices	1/12/09 – Dialogue	Human Rights
35.	Target	Supply Chain	2/16/09 – Dialogue	Human Rights
		Credit Cards		Domestic Access to Capital
36.	Wachovia*	Lending Practices	9/15/08 – Dialogue 10/12/08 – Wells Fargo acquisition	Domestic Access to Capital
37.	Wells Fargo	Predatory Credit Card Practices	11/13/08 – Board of Pensions filed resolution 12/23/08 – SEC challenge 1/13/09 – Dialogue 2/25/09 – Dialogue 3/03/09 – Resolution withdrawn	Domestic Access to Capital
		Loan Servicing	4/13/09 – Dialogue	

* - denotes the ELCA is lead

EVANGELICAL LUTHERAN CHURCH IN AMERICA Corporate Social Responsibility Issue Paper 11

Sufficient Sustainable Livelihood for All: Extractive Industries

Background

The principle that host communities should have the opportunity to grant or withhold their free, prior, and informed consent (FPIC) to projects located on their lands or that impact the resources upon which they depend is now widely considered to be an internationally guaranteed human right of indigenous peoples, and is increasingly being recognized in national law, international norms, and voluntary best practice standards and guidelines.¹

“All peoples have the right to their country’s natural resources and wealth without foreign domination,” according to the African Charter on Human and Peoples’ Rights (Article 21).²

When resources—such as oil, gas, diamonds, **coal** and gold, as well as other minerals—are extracted from the earth, they become part of that sector in the economy known as “extractive industries.” ~~Currently over 50 developing countries with a combined population of some 3.5 billion people are involved with this type of resource extraction.~~³ Those in the United States often look to Africa, South America, and Asia as well as Appalachian and Native American lands to find these resources. The Evangelical Lutheran Church in America (ELCA) shares a concern in common with all these peoples same countries: the need to alleviate hunger, poverty, and international debt. The ELCA also is concerned that this sector is often the venue for environmental degradation, the impingement upon indigenous lands, and a lack of respect for human rights.

A report from an international experts workshop organized by the United Nations Permanent Forum on Indigenous Issues in March 2009 concerning the role of corporations notes that self determination is of fundamental importance in the context of indigenous lands or territories and that the extractive industry must operate within the context of free, prior, and informed consent. It goes further to say that, where there is consent, the community should have a fair share of the benefits from the activities on their lands.⁴

~~Kofi Annan, Secretary General of the U.N., observed at the third session of the U.N.’s Permanent Forum on Indigenous Issues that indigenous peoples have historically faced assaults on their traditional expressions of culture and religion and been denied access to health and education, sustainable development, and—most critically—control over traditional land and its resources.~~⁵ ~~The members of the Africa Initiative on Mining, Environment, and Society (AIMES) stated in May 2004 that the extractive sector activity “is contradictory to the interest and concerns of local communities and the developmental priorities of African national economies.”~~⁶

A-Social Policy

The ELCA’s economic life social statement, “Sufficient, Sustainable Livelihood for All” (ELCA, 1999),⁷ gives particular attention to the concepts of sufficiency and sustainability. “Sustainability is the capacity of natural and social systems to survive and thrive together over the long term. What is sufficient in

¹ http://pdf.wri.org/development_without_conflict_fpic.pdf (May 2007)

² <http://www1.umn.edu/humanrts/instree/z1afchar.htm>

³ <http://www2.dfid.gov.uk/news/files/extractiveindustries.asp>

⁴ http://www.un.org/esa/socdev/unpfii/documents/E_C19_2009_CRP_8.doc

⁵ <http://www.un.org/News/Press/docs/2004/sgsm9299.doc.htm>

⁶ http://twnafrica.org/news_detail.asp?twnID=585

⁷ <http://www.elca.org/socialstatements/economiclife/>

providing for people's wants often is in tension with what can be sustained over time. Sustainability has implications for how we evaluate economic activity in terms of its ongoing effects on the well-being of both nature and human communities. Economic life should help sustain humans and the rest of creation, now and in the future” (pg. 14). The statement also declares that “without appropriate environmental care, economic growth cannot be sustained. Caring for creation means that economic processes should respect environmental limits” (pg. 15).

In ~~“Sufficient, Sustainable Livelihood for All,”~~ The church’s vision of sufficiency and sustainability is developed with a focus on the economic life of all people, emphasizing those who are poor and disenfranchised. This emphasis often creates a tension with the priorities of our economic system. “While economic growth often is considered an unconditional good, we insist that such growth must be evaluated by its direct, indirect, short-term, and long-term effects on the well-being of all creation and people, especially those who are poor” (pg. 4). Specific commitments called for in this statement include:

- scrutiny of how specific policies and practices affect people and nations that are the poorest, and changes to make policies of economic growth, trade, and investment more beneficial to those who are poor (pg. 6);
- reduction of the overwhelming debt burdens in ways that do not impose further deprivations on the poor, and cancellation of some or all debt where severe indebtedness immobilizes a country’s economy;
- fuller compensation by companies to pay for the wider social and environmental costs of what they produce (pg. 15);
- enforcement of laws to prevent the exercise of inordinate market power by large corporations (pg. 14); and
- ending subsidies for economic activities that use up nonrenewable natural resources (pg. 15).

The social statement “Caring for Creation: Vision, Hope, and Justice” (ELCA, 1993)⁸ develops this church’s vision of creation, while demonstrating the gift of hope. It observes:

- Processes of environmental degradation feed on one another. Decisions affecting an immediate locale often affect the entire planet (pg. 4).
- The degradation of the environment occurs where people have little or no voice in decisions—because of racial, gender, or economic discrimination. This degradation aggravates their situation and swells the numbers of those trapped in urban or rural poverty (pg. 7).
- Neither economic growth that ignores environmental cost nor conservation of nature that ignores human cost is sustainable. . . . We know that a healthy economy can exist only within a healthy environment, but that it is difficult to promote both in our decisions (pg. 8).

The church is called to seek and promote justice through principles of participation, solidarity, sufficiency, and sustainability. Specifically, this social statement calls the church to engage in dialogue with corporations on how to promote justice for creation (5.E.1-1). This activity includes dialogues about implementing comprehensive environmental principles, healthy environments, and cooperation between the public and private sectors regarding sustainability.

In both 1997 and 1999, the ELCA Churchwide Assembly affirmed the ELCA’s concerns for international debt reduction, alleviation of poverty and hunger in poor countries, and sound economic growth by endorsing the Jubilee 2000 Campaign (CA97.6.47 and CA99.03.06).⁹

Corporate Response

⁸ <http://www.elca.org/socialstatements/environment/>

⁹ http://www.elca.org/dcs/elca_actions/ca97_6_47.html; http://www.elca.org/dcs/elca_actions/ca99_03_06.html

Within the United States, many Multinational corporations have been approached by multiple grassroots groups to clean up the environment and protect natural habitats. Groups have also sought the involvement of communities in environmental protection and planning. Laws have been enacted and community needs met through the U.S. legal system, but the governance and legal systems necessary to protect both citizens and the environment are not consistently in place as resource extraction continues to expand, ~~as in some~~ developing countries

Reputational harm is not the only downside of the absence of community involvement. Opposition from a community has the potential of risks spanning from governments deciding to halt operations to the imposition of fines. It is possible to see an increase in construction time and costs as well as increased mitigation costs http://pdf.wri.org/development_without_conflict_fpic.pdf (May 2007))

~~Several attempts to address corporate transparency and increase sustainability are being made. The goals of the “Extractive Industries Transparency Initiative,” started by the United Kingdom, are aimed at increasing transparency over payments by companies to governments.¹⁰ In a similar manner, the “Publish What You Pay” campaign seeks to help citizens in resource-rich countries hold their governments accountable for extractive industry revenue.¹¹ Several companies have responded to requests to increase transparency and are disclosing payments on Web sites or in other public documents.¹² At the second session of the Permanent Forum on Indigenous Issues, the United Nations took the lead to open a discussion on the issue of “free, prior, and informed consent.”¹³ Other intergovernmental bodies are increasingly accepting the extractive sector as a corporate social responsibility issue to be addressed. The World Bank has been involved in the “Extractive Industries Review” and will publish final documents in the upcoming months.¹⁴ The Global Reporting Initiative is in the process of developing industry sector guidelines for the mining and metals sector.¹⁵ The *Principles for Global Corporate Responsibility: Bench Marks for Measuring Business Performance*, developed by the Interfaith Center on Corporate Responsibility (ICCR) and partners, has an entire section on resource extraction principles.¹⁶~~

Shareholder Work History

For over 30 years, the community of faith-based shareholders (mainly through the ICCR) has been urging companies to develop both international and domestic policies concerning their conduct in areas of the environment and social issues. Specifically on the work of extractive industries, shareholders have been concerned about environmental damage, workplace safety, dislocation of communities, and labor rights.

The ELCA has supported shareholder resolutions dealing with the environmental and social impact of extractive industries and has developed both environmental and labor social criteria screens for investments. The ELCA participated in the Jubilee 2000 campaign asking for debt relief. Through Lutheran World Relief and the ELCA hunger program, Lutherans have addressed the impact of the extractive industry, whether in Colombian oil fields or African diamond mines. The Corporate Social Responsibility program has been in dialogue with extractive industry corporations during the last two years through our environmental and human rights work.

¹⁰ <http://www2.dfid.gov.uk/news/files/extractiveindustries.asp>

¹¹ <http://www.publishwhatyoupay.org/>

¹² <http://www.publishwhatyoupay.org/eiti/>

¹³ <http://www.un.org/esa/socdev/pfii/documents/other%20docs/Doc%20Report%20on%20FPIC.htm>

¹⁴ <http://www.eireview.org/>

¹⁵ www.globalreporting.org

¹⁶ www.bench-marks.org

Resolution Guidelines for ELCA

- We support reports asking companies to assess the profitability and reputation of operations from environmental and social perspectives.
- We support resolutions asking companies to report on, assess the impact of, and curtail health, safety, or environmental hazards to communities that result from their activities.
- We support asking for formal public written policies on the rights of indigenous peoples, including issues addressing free prior and informed consent, as well as on the rights of local communities to control local natural resources and full participation in business planning and decisions impacting their lands.
- We support reports disclosing corporate analysis and steps taken to control operating in culturally or environmentally sensitive areas and/or the impact on sustainability and biodiversity in ecologically unique or sensitive areas, including lobbying efforts for access to such areas.
- We support reports of operations for specific projects in specific regions (*e.g.*, Chad-Cameroon pipeline report) including financial, environmental, and social impact.
- We support reports detailing the range of financial liability associated with a project, specifying community compensation, environmental impact, and mitigation of loss of natural habitat.
- We support reports disclosing policies and management systems to avoid loss of natural habitat.
- We support reports reviewing and disclosing underwriting criteria related to the impact of a transaction on the environment, human rights, and risk to a company's reputation.
- We support requesting a report on the potential environmental and public health impacts of each of the company's owned plants, those of its affiliates and proposed ventures that extract water from water scarce areas. The report should consider the implications of a policy of reducing ground and surface water extraction for all operations of the company and its affiliates to sustainable levels and of not locating plants in water scarce areas.
- We support reports on how a corporation ensures that it is accountable for its environmental impacts in all of the communities where it operates. Such reports should contain the following information:
 1. how the corporation makes available reports regarding its emissions and environmental impacts on land, water, and soil—both within its legal limits as well as emergency emissions—to members of the communities where it operates;
 2. how the corporation integrates community environmental accountability into its current code of conduct and ongoing business practices; and
 3. the extent to which the corporation's activities have negative health effects on individuals living in economically poor communities.
- We support reports on the effects of mountain top removal including:
 1. the effects on the local community on any activities that have negative health effects for individuals living in economically-poor communities;
 2. the effects on the local environment, including water, land and soil; and
 3. the methods the company uses to communicate with the local community.

Recommended by the Advisory Committee on Corporate Social Responsibility, September 2, 2004

Endorsed by the Division for Church in Society Board, October 22, 2004

Approved by the Church Council, November 11, 2004

Updated by Advisory Committee for Corporate Social Responsibility, September 17, 2009

**EVANGELICAL LUTHERAN CHURCH IN AMERICA
Corporate Social Responsibility Issue Paper 11**

Sufficient Sustainable Livelihood for All: Extractive Industries

Background

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When resources—such as oil, gas, diamonds, **coal** and gold, as well as other minerals—are extracted from the earth, they become part of that sector in the economy known as “extractive industries.” Those in the United States often look to Africa, South America, and Asia as well as Appalachian and Native American lands to find these resources. The Evangelical Lutheran Church in America (ELCA) shares a concern in common with all these peoples: the need to alleviate hunger, poverty, and international debt. The ELCA also is concerned that this sector is often the venue for environmental degradation, the impingement upon indigenous lands, and a lack of respect for human rights.

A report from an international experts workshop organized by the United Nations Permanent Forum on Indigenous Issues in March 2009 concerning the role of corporations notes that self determination is of fundamental importance in the context of indigenous lands or territories and that the extractive industry must operate within the context of free, prior, and informed consent. It goes further to say that, where there is consent, the community should have a fair share of the benefits from the activities on their lands.²

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The church’s vision of sufficiency and sustainability is developed with a focus on the economic life of all people, emphasizing those who are poor and disenfranchised. This emphasis often creates a tension with the priorities of our economic system. “While economic growth often is considered an unconditional good, we insist that such growth must be evaluated by its direct, indirect, short-term, and long-term effects on the well-being of all creation and people, especially those who are poor” (pg. 4). Specific commitments called for in this statement include:

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Multinational corporations have been approached by multiple grassroots groups to clean up the environment and protect natural habitats. Groups have also sought the involvement of communities in environmental protection and planning. Laws have been enacted and community needs met through the U.S. legal system, but the governance and legal systems necessary to protect both citizens and the environment are not consistently in place as resource extraction continues to expand.

Reputational harm is not the only downside of the absence of community involvement. Opposition from a community has the potential of risks spanning from governments deciding to halt operations to the imposition of fines. It is possible to see an increase in construction time and costs as well as increased mitigation costs http://pdf.wri.org/development_without_conflict_fpic.pdf (May 2007))

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Report on the Implementation of *Our Calling in Education*

Purpose

Implementing resolution #23 of the ELCA social statement, *Our Calling in Education*, called upon the Vocation and Education, Church in Society, Evangelical Outreach and Congregational Mission units, and Augsburg Fortress, Publishers, to oversee a process of implementation and accountability for the social statement and to report on implementation to the Church Council in 2009. This report responds to that directive by providing a general summary and several specific indications.

Summary

This social statement has been widely welcomed and enthusiastically embraced across the church in the way it supports and strengthens many ELCA ministries. Significant efforts, since its adoption in 2007, are evident to implement action derived from its directives. It must be noted, however, that these efforts across the church have been slowed in the last two years due to financial and staff limitations.

Monitoring statement reception and use

Requests for printed copies of *Our Calling in Education* run slightly above typical requests for new social statements, as have the number of "hits" on its page on the ELCA Web site. In early 2009, Church in Society published a study guide for the statement in an innovative DVD format that has been widely appreciated for its adaptability and depth. In response to the statement, plans are being developed to make study guides for each social statement available online, as time permits.

Educational resources

An interunit resource management team (now no longer in existence) did significant initial work to coordinate and encourage efforts regarding the development of resources called for in the statement. Developments of consultations and networks since that early period have been limited due to staff and economic resources.

Campus ministry

A general consultation was held in January 2008 and involved local campus ministry staff, synod staff, representatives of area campus ministry agencies, and churchwide staff. Conversations were held with local campus ministry staff gathered for their annual conference in April 2008. The Conference of Bishops engaged in consultation concerning campus ministry at its meeting in October 2008.

Colleges and universities

Vocation and Education staff have led discussions at the annual meetings of the nine senior administrator conferences, including the Council of Presidents, and at other pre-existing meetings. Further exploration of ELCA higher education's commitment to "education for vocation" will serve as the best lens through which we consider the "mutual and respective ministries of ELCA colleges and universities and this church" (cf. Implementing resolution #16). To that end, a gathering of representatives from all ELCA-related colleges and universities is planned for fall 2010 to discuss outcomes of the programs for the theological exploration of vocation at eight of ELCA colleges and universities.

Early Childhood Education (ECE) and schools

School and early childhood center leaders have welcomed and embraced the social statement because they perceive that it validates their work as part of the ELCA's mission. Through the mechanisms of various local associations of ECEs and schools, gatherings are occurring in 2008 and 2009 to discuss the statement's implications. The Vocation and Education unit hopes that learnings from these gatherings will identify ways to advance the mission of schools, including teacher education.

Biennial Plan of Studies 2009 - 2011

The program unit, in order to assist members of this church in their study of social concerns, shall formulate a biennial program for the study of selected topics and for the development of relevant resources (people, networks, materials) and programs...

The program committee for the Church in Society unit shall review the biennial program of study as well as study material for publication and distribution.

The unit shall report its biennial program of study to the Church Council and the Churchwide Assembly and shall promote the program throughout this church.

"Policies and Procedures of the Evangelical Lutheran Church in America for Addressing Social Concerns," pp. 8-9.

The following listing is subject to change and development. The Church Council may call for the development of other resources.

Publications

Human Sexuality: Gift and Trust

The social statement on human sexuality, "Human Sexuality: Gift and Trust," adopted by the 2009 Churchwide Assembly, is available online and is expected to be mailed to each pastor by the end of November. A Spanish translation will be available by early spring 2010.

Study guide to Human Sexuality: Gift and Trust

A DVD-format study guide for the new social statement is scheduled for completion by October 2010. As directed by the implementing resolutions of the statement, the four studies (including one for youth) developed between 2002 and 2006 by the ELCA Task Force for Studies of Sexuality will be kept available online and in print form.

Social statement on genetics

The draft of a social statement on genetics, prepared by the ELCA genetics task force will be published in March 2010. A proposed social statement will be released in winter 2011 and will be brought to the spring Church Council meeting for recommendation to the 2011 Churchwide Assembly. If adopted by the assembly, the social statement will be published in late November 2011. A Spanish translation will be available in mid-2012.

Study on criminal justice

A study prepared by the ELCA criminal justice task force is anticipated in November 2010, designed for use in various ministry settings throughout 2011 to help members engage questions and issues related to criminal justice from the standpoint of faith. Responses will be received by the task force through October 21, 2011, as input toward preparing a social statement. A Spanish version will be available online.

Social policy resolution on immigration

It is anticipated that a social policy resolution on immigration will be adopted by the Church Council in November 2009 and published by January 2010.

Message on mental illness

It is anticipated that a message on mental illness will be authorized by Church Council in November 2009, and a process for development will be initiated in spring 2010. It would then be brought to the ELCA Church Council for consideration in spring 2011 and published by early summer of that year.

Message on disabilities

A proposed social message on disabilities authorized by the 2009 Churchwide Assembly will be presented to the Church Council in fall 2010 for recommendation to the 2011 Churchwide Assembly. If adopted by the assembly, the message would be published by November of that year.

Journal of Lutheran Ethics

This free, online journal will publish monthly articles on current issues and classical themes in Christian ethics (www.elca.org/jle).

Activities and Processes

Social statement on genetics

The ELCA genetics task force is expected to meet twice in 2009, twice in 2010, and once in January 2011, and complete its work at that time.

Social statement on criminal justice

The ELCA criminal justice task force will hold two meetings in 2009, two meetings in 2010, and two meetings in 2011.

Social statement on justice for women

As authorized by the 2009 Churchwide Assembly, the Church in Society studies department will initiate the formation of a task force to develop a social statement regarding justice for women. It is anticipated that this process will begin in 2010, and a proposed social statement is expected to be brought to the Church Council in spring 2015 for recommendation to the 2015 Churchwide Assembly.

Journal of Lutheran Ethics

Staff will continue to network with the contributing editors and other contributors to encourage online reflection and discussion of Christian ethics from diverse audiences.

Annual gathering of Lutheran ethicists

Studies will convene annual meetings of Lutheran ethicists in 2010 (San Jose) and 2011 (New Orleans).

"Addressing Social Issues Theologically: ELCA Social Policy Documents and Resources"

A CD Rom is now available that compiles ELCA social statements, messages, and social policy resolutions (through 2007), along with selected interpretative material on how the ELCA addresses social issues. A plan for publicizing its availability is being prepared.

Faith and science

Studies will provide leadership for the Interunit Staff Team on Faith, Science, and Technology and

serve as the ELCA liaison with the ELCA Alliance for Faith, Science, and Technology. The staff team will continue to promote education and awareness of science and faith through its Web site, resource database, and networking.

For additional information, phone or write:

Department for Studies
Church in Society
Evangelical Lutheran Church in America
8765 W. Higgins Rd., Chicago IL 60631-4190
800-638-3522 ext. 2704

visit us online at:

<http://www.elca.org/What-We-Believe/Social-Issues.aspx>

or email:

roger.willer@elca.org

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit K, Part 5
Page 4

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Lutheran Men in Mission Report to the ELCA Church Council

The vision of Lutheran Men in Mission is for every man to have a growing relationship with Jesus Christ through an effective men's ministry in every congregation.

Lutheran Men in Mission lives out that vision and the ELCA strategic directions through its resources, events, and ongoing leadership development.

Events

Plans are underway for the 2011 triennial Lutheran Men in Mission assembly (the LMM business meeting) and Lutheran Men's gathering to be held at the Denver Marriott Tech Center July 21-22 and July 22-24, 2011.

LMM recently completed the thirteenth One Year to Live retreat. This experience was designed in collaboration with Lyman Coleman, founder and former CEO of Serendipity. The retreat is designed to help men within the safety of a small group take an honest look at their faith, what is keeping them from experiencing God more fully, and what they believe God is calling them to do for the rest of their life. The retreat is completely "lay led" as all the small group facilitators have been participants in earlier retreats. The retreat has been held in the Rocky Mountain, Nebraska and South Carolina synods, with the intent to bring this to every synod eventually.

Resources

The Master Builders Bible for Men continues to be LMM's strongest resource, with nearly 50,000 in circulation. Along with the study questions written in the margins, what makes this resource unique is the thirty-two page section for men's ministry leaders. While we continue to hear from men in congregations, we are hearing from more and more prisoners and service people who are receiving the Bibles from congregational men's ministries.

Young Men's Ministry

Young adult men have been a focus of Lutheran Men in Mission's work for the past several years. Our Young Men's Ministry council has recruited leaders from throughout the ELCA. They will be brought together this November to experience the One Year to Live retreat and then be trained in how to produce catalytic ministry in the regions where they live.

Leadership

Lutheran Men in Mission is producing a training event for congregational leaders that will take place in each of the nine regions in 2010. Building Men for Christ is an event for rostered leaders (male and female) and congregational men's leaders. This training will help leaders to see ministry with and to men as an integral part of overall congregational ministry and help them reach and activate men for the congregation's ministry and outreach.

Incorporation

Lutheran Men in Mission celebrated its incorporation and financial self-reliance at its assembly and gathering in Omaha last year. We are very grateful to the Office of the Treasurer for the "memorandum of understanding" that covers both accounts receivable and payable and human resources. We look

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit L, Part 1
Page 2

forward to our continued work with the other units and offices of the ECLA and intend to develop and umbrella “memorandum of understanding” with each through the Office of the Secretary in the months to come.

1 **Vocation and Education Unit Draft Revisions to**
2 **“Vision and Expectations: Ordained Ministers**
3 **in the Evangelical Lutheran Church in America”**

4
5 NOTE 1 - The proposed revisions are all in section III of this document and are indicated
6 below in red type, with underlinings for additions and strike-throughs for deletions. This
7 section begins with a question from the ordination service, as do the other sections.

8 NOTE 2 – The same changes are also proposed for the “Vision and Expectations” document
9 for the three Word and service rosters—associates in ministry, diaconal minister and
10 deaconesses. Since the original wording and the proposed changes are identical, save for the
11 naming of the rosters, only the one document is quoted here.

12
13 NOTE 3 – Both of the “Vision and Expectations” documents need some additional editing to
14 update points unrelated to the recent ministry policy changes. In the near future, staff intends,
15 after consultation with the Conference of Bishops, to propose those additional amendments to
16 the Church Council.

17
18 **III. THE ORDAINED MINISTER AS PERSON AND EXAMPLE**

19 *Will you be diligent in your study of the Holy Scriptures and in your use of the means of*
20 *grace? Will you pray for God's people, nourish them with the Word and Holy Sacraments,*
21 *and lead them by your own example in faithful service and holy living?*

22 *I will, and I ask God to help me.*

23 The ordained minister is called with all Christians to "lead a life worthy of the gospel of
24 Christ" (Philippians 1:27). It is Christ's own self-giving on the cross that is the example for
25 Christian life for all believers.

26 Because ordained ministers are also recipients of God's gracious gift in Christ Jesus, they are
27 called to use their gifts and abilities to enable others to understand themselves as recipients of
28 that same grace and to live as God's people in the world. In their life and conduct ordained
29 ministers are to witness to the crucified and risen Jesus Christ. Therefore, ordained ministers
30 will seek to use their gifts in lives worthy of the gospel of Christ.

31 Ordained ministers fulfill the calling of the pastoral office not only by what they do in
32 carrying out certain tasks, but also in who they are. They both officially proclaim and in their
33 person witness to the gospel of Christ. Pastoral identity is not one of moral or spiritual
34 perfection. It is, instead, the living out of the good news that one is justified by God's grace

35 and thus called to live out that grace in daily life. The ordained minister is not simply a
36 professional trained in skills to perform a task, but is one sent by the church to lead the
37 community of faith through the ministry of Word and Sacrament. The ordained minister
38 enables and equips others in their lives as Christians and for their ministry in the world by
39 faithful preaching of the Word of God, through the administration of the sacraments, and by
40 example.

41 Pastoral identity carries with it expectations and accountabilities that are determined by the
42 whole church and not simply by a given congregation, synod, institution, or agency served by
43 the ordained minister.

44 The Evangelical Lutheran Church in America has high expectations for those who serve
45 within the ordained ministry of this church. It does so because it recognizes that when offense
46 is given by an ordained minister, the witness of the gospel may be impaired and the ability to
47 carry out public ministry is threatened.

48 Yet sin and brokenness is a reality in the lives of all persons, including those who serve as
49 ordained ministers. It is crucial for us all to remember that repentance and forgiveness are to
50 be daily realities in the life of every baptized Christian. Neither perfection nor self-
51 righteousness is asked of the ordained ministers of this church. When there is failure in the
52 lives of those who serve in this office, this church seeks to provide counsel and understanding.
53 When there are repentance and forgiveness, this church rejoices. Indeed, the Evangelical
54 Lutheran Church in America believes that God not only calls but sustains those who are set
55 aside for the ordained ministry of Word and Sacrament. It is with this recognition that this
56 church can affirm that those who are set apart to the office of Word and Sacrament are to seek
57 to embody those characteristics which are consistent with the pastoral office.

58 The ordained minister is to nourish the people of God through the Word and sacraments. In
59 order to do this, the ordained minister needs to develop and nurture a sound knowledge of the
60 Scriptures, both intellectually and devotionally. The ordained minister will seek regular
61 opportunities for personal participation in the means of grace, including the renewal of
62 baptismal grace in individual confession and absolution, and to celebrate and receive the
63 sacrament of Holy Communion, thus receiving God's renewing, sustaining, empowering
64 Spirit both personally and in the practice of ministry.

65 The ordained minister engages in daily prayer and encourages others in the practice of regular
66 prayer.

67 The ordained minister must be a member of a congregation of the Evangelical Lutheran
68 Church in America. As a member of such a community of faith, the ordained minister is an
69 integral part of a community in which mutual support is given and in which care, forgiveness,
70 and healing occur.

71 The ordained minister supports not only the work of the congregation, but also the synodical
72 and churchwide ministry of the Evangelical Lutheran Church in America. This church expects
73 its ordained ministers to work in a collegial relationship with one another and to share in
74 mutual accountability with those in positions of leadership and oversight in this church. The
75 ordained ministers of this church are to seek out and encourage qualified persons to prepare
76 for the ministry of the gospel and strive to extend the Kingdom of God in the community.

77 The ordained minister is concerned for the whole person and provides for the care of those
78 troubled with spiritual or emotional problems. This church expects that its ordained ministers
79 will honor and respect privileged communication, particularly within the context of individual
80 confession and absolution, and will not disclose such communication except with the express
81 permission of the person who has confided it or if the person is perceived to intend great harm
82 to self or others. The ordained minister recognizes the importance of life-long growth in
83 learning. Such growth is intended to renew, extend, and deepen insight into the Scriptures and
84 the doctrinal teaching of the church, and to enable one to respond to the insights and
85 challenges of the world with greater awareness and a more faithful confession. In an
86 increasingly complex and educated society, the development of an informed intellect and
87 professional skills is crucial to competent ordained ministry. This church expects of its
88 ordained ministers regular and disciplined time for personal study, study in the company of
89 others, participation in programs of continuing education, and periodic times for extended
90 study. Congregations and other entities of this church are expected to provide the ordained
91 minister the time and assistance with the financial resources needed for such study.

92 The ordained minister needs to be an example of self-care, as well as caring for others. The
93 significant demands of time and effort within the office of ordained ministry can lead one to
94 neglect proper nutrition, exercise, and time for recreation. The congregation, or whatever
95 agency or institution the ordained minister serves, should respect the need for the ordained
96 minister to have adequate time for self-care. Caring for self also includes seeking counseling
97 and/or medical care when there is evidence of physical or mental illness, substance abuse,
98 eating disorders, or relational problems.

99 The ordained minister is expected to be fiscally responsible and is to be a faithful steward of
100 time, talents, and possessions. The ordained minister is to be an example to the community of
101 generous giving.

102 The ordained minister is to be an example of holy living, so that the ordained minister's life
103 does not become an impediment to the hearing of the gospel or a scandal to the community of
104 faith. As this church asserts in its social statement, *Human Sexuality: Gift and Trust*, "Trust is
105 a critical element that holds together couples and relationships, households and families,
106 social structures and institutions."¹

107 The qualities of such a life include the following:

¹ p. 7

108 *Responsibility to family*

109 Ordained ministers, whether single, married² or in a publicly accountable, lifelong
110 monogamous, same-gender relationship,³ are expected to uphold an understanding of
111 marriage and family in their public ministry as well as in private life that is biblically
112 informed and consistent with the teachings of this church. Spouse or same-gender partner, and
113 children, if any, are to be regarded with love, respect, and commitment. Within the family,
114 forgiveness, reconciliation, healing, and mutual care are to be expressed. It is also expected
115 that ordained ministers maintain responsible relationships with their parents and other
116 immediate relatives.

117

118 *Faithfulness, Commitment, Separation, Divorce and Remarriage*

119 Should an ordained minister decide to marry or to enter a publicly accountable, lifelong,
120 monogamous, same-gender relationship, the counsel and guidance of the synodical bishop is
121 to be sought and the minister shall make the decision known among those he or she serves.

122 Ordained ministers are expected to keep their marriage inviolate until death, to cultivate love
123 and respect for their spouse, and to seek marital counseling when it is needed. It is recognized

² This documents uses the terms “marriage” and “married” to refer to marriage between one man and woman. “Human Sexuality: Gift and Trust” has the same usage but acknowledges (p. ...) that some in this church understand the term as being appropriate also for the relationship of a same-gender couple.

³ The terms in the phrase “publicly accountable, lifelong, monogamous, same-gender relationship” are intended to have their common meanings. “Lifelong” means that the relationship is intended to last as long as both parties to the relationship shall live. “Monogamous” means that the relationship is between two people—one to one. “Same-gender” means that the relationship is between two men or two women. “Public accountability” means that the two parties to the relationship openly acknowledge the relationship, have a demonstrable commitment to the relationship, and have a willingness to seek and accept the aid of individuals and community in sustaining the relationship. For an ordained minister, both church and community are part of the public to which he or she is accountable. Public accountability for an ordained minister in a heterosexual marriage includes recognition and support in a congregation of this church and legally recorded civil recognition. Similarly, public accountability for an ordained minister in a lifelong, monogamous, same-gender relationship includes recognition and support in a congregation of this church and may include a legally recorded civil recognition and other evidence that the relationship is lifelong and monogamous.

The ELCA social statement “Human Sexuality: Gift and Trust” recognizes that within this church diverse convictions about homosexuality and about the rostered service of people in same-gender relationships are faithfully held on the basis of Scripture. The ELCA intends both to allow the rostered service of people who are in a publicly accountable, lifelong, monogamous, same-gender relationship and to provide for those whose convictions do not favor such service.

124 that due to human sin and brokenness, in some cases the marital relationship may have to be
125 dissolved. Should an ordained minister and spouse seek to divorce, the counsel and guidance
126 of the synodical bishop is to be sought. Similarly, should an ordained minister decide to marry
127 following a divorce, the counsel and guidance of the synodical bishop is to be sought.

128
129 Ordained ministers in a publicly accountable, lifelong, monogamous same-gender relationship
130 are expected to keep that relationship inviolate until death, to cultivate love and respect for
131 their same-gender partner, and to seek counseling with their partner when it is needed. It is
132 recognized that due to human sin and brokenness, in some cases such a relationship may have
133 to be dissolved. Should an ordained minister and partner seek to end their relationship, the
134 counsel and guidance of the synodical bishop is to be sought. Similarly, should the ordained
135 minister, following the ending of the relationship, decide to enter another such relationship,
136 the counsel and guidance of the synodical bishop is to be sought.

137
138 *Sexual conduct*

139 The expectations of this church regarding the sexual conduct of its ordained ministers are
140 grounded in the understanding that human sexuality is a gift and trust from God and that
141 ordained ministers are to live in such a way as to honor this gift and trust.

142
143 Ordained ministers are expected to reject sexual promiscuity, the manipulation of others for
144 purposes of sexual gratification, and all attempts of sexual seduction and sexual harassment,
145 including taking physical or emotional advantage of others.

146
147 Single ordained ministers are expected to live a chaste life.

148 This church's social statement *Human Sexuality: Gift and Trust* states, "Sexual intimacy,
149 together with promises of fidelity and public accountability, nurtures bonds that allow people
150 to thrive and provides a rich context for the care and support of children."⁴

151 It also states, "It is in marriage that the highest degrees of physical intimacy are matched with
152 and protected by the highest levels of binding commitment, including legal protection. It is in
153 marriage that public promises of lifetime commitment can create the foundation for trust,
154 intimacy, and safety."⁵

155 A married ordained minister is expected to live in fidelity to his or her spouse, giving
156 expression to sexual intimacy within a marriage relationship that is mutual, chaste, and
157 faithful. ~~Ordained ministers who are homosexual in their self understanding are expected to~~
158 ~~abstain from homosexual sexual relationships.~~

159
160 An ordained minister who is in a publicly accountable lifelong, monogamous same-gender
161 relationship recognized and supported by an expression of this church is expected to live in

⁴ *Human Sexuality: Gift and Trust*, a social statement of the Evangelical Lutheran Church in America, 2009, p. 9

⁵ *Human Sexuality: Gift and Trust*, a social statement of the Evangelical Lutheran Church in America, 2009, p. 10

162 fidelity to his or her partner, giving expression to sexual intimacy within a publicly
163 accountable relationship that is mutual, chaste, and faithful.

164
165 *Almighty God, by our baptism into the death and resurrection of your Son Jesus Christ,*
166 *you turn us from the old life of sin. Grant that we who are reborn to new life in him may*
167 *live in righteousness and holiness all our days, through your Son, Jesus Christ our Lord.*
168 **Prayer for Renewal, Lutheran Book of Worship**
169

DRAFT

1 *Notes on Clarifications and Possible Revisions*
2 *to the Candidacy Process and Manual and the Call Process*
3 *Vocation and Education Unit*
4 *October 10, 2009*
5
6

7 **The 2009 ELCA Churchwide Assembly directed that provision be made in its policies to**
8 **allow the rostered service of members who are in publicly accountable, lifelong,**
9 **monogamous, same-gender relationships and that provision be made in its policies to**
10 **recognize the conviction of members who believe that this church should not call or**
11 **roster people in such relationships. In order to accomplish the change in policy and to**
12 **allow for the respecting of bound conscience, several things in ELCA candidacy and call**
13 **process need to be clarified and some revisions will likely be necessary. The list below**
14 **summarizes the primary items thus far identified for attention.**
15
16
17

18 A. *Hospitality*

19 Hospitality to candidates on behalf of this whole church is an important element of the
20 candidacy process. The *Candidacy Manual* should encourage candidacy committees,
21 bishops and other synod staff, and seminaries to consider how such welcome will be
22 assured for candidates who meet the vision and expectations of this church, including
23 those who are publicly accountable, lifelong monogamous, same-gender relationships.
24

25 Every effort should be made to accompany a candidate hospitably. Because this church
26 will include different understandings and practices, a synodical candidacy committee or a
27 faculty may conclude that hospitality requires it to encourage candidates to work with
28 another synod or seminary, if that committee or faculty, because of bound consciences,
29 does not anticipate being able to extend the church's hospitality to anyone in this
30 particular group of candidates.
31

32 B. *Mutual respect within discernment and decision making bodies*

33 On this matter and others, mutual respect is important as a manifestation of respect for all
34 members of the body of Christ. The *Candidacy Manual* should acknowledge that faculties,
35 committees and synod staff will often be of diverse convictions and that in this church
36 such convictions are respected, even though policies have changed.
37

38 No person will be excluded from a decision making role simply because he or she
39 disagrees with the church's change in policy. And, individuals who have a share in
40 discernment and decision-making responsibility need to decide whether they can function
41 in that role under the new policies. A body is not forced to take any particular action under
42 the policies of this church, but it cannot block the use and intent of these policies. When
43 necessary for the discernment and preparation of candidates, the body may transfer
44 discernment and decision responsibilities to others, using existing procedures for transfer.

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C. *Transfers* – Under present policy, a candidacy process (including one related to reinstatement) can be transferred to another synod with the consent of both bishops and both committees and, in the case of application for reinstatement, also the Secretary of the ELCA. Transfer is a procedural step, not an evaluative one. The consent of the several parties is required to assure openness and the full availability of information. Transfer is not blocked for reasons of conscience. Some greater clarity on this point may be necessary in the *Manual*.

D. *Discernment & voting are separate responsibilities* – The *Candidacy Manual* should make clear that, because the discernment of a call to public ministry involves many and varied elements and questions, a member of a candidacy committee or of a seminary faculty can in good conscience participate in discernment with a particular candidate, even though the member may anticipate being unable to vote in favor of that candidate because of bound conscience.

Note must also be made that a committee or faculty cannot, as a whole, make a negative decision on a particular candidate based on criteria in opposition to this church’s policies. Thus, in a timely manner it must consider whether hospitality and integrity require that the candidate be urged to seek a transfer, as noted in point “B” above.

E. *Transparency about status* - Candidacy materials and call/mobility materials (the Rostered Leader Profile) must be amended to assure transparency about relationship status at appropriate times, thus providing information that will assist decision-makers in recognizing public accountability. Two options for requesting this information are suggested below, but better language for such disclosure may well be available:

Possibility 1:

In establishing a relationship of trust between rostered leader and those who are served, disclosure of various factors is important. These factors may include whether one is single, married, or in a same-gender relationship, whether one intends to remain in that circumstance or anticipates the possibility of change. These factors may include one’s sexual orientation. They may include family responsibilities. To assist the candidacy committee in its discernment with you, please write briefly about such factors in your life.

Possibility 2

Please indicate your present status:

Single

Married

In a publicly accountable, lifelong, monogamous, same-gender relationship

90 *Please comment about any factors that may bear on your present or future*
91 *response to this question.*

- 92
93 F. *Public Accountability* – The Rostered Leader Profile could have a place for the candidate
94 to respond with additional comments, “If you have indicated that you are married or that
95 you are in a lifelong, monogamous, same-gender relationships, please explain how that
96 relationship is publicly accountable.”

97
98 The synodical bishop approves the posting of each Rostered Leader Profile. Such approval
99 would indicate that the bishop considers the response acceptable. Public accountability, of
100 course, is an ongoing expectation, it does not point simply to something that happened in
101 the past.

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103 G. *Divorce* – Wherever present forms ask about divorce, amendment would need to be made
104 to ask whether a publicly accountable, lifelong, monogamous same-gender relationship
105 has been ended.

- 106
107 H. *Congregational registration* – A congregational registration, signed by pastor and council,
108 is required as an element of the candidacy entrance decision. Language in the *Manual* and
109 on forms will need to be clarified to show that congregational registration is a procedural
110 matter and not a decision point in a person’s candidacy. The requirement of registration
111 certifies that the person has been a member of an ELCA congregation for at least a year,
112 as is required by ELCA policies, and gives pastor and council occasion to offer helpful
113 insight about the candidate. The congregation or pastor does not use refusal to complete
114 the registration as a means to block someone from entering candidacy, though the
115 information shared at that time always informs the committee’s decision about candidacy.

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117 I. *Internship and contextual education* – Present practice for assigning students to contextual
118 education or internship sites already allows interviewing and expression of preference by
119 congregation or ministry site. Because of present practice, the sentence in the Manual that
120 says a congregation or ministry applying for an intern is expected to indicate its openness
121 to any endorsed candidate should be deleted.

- 122
123 J. *Assignment* – Under present policy, an approved candidate who is not assigned to another
124 synod continues with the synod of candidacy. Some have expressed concern that this
125 policy may now cause a problem for bound consciences. However, there is likely no
126 actual difficulty. Under present policy, continuance with the synod that approved the
127 candidate implies that the synod will do everything it can to support and assist the
128 candidates they have worked with and approved as they await call. But, as is presently
129 true for any assignment, the synod of assignment does not and cannot guarantee that the
130 candidate will be recommended for a call in that synod or any other, nor that he or she will
131 receive a call. Existing practice includes ways to keep other synods aware of a candidates
132 availability for call.

133

134 K. *Bishop's Attestation of Call* – The signature of the synodical bishop on a letter of call
135 indicates that she or he believes that appropriate procedures were followed in the issuing
136 of the call. The signature does not indicate agreement with the decision of the calling
137 body. The bishop may attach a letter with comment.

138
139 L. *Providing for the Expression of Differing Convictions* – Because this church
140 acknowledges that faithful people will be of different convictions on the rostering and
141 calling of someone in a publicly accountable, lifelong, monogamous, same-gender
142 relationships, provision must be made to allow congregations, synods, synod councils, and
143 synod call committees to state openly their diverse convictions, doing so in ways that do
144 not violate governing documents.

145
146 By the governing documents, all candidacy and call decisions are made on an individual
147 basis, thus no body can make a blanket statement of approval or disapproval for a group of
148 candidates. Nor can a body alter the policies which this church has accepted. However, a
149 decision making body may express its general understanding of what will best serve the
150 mission of Christ in the places and times for which they have decision making
151 responsibility. No body can restrict the authority given to another by the governing
152 documents. Thus, for example, a synod council cannot bind a synod call committee nor
153 can a synod bind its congregations, but any of these entities may express convictions and
154 preferences to the others.

155
156 M. *Other* – In order to have faithful, wise and practical policies, other changes and
157 clarifications may also be needed in the process and/or the manual. However, policy
158 documents cannot cover every possible situation. As now, and as directed by the 2009
159 Churchwide Assembly, we must and can trust the faithfulness, wisdom and humility of
160 those who have accepted discernment and decision responsibilities for the candidacy and
161 call processes of this church.

162

~~ELCA Lifelong Theological Education Partnership~~ ELCA Lifelong Learning Network

1. ~~Definition of the ELCA Lifelong Theological Education Partnership~~

~~The ELCA Lifelong Theological Education Partnership is an association through which planning, programming and advocacy for lifelong theological education for ministry takes place. It consists of the ELCA Division for Ministry itself and the ELCA Lifelong Learning Partners:~~

~~2. 1. Purpose of the ELCA Lifelong Theological Education Partnership Learning Network~~

~~The purpose of the ELCA Lifelong Theological Education Partnership Learning Network is to advocate for, nurture, develop and support lifelong theological education for ministry theological learning for vocation, and the organizations that provide it.~~

2. Membership in the ELCA Lifelong Learning Network

- This network includes the ELCA Vocation and Education unit itself and the ELCA Lifelong Learning Partners.
- An ELCA Lifelong Learning Partner is a teaching and learning organization which has:
 - Addressed its request to become a Lifelong Learning Partner in writing to the Vocation and Education unit stating how its purposes support the purposes of the Lifelong Learning Network,
 - Established a board or steering committee. The board or steering committee shall include at least one representative designated by a participating Synod, an affiliated ELCA organization or the Vocation and Education unit,
 - Submitted a letter from an ELCA synod to which the organization relates endorsing the organization's request to become a Lifelong Learning Partner,
 - Agreed to participate collaboratively in the ELCA's theological education network, and
 - Agreed to report annually by June 1 to the Director for Lifelong Learning. This report should include how the organization has engaged in the work of lifelong theological learning for vocation and participated in the work of the ELCA theological education network. The report should also include a request for continuing inclusion in the network.

~~3. The benefits of this Partnership~~

- ~~a. The Director for Leadership Support in the Division for Ministry is the primary liaison between the ELCA Lifelong Learning Partners and the Division for Ministry.~~
- ~~b. ELCA Lifelong Learning Partners are listed in the Yearbook of the ELCA.~~
- ~~c. ELCA Lifelong Learning Partners have access to the various forms of communication within the ELCA through which they may promote and advertise their programs.~~
- ~~d. The ELCA Lifelong Learning Partnership enables members to work cooperatively with other members of the theological education network.~~

- e. ~~ELCA Lifelong Learning Partners work with the Director for Leadership Support to determine the distribution of the annual Division for Ministry grant.~~
- f. ~~The Division for Ministry will provide a portion of the funding for an annual gathering of the ELCA Lifelong Learning Partners.~~

3. Advantages of participating in the network

- Opportunity and encouragement to collaborate with other members of the theological education network of the ELCA
- Inclusion in the print and electronic listings of ELCA Lifelong Learning Partners
- Access to various forms of communication within the ELCA through which they may promote and advertise their programs

4. Governance of ELCA Lifelong Learning Partners

~~Each ELCA Lifelong Learning Partner shall be governed by a board or steering committee. The board or steering committee shall include at least one representative designated by a participating Synod, an affiliated ELCA organization or the ELCA Division for Ministry.~~

4. Roles of the Vocation and Education unit in nurturing the network

- Maintaining for the ELCA a list of Lifelong Learning Partners
- Providing a portion of the funding for an annual gathering of the network
- The Director for Lifelong Learning in the Vocation and Education unit serves as the primary liaison with the ELCA Lifelong Learning Network.

5. Process for Approval as an ELCA Lifelong Learning Partner

- a. ~~In order to become an ELCA Lifelong Learning Partner, an organization shall:
-receive the approval of one or more ELCA Synods or be an ELCA organization
-address its request in writing to the Director for Leadership Support in the Division for Ministry stating how its purposes support the purposes of the ELCA Lifelong Learning Partnership
-agree to work collaboratively in the ELCA's theological education network~~
- b. ~~Decision to add organizations to or remove organizations from the list of ELCA Lifelong Learning Partners will be made by the Division for Ministry Board.~~

6. Ongoing Relationship with ELCA Division for Ministry

~~Each ELCA Lifelong Learning Partner will report annually to the Director for Leadership Support of the Division for Ministry. This report will include information on how their programming enhances the purposes of the ELCA Lifelong Theological Education Partnership.~~

Revised November 14, 2009

ELCA Lifelong Learning Network

1. Purpose of the ELCA Lifelong Learning Network

The purpose of the ELCA Lifelong Learning Network is to advocate for, nurture, and support lifelong theological learning for vocation, and the organizations that provide it.

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 - Established a board or steering committee. The board or steering committee shall include at least one representative designated by a participating Synod, an affiliated ELCA organization or the Vocation and Education unit,
 - Submitted a letter from an ELCA synod to which the organization relates endorsing the organization's request to become a Lifelong Learning Partner,
 - Agreed to participate collaboratively in the ELCA's theological education network, and
 - Agreed to report annually by June 1 to the Director for Lifelong Learning VE staff person responsible for lifelong learning. This report should include how the organization has engaged in the work of lifelong theological learning for vocation and participated in the work of the ELCA theological education network. The report should also include a request for continuing inclusion in the network.

3. Advantages of participating in the network

- Opportunity and encouragement to collaborate with other members of the theological education network of the ELCA
- Inclusion in the print and electronic listings of ELCA Lifelong Learning Partners
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- Maintaining for the ELCA a list of Lifelong Learning Partners
- Providing a portion of the funding for an annual gathering of the network
- The Director for Lifelong Learning in the Vocation and Education unit staff person responsible for lifelong learning serves as the primary liaison with the ELCA Lifelong Learning Network.

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Evangelical Lutheran Church in America

Agreement
between the
Evangelical Church in Germany
Herrenhäuser Strasse 12
D-30419 Hanover
(referred to below as "EKD")
and the
Evangelical Lutheran Church in America
8765 West Higgins Road
Chicago, IL 60631
(referred to below as "ELCA")



Vertrag
zwischen der
Evangelischen Kirche in Deutschland
Herrenhäuser Straße 12
D-30419 Hannover
- im Folgenden "EKD" genannt -
und der
Evangelisch-Lutherischen Kirche in Amerika
8765 West Higgins Road
Chicago, IL 60631
- im Folgenden "ELCA" genannt -

PREAMBLE

The activities of the partners to this agreement are based on the commission given by Jesus Christ to his Church. By virtue of this commission, the partners to the agreement work together in the witness and service of the Church for the world.

The Evangelical Lutheran Church in America (ELCA) and the Evangelical Church in Germany (EKD), whose Lutheran member churches are in communion with the ELCA through their common membership in the Lutheran World Federation acknowledge their common roots in the history of the western Church and in the 16th century Reformation movement and reaffirm hereby the communion that exists and is practiced between them.

The following statement of communion in faith enables us to confirm also that pulpit and altar fellowship, which includes the mutual recognition of ordination, exists between the Evangelical Lutheran Church in America and all member-churches of the Evangelical Church in Germany.

1. We accept the authority of the canonical Scriptures of the Old and New Testaments.
2. We believe and proclaim the Word of God, revealed in the Holy Scriptures as law and gospel. The center of Scripture is the gospel that in Jesus Christ God loves and redeems the world.

EINLEITUNG

Das Wirken der Vertragspartner ist in dem Auftrag gegründet, den Jesus Christus seiner Kirche gegeben hat. Kraft dieses Auftrages arbeiten die Vertragspartner in Zeugnis und Dienst der Kirche für die Welt zusammen.

Die Evangelical Lutheran Church in America (ELCA) und die Evangelische Kirche in Deutschland (EKD), deren lutherische Gliedkirchen mit der ELCA in der Gemeinschaft des Lutherischen Weltbundes verbunden sind, bekräftigen hiermit, im Wissen um ihre gemeinsamen Wurzeln in der Geschichte der abendländischen Kirche und in der reformatorischen Bewegung des 16. Jahrhunderts, die zwischen ihnen bestehende und praktizierte Gemeinschaft.

Die nachfolgend festgestellte Gemeinsamkeit des Glaubens ermöglicht es auch zu bestätigen, dass zwischen der ELCA und allen Gliedkirchen der EKD Kanzel- und Abendmahlsgemeinschaft besteht, die die gegenseitige Anerkennung der Ordination einschließt:

1. Wir erkennen die Autorität der kanonischen Schriften des Alten und des Neuen Testaments an.
2. Wir glauben und verkündigen das Wort Gottes, offenbart in der Heiligen Schrift als Gesetz und Evangelium. Die Mitte der Schrift ist das Evangelium, dass Gott in Jesus Christus die Welt liebt und erlöst.

3. We accept the Niceno-Constantinopolitan and Apostles' Creeds and confess the basic trinitarian and christological dogmas to which these creeds testify. That is, we believe that Jesus of Nazareth is true God and true Man, and that God is one God in three persons, Father, Son, and Holy Spirit.
 4. We share a common understanding of God's justifying grace, namely, that we are accounted righteous and are made righteous before God only by grace through faith because of the merits of our Lord and Savior Jesus Christ and not on account of our works or merits.
 5. We believe that in order to instill this saving grace, that the Church is constituted by the Triune God and sustained through God's saving action in Word and Sacrament.
 6. We believe that God through baptism with water in the name of the Trinity unites the baptized with the death and resurrection of Jesus Christ, initiates into the One Holy Catholic and Apostolic Church, and confers the gracious gift of new life in the Spirit.
 7. We believe that the celebration of the Eucharist in our congregations is the feast of the new covenant instituted by Jesus Christ in which the word of God is proclaimed and in which the risen Jesus Christ himself is present under the visible signs of bread and wine. In this way we receive the body and blood of Christ, who hereby grants us forgiveness of sins and makes us free for a new life in faith. In the celebration of the Eucharist we experience that we are, by the grace of God, members of the body of Christ and given new strength to serve our fellow human beings.
 8. We believe that all members of the Church are called to participate in its apostolic mission. All the baptized are given therefore various gifts and ministries by the Holy Spirit. They are called to offer their being as "a living sacrifice" (Romans 12:1) and to intercede for the Church and the salvation of the world. This is the corporate priesthood of the whole people of God and the calling of all the baptized to ministry and service.
3. Wir erkennen das Nicäno-Konstantinopolitanische und das Apostolische Glaubensbekenntnis an und bekennen die grundlegenden trinitarischen und christologischen Dogmen, die diese Glaubensbekenntnisse bezeugen. Das heißt: Wir glauben, dass Jesus von Nazareth wahrer Gott und wahrer Mensch ist und dass Gott ein Gott in drei Personen, Vater, Sohn und Heiliger Geist, ist.
 4. Wir besitzen ein gemeinsames Verständnis von Gottes rechtfertigender Gnade, d.h. dass wir für gerecht gehalten und gerechtfertigt werden vor Gott allein aus Gnade durch Glauben aufgrund des Verdienstes unseres Herrn und Heilandes Jesus Christus und nicht in Ansehung unserer Werke oder Verdienste.
 5. Wir glauben, dass die Kirche vom Dreieinigen Gott zur Weitergabe dieser heilbringenden Gnade eingesetzt ist und dass sie durch Gottes Heilshandeln in Wort und Sakrament erhalten wird.
 6. Wir glauben, dass Gott durch die Taufe mit Wasser im Namen des Dreieinigen Gottes die Getauften mit dem Tod und der Auferstehung Jesu Christi vereint und sie in die Eine, Heilige, Katholische und Apostolische Kirche aufnimmt und ihnen die Gnadengabe neuen Lebens im Geist verleiht.
 7. Wir glauben, dass die Feier des Heiligen Abendmahles in unseren Gemeinden das von Jesus Christus eingesetzte Festmahl des Neuen Bundes ist, bei welchem Gottes Wort verkündigt wird und in welchem der auferstandene Jesus Christus unter den sichtbaren Zeichen von Brot und Wein selbst gegenwärtig ist. Auf diese Weise empfangen wir den Leib und das Blut Christi, der uns dadurch Vergebung der Sünden gewährt und uns zu einem neuen Leben aus Glauben befreit. In der Feier des Heiligen Abendmahles erfahren wir, dass wir durch Gottes Gnade Glieder am Leib Christi sind und werden wieder neu zum Dienst an den Menschen gestärkt.
 8. Wir glauben, dass alle Glieder der Kirche zur Teilnahme an ihrer apostolischen Sendung berufen sind. Allen Getauften sind daher verschiedene Gaben und Dienste vom Heiligen Geist gegeben. Sie sind dazu berufen, ihr Sein als "ein lebendiges Opfer" darzubringen (Römer 12,1) und für die Kirche und das Heil der Welt fürbittend einzutreten. Dies ist das gemeinsame Priestertum des ganzen Volkes Gottes und die Berufung aller Getauften zu Amt und Dienst.

9. We believe that within the community of the Church the ordained ministry exists to serve the ministry of the whole people of God. We hold the ordained ministry of word and sacrament to be a gift of God to his Church and therefore an office of divine institution.

9. Wir glauben, dass innerhalb der Gemeinschaft der Kirche das ordinierte Amt besteht, um dem Amt des ganzen Volkes Gottes zu dienen. Wir meinen, dass das ordinierte Amt des Wortes und Sakramentes eine Gabe Gottes an seine Kirche und daher ein Amt göttlicher Einsetzung ist.

SECTION I

1. TEIL

The partners to this agreement have been linked by agreement since 1991. Their friendly relationships continue to exist and are to be given new shape and strengthened by the following provisions.

Die Vertragspartner sind vertraglich miteinander seit 1991 verbunden. Die freundschaftlichen Beziehungen bestehen fort und werden durch die nachfolgenden Bestimmungen neu gestaltet und gestärkt.

1. By means of this agreement, the EKD and the ELCA confirm the trusting relationship of ecclesiastical and mutual communion which exists between them.
2. The EKD and the ELCA enable each other to share in their church life and promote this in whatever way they can. They support bilateral partnerships within the realm of their EKD member churches and dioceses and ELCA synods and congregations. They are committed to a mutual exchange of information concerning overall church developments and to holding the regular encounters necessary for cooperation at the national and international level.

1. Die EKD und die ELCA bestätigen durch diesen Vertrag das zwischen ihnen bestehende wechselseitige und vertrauensvolle Verhältnis vertrauensvoller kirchlicher Gemeinschaft.
2. Die EKD und die ELCA lassen einander an ihrem kirchlichen Leben teilnehmen und fördern es in jeder ihnen möglichen Weise. Sie unterstützen bilaterale Partnerschaften im Bereich ihrer Gliedkirchen und Diözesen. Sie wissen sich zum gegenseitigen Austausch von Information über gesamtkirchliche Entwicklungen verpflichtet und vereinbaren, die Begegnungen regelmäßig abzuhalten, die für die Zusammenarbeit auf nationaler und internationaler Ebene erforderlich sind.

SECTION II

2. TEIL

1. It is the EKD's mission to promote the ministry to Protestant Christians who are German speaking or of German origin. Within the area of the ELCA the EKD fulfills this objective in cooperation and partnership with the ELCA.

In line with the provisions to which it is subject, the EKD undertakes:

2. to assist the ELCA, upon specific request, in recruiting and appointing pastors, assistant pastors in training, and other church workers subject to the provisions in force within the EKD;
3. on request, to provide members of the ELCA living in Germany for a longer period or permanently with contacts and guidance relating to church life in its member churches;

1. Die EKD hat die Aufgabe, den Dienst an evangelischen Christen deutscher Sprache oder Herkunft zu fördern. Sie erfüllt diese Aufgabe im Einzugsbereich der ELCA in partnerschaftlicher Zusammenarbeit mit der ELCA.
Die EKD verpflichtet sich nach Maßgabe der bei ihr geltenden Bestimmungen:
2. der ELCA auf Anforderung bei der Gewinnung und Anstellung von Pfarrern oder Pfarrerinnen, Vikaren oder Vikarinnen und anderer kirchlicher Mitarbeiter oder Mitarbeiterinnen nach Maßgabe der bei der EKD jeweils geltenden Bestimmungen behilflich zu sein;
3. Mitgliedern der ELCA, die auf Zeit oder Dauer in Deutschland sind, auf Anfrage Kontakt und Orientierung zum kirchlichen Leben in den Gliedkirchen zu vermitteln;

4. to contribute to enabling the English-speaking congregations of the ELCA in Germany to maintain contacts with the member churches in the region where they are based;
5. to accompany the work of the Wittenberg Center of the ELCA in Germany as far as possible.

4. darauf hinzuwirken, dass die englischsprachigen Gemeinden der ELCA in Deutschland zur Gliedkirche, in der sie ihren Sitz haben, Kontakte pflegen;
5. die Arbeit des Wittenberg Centers der ELCA in Deutschland im Rahmen ihrer Möglichkeiten zu begleiten.

SECTION III

3. TEIL

The ELCA undertakes:

1. within the possibilities available, to provide for the church care of Protestant Christians from Germany living in its area, subject to the provisions of its own church regulations, and to make German-language pastoral care and proclamation;
2. to acknowledge that a synodical bishop may appoint pastors who are employed by a member church of the EKD only with the consent of the member church of the EKD;
3. to inform synodical bishops that, in cases where a pastor is seconded by the EKD, the synod is committed to respect the relevant provisions of the EKD concerning such secondments;
4. to underscore for synodical bishops the principle that, following the selection of a pastor, the employing ministry site, such as a congregation, must proceed to reach an agreement on employment with the person concerned (a) according to the relevant provisions of the EKD and (b) with the consent of the EKD, as well as (c) in conformity with ELCA policy, including "Guidelines on Candidacy Issues for German Students or Pastors from the Evangelical Church in Germany";
5. to advise synodical bishops to take measures to ensure that the congregation which appoints a pastor from the area of the EKD makes adequate accommodation available and covers the costs of the repatriation of the pastor and his or her family on the expiry of the tenure.
6. to carry out the ministries of its ELCA Wittenberg Center in consultation and cooperation with the EKD.

Die ELCA verpflichtet sich:

1. im Rahmen der gegebenen Möglichkeiten die kirchliche Versorgung der in ihrem Bereich lebenden evangelischen Christen aus Deutschland nach Maßgabe ihrer kirchlichen Ordnungen zu übernehmen und deutschsprachige Seelsorge und Verkündigung anzubieten;
2. zu beachten, dass der Bischof einer ELCA-Synode Pfarrerinnen oder Pfarrer, die in einem Beschäftigungsverhältnis zu einer Gliedkirche der EKD stehen, nur mit Zustimmung der Gliedkirche der EKD berufen darf;
3. ihre Bischöfe darüber zu informieren, dass im Falle der Entsendung eines Pfarrers oder einer Pfarrerin durch die EKD die Synode verpflichtet ist, die für das Entsendungsverhältnis jeweils geltenden Bestimmungen der EKD zu beachten;
4. den Grundsatz zu beachten, dass nach der Wahl eines Pfarrers oder einer Pfarrerin der jeweilige örtliche Anstellungsträger, z.B. eine Kirchengemeinde, mit der betreffenden Person eine Anstellungsvereinbarung (a) nach Maßgabe der bei der EKD jeweils geltenden Bestimmungen und (b) mit Zustimmung der EKD sowie (c) im Einklang mit den Ordnungen der ELCA, einschließlich ihrer "Richtlinien für die Bewerbung deutscher Studenten oder Pastoren aus der EKD", abschließen muss;
5. ihre Bischöfe dahingehend zu beraten, dass eine Gemeinde, die einen Pfarrer oder eine Pfarrerin aus dem Bereich der EKD einstellt, eine angemessene Unterkunft vermitteln soll und die Kosten der Rückkehr des Pfarrers oder der Pfarrerin mit ihrer Familie nach dem Ende der Anstellungszeit erstattet.
6. die Dienste ihres ELCA-Wittenberg-Center in Absprache und Zusammenarbeit mit der EKD auszuführen.

SECTION IV

The partners to this agreement recognize the "German Lutheran Conference in North America" as a forum for communication and exchange of views for German-speaking pastors and congregations in order to foster the German-language ministry in the church.

4. TEIL

Die Vertragspartner erkennen die "Deutsche Evangelisch-Lutherische Konferenz von Nordamerika" als Forum der Kommunikation und des Gedankenaustausches für deutschsprachige Pfarrer oder Pfarrerinnen und Kirchengemeinden zur Förderung des kirchlichen Dienstes in deutscher Sprache an.

SECTION V

1. The partners to this agreement agree on the mutual exchange of pastors, deacons (EKD) and diaconal ministers (ELCA), and Christian education teachers in so far as this is allowed by the regulations of the respective church and by the legal provisions in force in the respective country. Wherever possible they will endeavor to conduct this exchange on equal terms and a mutual basis.
2. Following mutual consultation, the partners to the agreement may award scholarships to suitable candidates for professional study and further education.
3. The administrative authorities of both churches are authorized to enter into separate written agreement on the conditions for exchange relationships and the awarding of scholarships.

5. TEIL

1. Die Vertragspartner vereinbaren den gegenseitigen Austausch von Pfarrerinnen und Pfarrern, Diakoninnen und Diakonen (EKD) bzw. diaconal ministers (ELCA) und von Katechetinnen und Katecheten, sofern die geltenden gesetzlichen Bestimmungen des jeweiligen Landes und die Regelungen der jeweiligen Kirche dies zulassen. Sie streben an, diesen Austausch nach Möglichkeit paritätisch und auf Gegenseitigkeit zu gestalten.
2. Die Vertragspartner können geeigneten Personen nach Absprache Stipendien zur beruflichen Fort- und Weiterbildung gewähren.
3. Die Verwaltungen beider Kirchen sind ermächtigt, die Regelungen für das Austauschverhältnis und die Stipendienvergabe gesondert schriftlich zu vereinbaren.

SECTION VI

1. Subsidiary agreements, additions and amendments to this agreement must be in written form.
2. If some provision or part of a provision of this agreement is or becomes ineffective, this shall not affect the validity of the rest of the agreement. The partners to the agreement undertake to replace any such ineffective provisions by such as correspond to the purpose of the agreement.

6. TEIL

1. Nebenabreden, Ergänzungen und Abänderungen dieses Vertrages bedürfen der Schriftform.
2. Sollte eine Bestimmung oder ein Teil einer Bestimmung dieses Vertrages unwirksam sein oder werden, so wird die Gültigkeit des Vertrages im Übrigen nicht berührt. Die Vertragsparteien verpflichten sich, die unwirksamen Regelungen durch solche zu ersetzen, die dem Vertragszweck entsprechen.

SECTION VII

7. TEIL

1. The agreement shall be adopted for an indefinite period.
2. One year's notice given at the end of a quarter is required to terminate it.
3. This agreement becomes effective on January 1, 2008. Upon ratification it will supersede all former agreements between the above mentioned church bodies.

1. Der Vertrag wird auf unbestimmte Zeit abgeschlossen.
2. Er kann mit einer Frist von einem Jahr zum jeweiligen Quartalsende gekündigt werden.
3. Dieser Vertrag tritt zum 1. Januar 2008 in Kraft. Mit seinem Inkrafttreten ersetzt er alle früheren Vereinbarungen zwischen den genannten kirchlichen Gliederungen.

Chicago, September 24th, 2007

Chicago, den 24. September 2007

For the Evangelical Lutheran Church in America

Für die Evangelische Kirche in Deutschland

Presiding Bishop Mark S. Hanson

Bischof Dr. Wolfgang Huber, Vorsitzender des Rates

Bischof Martin Schindehütte, Vizepräsident des Kirchenamtes

Guidelines on Candidacy Issues For German Students or Pastors from the Evangelical Church in Germany (EKD)

INTRODUCTION

The Evangelical Lutheran Church in America (ELCA) has had an agreement since 1988 regarding cooperation with the Evangelical Church in Germany (EKD), a federation of 23 regional Lutheran, Reformed and United Protestant churches. In recent years these territorial churches in Germany report having more students as theologically trained graduates than there are pastoral positions and compensation available for candidates for ordination. Students who have received theological degrees in Germany, as well as pastors from German churches, continue to express interest in serving in ELCA congregations ofin the Evangelical Lutheran Church in America (ELCA) United States.

Concern remains with the EKD about obligations of thatis churches should students come to the United States to become ordained and then return to Germany and expectexpecting positions. It is essential to honor the spirit of cooperation that has been present among our churches, and the Vocation and Education unit encourages all synods to practice diplomacy in issues related to German students with theological degrees and pastors from these German churches seeking to serve as ordained ministers in the ELCA.

Short-term assignments "Occasional service" or "Extended service" for German pastors or interim placements of German pastors may not lead to or require rostering in the ELCA. Programs for exchange and partnership can benefit both Lutheran churches:

—"Transfer" to the roster of the ELCA. Candidacy committees may consider the application of students or such pastors seeking to Transfer, and of students from Germany, including those who have pursued U.S. degrees, and who have the intention of undertaking long-term ordination seek ordination and service withimon the roster of the ELCA. Careful attention should be given to the implications of long-term service for these particular candidates throughout the process leading toward approval and call to a congregation of the ELCA. distinctions between short-term (Occasional or Extended service) and long-term (Transfer or ordination) placements in ELCA ministries.

The particular needs of this church are an important factor in determining who is approved for rostered ministry in the ELCA. The mission of ourthis church involves outreach, worship, service, advocacy for justice, and nurture. While the scope of our mission is global, our particular responsibility is for ministry in the United States and the Caribbean. It is essential, therefore, to have leaders who thoroughly understand and are experienced with the cultural context of this diverse area.

I. CANDIDACY PROCESS

—PASTORS: PROCESS FOR SHORT-TERM PLACEMENTS

The short-term availability of ordained ministers from churches of the EKD, as established by mutual agreement, falls within two categories: availability to serve in an occasional situation; availability to meet an extended need, including service in "yoked parish" settings.

A. Occasional Service: An occasional situation is defined as one in which an ordained minister of a church body of the EKD may be asked to preach or administer the sacraments in an ELCA congregation on an occasional basis with the authorization of the synodical bishop.

B. Extended Service: An ordained minister of a church body of the EKD may be invited, as authorized by the synodical bishop, to serve as the pastor of an ELCA congregation for an extended period of time only with the consent of the member church of the EKD, and remains an ordained minister of that church body during such service. Such pastors are be expected to preach, teach, and administer the sacraments within that ELCA congregation in a manner that is consistent with the Confession of Faith of the Evangelical Lutheran Church in America and to live in a manner consistent with the ministerial policy of this church. Such service shall be rendered only in order to serve the ministry and mission needs of the ELCA in a given situation.

The employing ministry site must reach an agreement on employment according to the relevant provisions of the EKD, must make adequate accommodation available, and cover the costs of repatriation for the pastor and his or her family on the expiry of the service (Agreement between the ELCA and the EKD, Section III, 4. and 5).

II. PROCESS FOR ELCA ROSTERING

Prior to and during the application process for service on the ELCA roster, the synod must examine the desires and goals of applicants to determine their plans for the future. A written statement from the applicant of intent to remain in the ELCA for long-term service is to be retained with the candidacy file.

A. Pastors: The candidacy process for those who are "Ordained in Another Lutheran Church or Another Christian Tradition" is followed for ordained pastors of the EKD churches. All guidelines should be carefully followed in partnership with the synod Candidacy Committee. The prospective candidate first meets with an Initial Assessment Panel, which includes the synod bishop (or designee), the chair of the Candidacy Committee, and one otheradditional Candidacy Committee member. The prospective candidate visits with this panel at his or her own expense for the purpose of mutual discernment. This meeting is held prior to the entrance interview for candidacy. The Vocation and Education unit convenes a review panel once an

entrance/endorsement decision is made by the Candidacy Committee. An approval interview is scheduled once all recommendations have been met.

- **B. Students:** Students from Germany who have theological degrees ~~but who~~ are not ordained ~~but desire to be rostered in the ELCA~~ must follow the normal steps of candidacy (entrance, endorsement, ~~and ELCA seminary residency, approval, etc.~~) with the guidance of a ~~synod~~ synodical Candidacy Committee. The Candidacy Committee must consult with the Vocation and Education unit before any candidacy decisions are made. Once an applicant is approved for entrance into candidacy, the candidate affiliates with an ELCA seminary where the candidate's academic program will be reviewed by a panel convened by the Vocation and Education unit. The panel makes a recommendation regarding recognition of prior academic or field work, including "Spezialvikariat" and other accomplishments and study. The seminary provides direction for supervised clinical ministry and internship placements as well as for any additional preparation that may be necessary.

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After all practical and academic requirements have been completed, ~~by persons seeking ELCA rostering (including internship and clinical ministry (CPE) where required),~~ the Candidacy Committee will schedule and conduct the approval interview. The timeline for this process will vary, depending upon the background of the candidate as well as familiarity with ELCA mission and ministry. Approved candidates participate in the Churchwide Assignment of Candidates under the direction of the ~~Synodical Relations section of the ELCA~~ Vocation and Education unit. It is expected that candidates will be available to serve where they are needed for leadership in this church.

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Cultural Immersion: Any time spent in the United States prior to serving should include an immersion in the life and culture of the ELCA, including active membership in an ELCA congregation. The normal requirement of one-year membership in an ELCA congregation is the guideline for adequate time to become familiar with the practice of ministry in the ELCA. Providing opportunities for German students to develop familiarity and skills so that they may serve well in ways that are fulfilling and effective in the ELCA is part of the responsibility of the synod Candidacy Committee as well as the congregation. For those who have theological degrees from Germany seeking ordination and rostering in the ELCA, the policies of this church regarding ordination must be observed, and it is preferred that the service of ordination be in an ELCA congregation as a way of further assimilation into the life of this church.

Record Keeping: The Vocation and Education unit

maintains records for tracking German students and monitors the effectiveness of this cooperative effort. The synod Candidacy Committee should report such candidates and their progress to the director for candidacy in the ELCA Vocation and Education unit. Candidacy decisions and recommendations from the Review Panel should be reported to the unit.

III. CONSULTATION WITH THE PARENT CHURCH IN GERMANY

Extended service contracts can be authorized only with the consent of the EKD. Likewise, for admission to the ELCA roster, the synodical bishop must request a letter of reference from the candidate's parent church body regarding any EKD pastor who seeks to transfer or German student or EKD pastor who seeks to be approved for ordained ministry in the ELCA. The EKD will provide comments and observations regarding the individual's relationship with the church. This should occur at the beginning of the candidacy process and

Correspondence should be directed to:

Evangelical Church in Germany
Secretary for North America Ecumenical Relations
and Ministries Abroad
Herrenhäuser Strasse 12
D-30419 30419 Hannover, Germany
Tel: (49) 0511-2796-0
Fax: ~~(49) 0511-2796-717~~ 0511-2796-707

A copy of this letter from the synod bishop must be sent to the Vocation and Education unit, 8765 West Higgins Road, Chicago, IL 60631.

III. MISSION AND MINISTRY OF THE ELCA

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IV. INTENT TO REMAIN IN UNITED STATES AND ELCA

~~Prior to and during the application process for candidacy, the synod must examine the desires and goals of applicants to determine their plans for the future. A statement from the applicant that the intent is to remain in the ELCA for long-term service is to be part of the candidacy file.~~

IV. IMMIGRATION ISSUES

While ~~candidates~~applicants for ~~ordination~~service in ELCA ministry sites do not have to be U.S. citizens, such ~~candidates~~they must pursue the appropriate immigration status with the government to allow for employment within the United States. The United States government has restrictions regarding those who seek change in status for religious purposes. It is essential that ~~candidates~~applicants address this issue and report their status to the synodical bishop, or in the case of persons seeking admission to the roster of ordained ministers, to their Candidacy Committee.

~~VI. APPROVAL, ASSIGNMENT, AND FIRST CALL~~

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~~VII. — RECORD KEEPING~~

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*Original policy adopted by the Church Council
of the Evangelical Lutheran Church in America
November 14, 1999 [CC99.11.83.n]; revised November 2008 [1*

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- B. **Students:** Students from Germany who have theological degrees who are not ordained but desire to be rostered in the ELCA must follow the normal steps of candidacy (entrance, endorsement, ELCA seminary residency, approval, etc.) with the guidance of a synodical Candidacy Committee. The Candidacy Committee must consult with the Vocation and Education unit before any candidacy decisions are made. Once an applicant is approved for entrance into candidacy, the candidate affiliates with an ELCA seminary where the candidate’s academic program will be reviewed

by a panel convened by the Vocation and Education unit. The panel makes a recommendation regarding recognition of prior academic or field work, including "Spezialvikariat" and other accomplishments and study. The seminary provides direction for supervised clinical ministry and internship placements as well as for any additional preparation that may be necessary.

After all practical and academic requirements have been completed by persons seeking ELCA rostering (including internship and clinical ministry (CPE) where required), the Candidacy Committee will schedule and conduct the approval interview. The timeline for this process will vary, depending upon the background of the candidate as well as familiarity with ELCA mission and ministry. Approved candidates participate in the Churchwide Assignment of Candidates under the direction of the Vocation and Education unit. It is expected that candidates will be available to serve where they are needed for leadership in this church.

Cultural Immersion: Any time spent in the United States prior to serving should include an immersion in the life and culture of the ELCA, including active membership in an ELCA congregation. The normal requirement of one-year membership in an ELCA congregation is the guideline for adequate time to become familiar with the practice of ministry in the ELCA. Providing opportunities for German students to develop familiarity and skills so that they may serve well in ways that are fulfilling and effective in the ELCA is part of the responsibility of the synod Candidacy Committee as well as the congregation. For those who have theological degrees from Germany seeking ordination and rostering in the ELCA, the policies of this church regarding ordination must be observed, and it is preferred that the service of ordination be in an ELCA congregation as a way of further assimilation into the life of this church.

Record Keeping: The Vocation and Education unit maintains records for tracking German students and monitors the effectiveness of this cooperative effort. The synod Candidacy Committee should report such candidates and their progress to the director for candidacy in the ELCA Vocation and Education unit. Candidacy decisions and recommendations from the Review Panel should be reported to the unit.

III. CONSULTATION WITH THE PARENT CHURCH IN GERMANY

Extended service contracts can be authorized only with the consent of the EKD. Likewise, for admission to the ELCA roster, the synodical bishop must request a letter of reference from the candidate's parent church body regarding any EKD pastor who seeks to transfer or German student who seeks to be approved for ordained ministry in the ELCA. The EKD will provide comments and observations regarding the individual's relationship with the church. This should occur at the beginning of the candidacy process

Correspondence should be directed to:

Evangelical Church in Germany
Secretary for North America Ecumenical Relations
and Ministries Abroad
Herrenhäuser Strasse 12
30419 Hannover, Germany
Tel: (49) 0511-2796-0
Fax: (49) 0511-2796-707

A copy of this letter from the synod bishop must be sent to the Vocation and Education unit, 8765 West Higgins Road, Chicago, IL 60631.

IV. IMMIGRATION ISSUES

While applicants for service in ELCA ministry sites do not have to be U.S. citizens, they must pursue the appropriate immigration status with the government to allow for employment within the United States. The United States government has restrictions regarding those who seek change in status for religious purposes. It is essential that applicants address this issue and report their status to the synodical bishop, or in the case of persons seeking admission to the roster of ordained ministers, to their Candidacy Committee.

*Original policy adopted by the Church Council
of the Evangelical Lutheran Church in America
November 14, 1999 [CC99.11.83.n]; revised November 2008 []*

Annual Report ELCA Campus Ministry Fall 2009

Background

Campus Ministry Policies and Procedures, Section V.B.4.b states the Churchwide Campus Ministry Team is to "provide an annual summary report to the Vocation and Education Program Committee and the Church Council."

Campus Ministry Policies and Procedures clarify the ways in which the work of the churchwide organization, synods, Area Campus Ministry Agencies (ACMAs), and Campus Ministry Agencies (CMAs) is coordinated to advance the mission of Campus Ministry throughout the ELCA. Mandated annual reports from CMAs who receive churchwide and/or synodical funding provide significant data to the Churchwide Campus Ministry Team (CCMT) as it allocates financial and programmatic resources. The CCMT has developed a series of "best practices" to support the policies and procedures.

Highlights

The annual report asks CMAs to summarize their yearly activities in 12 categories and provide feedback to the CCMT concerning its effectiveness and needed programmatic resources.

Worship

- 10,216 different students worshiped in our ministries during a semester. During an average week 4,179 students worshiped in our ministries. For the prior year the corresponding figures were 9,911 and 3,868.
- Increasing numbers of ministries report "going green," attempting to use less paper by either projecting worship resources or simply allowing leaders to guide without a printed order of worship. This is usually reported as part of a desire to explore new worship styles.
- A number of ministries noted the challenge of designing worship that is both hospitable to seekers (and thus a tool of evangelism and outreach) and also clearly Lutheran.
- Ministries continue to report experimenting with new times and days for worship, in an effort to accommodate increasingly jammed student schedules.
- While worship always has been offered in most Lutheran ministries, it seems to be an increasingly important focus. Ministries appear to be worshiping more often and utilizing a greater diversity of styles (for example, Latin Mass, a Beatles liturgy, ELW, Taize, "emergent" worship created each week) than in the past. Some ministries, which previously had worshiped only on Sunday, initiated worship as part of their weekday program.

Evangelism and Outreach

- Ministries made 23,711 initial contacts with students last year; for the prior year, 25,455. One possible factor in the decline of contacts is a decline in referrals from Lutheran congregations.
- Sites report 61 baptisms, 27 of which were adults; the prior year, 70 baptisms, of which 31 were adults.
- Strong ministries generally report one or both of the following emphases: training in and support of student-to-student invitations into the ministry and attention to the ministry's Web presence and the use of social networking sites, such as Facebook.
- Ministry-sponsored service trips are reported as effective ways to invite new people into the ministry.

Some who initially have little interest in "church" are interested in service.

Christian Education and Faith Development

- Over 2,469 (prior year, 2,292) students participated in Christian education and faith development opportunities each week and 5,504 (5,004) participated at least once in a semester. 1,591 (1,504) faculty engaged in Christian education and faith formation activities in a semester.
- Bible study continues to be the most often offered Christian education opportunity, with virtually every ministry reporting some type of study.
- Other than the Bible, the most often mentioned resources were "Living the Questions" (a curriculum on DVD), Rob Bell's books, and Nooma DVDs. LTQ describes itself as representative of "progressive Christianity." Bell reflects a somewhat more evangelical/emergent church perspective. A number of other books also were studied.
- The Book of Faith initiative has received strong support. Many ministries report using BOF resources or linking other studies to the initiative as a programmatic emphasis.
- A major niche for many Lutheran ministries on their campuses appears to be facilitating intellectual dialogue that includes a strong faith component. Many ministries report sponsoring or co-sponsoring speakers, theologians-in-residence, forums on faith/science issues, and other opportunities for discussion and dialogue across academic disciplines.

Hospitality and Community Building

- Ministries report that retreats and service trips are important events for building a sense of community.
- Virtually all ministries offer a weekly opportunity to gather around food and fellowship, such as a common meal, coffee house, study break, movie night, or discussion.
- Ministries report that increasing academic demands on students, accompanied by a growing necessity for students to work to pay basic expenses, makes offering hospitality both more important and more difficult.
- CMAs often report integrating new students into the life of the ministry as a major challenge.

Community Service

- 4,929 students participated in 2,052 service opportunities offered by ministries last year. The prior year the corresponding numbers were 4,991 and 1,938.
- 48 percent of ministries offered a service travel opportunity; the prior year, 54 percent.
- 1,055 students participated in service travel projects; the prior year, 1,059.
- Ministries offered a variety of service opportunities. The most popular (in order) involved serving youth, working in shelters or food pantries, cleaning up the environment, building or repairing homes, and working with the elderly. Compared to last year, this reflects a slightly greater emphasis on serving youth and working on environmental projects.

Justice and Advocacy

- Ministries reported advocacy on a variety of justice issues including the Middle East conflict, Latin American violence, fair trade, homelessness/systemic poverty, and racial prejudice.
- Immigration faded as a reported concern; health care was mentioned only once.
- GLBT rights and violence (22), hunger (12), women's issues, including domestic violence (10),

environmental concerns (8) were the four issues most reported as the focus of advocacy and informational forums. These were mentioned at least twice as often as any other single concern.

Pastoral Care

- Most ministry staff provide regular office hours to facilitate "drop-in" pastoral conversation and pastoral counseling by appointment. A number of staff mention maintaining "on campus office hours" or "listening posts" in student unions and similar places to facilitate pastoral conversations and outreach contacts.
- Staff consistently report being trusted members of university crisis teams and respected recipients of referral from university counseling services.
- While the vast majority of pastoral care offered is by staff, some ministries report training of peer ministers in basic listening, reflection, and referral skills.

Leadership Development

- 218 students from campus ministry are currently enrolled in seminary; 198 are currently in a candidacy process. For the prior year, 232 and 219.
- 168 former campus ministry students are now volunteering in programs such as Lutheran Volunteer Corps, Peace Corps, or AmeriCorps. For the prior year, 143.
- 2,440 former campus ministry students currently serve in congregational or synodical leadership. For the prior year, 2,404.
- Virtually all CMAs report a student leadership team that works in partnership with staff to plan and implement the program.
- Peer ministry programs are reported as both a joy and a challenge. CMAs with effective programs often attribute much of the CMA's success to this decentralization of ministry. However, many CMAs report difficulty in recruiting, training, and supervising peer ministers, with a corresponding loss of ministry effectiveness.

Stewardship and Fundraising

- 68 percent (prior year, 66 percent) of CMAs conduct an annual financial appeal to alumni, parents, and friends of the ministry. Of those not conducting an annual appeal, 46 percent are congregations. 82 percent (81 percent) receive congregational funds. Out of 158 CMAs, 31 (31) raise funds through organized sales. 66 (64) ministries have endowments and 44 (41) utilize planned giving.
- Out of 158 CMAs, staff at 68 spend less than 10 percent of available time in fund raising; 75 spend between 11 percent and 30 percent; 10 spend between 31 percent and 39 percent; and 5 spend over 40 percent. For the prior year, out of 156 CMAs, staff at 68 spent less than 10 percent of their time on fund raising; 75 spent 11-30 percent; 8 spent between 31 percent and 39 percent; and 5 spent over 40 percent.
- As one would expect due to a weak economy, ministries report some declines in donor contributions, greater financial stress, and increased need to engage in revenue-generating activities ranging from contacts with congregations to various sales and events.

Vision and Planning

- Most CMAs identify monitoring of staff reports as the primary means of oversight and assessment. 39 percent explicitly note doing assessment either annually or after each semester; 38 percent the

previous year.

- 78 percent of CMAs report engaging in annual goal setting; 77 percent the previous year.
- A significant number of CMAs continue to identify board redevelopment and strategic planning as a major need, often due to staff vacancy or other administrative disruption.

Ecumenical and Interfaith Cooperation

- CMAs continue to be engaged in significant ecumenical cooperation on campus, with Episcopal and Roman Catholic ministries mentioned most frequently as partners.
- There appears to be growing interest in interfaith programs and dialogues.
- Staff members are generally active in campus interfaith and ecumenical ministry groups and often serve as leaders of those groups and the events they organize. Some CMAs report declining support for such groups from all campus ministers.
- With rare exceptions, little cooperation with para-church groups is reported.

Building Relationships

- Ministries worked to develop cooperative networks during the year. 47 percent (prior year, 48 percent) reported that a staff member served as a classroom resource on campus. 39 percent (45 percent) serve on crisis teams. 59 percent (56 percent) are involved in summer orientation at their university. 25 percent (32 percent) served as an LYO resource and 45 percent (37 percent) have students involved as staff in outdoor ministries.
- CMA staff and student ministry teams often are in congregations to interpret the CMA's program. Cultivation of congregations within close proximity of regional campuses seems to be a particularly high priority for CMAs serving such institutions.
- Staff are active in their synods serving as deans, LYO advisors, board and committee members, conference presenters, retreat leaders, and speakers.
- Most ministries regularly send newsletters, e-newsletters, ministry updates, publicity, and invitations to special events to supporters, alumni, and judicatories.

Summary and Trends

- Both the total number of different students worshipping at ministries in a year and the average attendance per week increased.
- The diversity of worship styles employed by Lutheran campus ministries suggests that CMAs are experiencing both a renewed desire for the riches of the Church's liturgical tradition and a longing for new language and forms that can speak to an increasingly unchurched population on campus.
- Compared to last year, fewer CMAs explicitly mention Web sites, Facebook, and other social networking tools (Ning, Twitter) as important to their ministries. This could mean that such media are indeed less important. A more likely explanation is that one does not comment on the obvious and connecting to students through such means is now a given in campus ministry.
- CMAs report strong interest in community service, but funding and scheduling service opportunities in the midst of increasing academic demands on students are continuing and growing challenges.
- Financial support from synods and churchwide grants continues to be generally flat or declining. While this is not a pleasant reality, most ministries seem to recognize this as the new "normal" and are attempting to deal with it in constructive ways. These include renewed efforts to develop partnerships with local congregations, write grants, improve cultivation of alumni and parent donors

through an annual fund, and develop new fundraising events. However, the long term fiscal viability of some ministries is a serious concern.

- This year saw a continuing increase in interfaith programming.
- CMAs express great appreciation for the work of the CCMT in general and individuals by name. Following the churchwide budget reduction that led to the elimination of the regional coordinator for Campus Ministry positions, reports reflect a mix of mourning, anger, anxiety, and hopeful willingness to work under a new staffing configuration.
- As a group, Lutheran Campus Ministries report that they are strongest in offering an intellectually credible witness to the faith, working as partners across denominational and religious boundaries, and inviting students to express faith in service and advocacy. They report that they are less effective in designing outreach and evangelism strategies that integrate a significant number of unchurched people into a life of discipleship.
- Assistance during vacancies, the new staff orientation event, the churchwide campus ministry conference, *Edu-Link*, and *First Monday* are the resources provided by the CCMT that were most often cited as helpful. The value placed on vacancy assistance is worth noting as Vocation and Education staff develop priorities in their work related to campus ministry.

Campus Ministry Policies and Procedures appear to be working well and no revisions are proposed at this time.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit O, Part 4
Page 6

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Rostered Ministry Policies and Processes in the ELCA A Primer

Rostered Ministry: Standards, Policies, and Procedures for Ordained Ministers, Associates in Ministry, Deaconesses, and Diaconal Ministers

Chapter 7 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* details the standards for acceptance and continuance of ordained ministers, associates in ministry, deaconesses, and diaconal ministers on the rosters of this church. These four groups are referred to collectively as “rostered leaders.”

According to the bylaws, basic standards for rostered leaders include the following:

- commitment to Christ;
- acceptance of and adherence to the Confession of Faith of this church;
- willingness and ability to serve in response to the needs of this church;
- academic and practical qualifications for ministry, including leadership abilities and competence in interpersonal relationships;
- commitment to lead a life worthy of the Gospel of Christ and in so doing to be an example in faithful service and holy living;
- receipt and acceptance of a letter of call; and
- membership in a congregation of this church.

Under the bylaws, policies and procedures based on these standards are developed by the appropriate churchwide units, reviewed by the Conference of Bishops, and adopted by the Church Council. These standards and related policies and procedures are collected in the following documents:

- The Candidacy Manual, described in more detail below, provides information concerning the requirements and process for candidates for rostered ministry.
- Two “Vision and Expectations” documents describe how this church understands the conduct of rostered leaders that will show, as the document’s introduction states, “faithfulness to this church’s confession, leadership through faithful service and holy living, and faithful witness to the Gospel of Jesus Christ.” The documents also make clear that rostered leadership is a privilege granted by God through the call of this church, not an individual right. “Vision and Expectations” originally was developed in accordance with bylaw 7.31.11. for ordained ministers by the former Division for Ministry, in consultation with the Conference of Bishops, and adopted by the Church Council at its October 1990 meeting. In December 1993, the Church Council approved comparable expectations for associates in ministry, which now also apply to deaconesses and diaconal ministers.
- “Definitions and Guidelines for Discipline” gives “definitions and guidelines

(to) describe the grounds for which [rostered leaders] may be subject to discipline according to the policies and practice of this church. Their purpose is juridical: to assist in the processes of consultation, discipline, and appeals.

“Definitions and Guidelines for Discipline” was developed in accordance with bylaw 20.71.11. of the constitution: “The Committee on Appeals shall establish definitions and guidelines, subject to approval by the Church Council, to enable clear and uniform application of the grounds for discipline” The Church Council approved the document on December 5, 1993, and also has approved subsequent revisions.

- “Manual of Policies and Procedures for the Management of the Rosters” contains numerous policies concerning the rostered leaders of this church and is located at “Official Guidelines” in the “Synod Administration” portion of the Office of the Secretary Web pages (www.elca.org/secretary). The Roster Manual is developed and administered by the Office of the Secretary in consultation with other churchwide units and the Conference of Bishops. The policies are adopted by the Church Council.

Calls to specific rostered ministries may be issued only by the appropriate entity. These include congregations, synods (through synod councils and synod assemblies), and the churchwide expression (through the Church Council and the Churchwide Assembly). Tables in chapter 7 of the constitution indicate the proper source of a call for the various ministry settings. Some examples follow:

- Congregational pastors, associates in ministry, diaconal ministers, and deaconesses are called by a vote of the congregation.
- People in specialized ministries, such as hospital chaplaincies, ELCA college faculties, or synodical staff, are called by a synod council.
- People serving in global mission, in federal chaplaincies, or on ELCA seminary faculties are called by the Church Council.
- Synodical bishops are called by that synod’s assembly.
- The presiding bishop is called by the Churchwide Assembly.

For those situations where it is authorized to issue a call, each entity determines who shall be called from among persons on or approved for a roster of this church. Congregations “shall seek the advice and help” of the synodical bishop before a call is issued (*C9.01.), and bishops attest all letters of call.

An ordained minister, deaconess, diaconal minister, or associate in ministry will remain on the official roster of the ELCA as long as he or she:

- has a properly issued and attested call; or
- has requested and received, according to the appropriate policy, the status of being on leave from call; or
- has requested and received, according to the appropriate policy, the status of being retired or disabled.

If the conditions are not met, a leader can be removed from the roster by action of Synod Council or the Conference of Bishops. Leaders also can be removed for disciplinary reasons, as set out in Chapter 20 of the ELCA constitution. Relevant policies are described in “Definitions and Guidelines for Discipline.”

Candidacy: Standards, Policies and Procedures for Candidates for Rostered Ministry

Chapter 7 of the constitution establishes standards not only for rostered leaders but also for those who are candidates for rostered ministry (7.31.13., 7.52.11.). Policies and procedures related to these standards are collected in the Candidacy Manual,¹ which is developed and administered by the Vocation and Education unit in consultation with other churchwide units and the Conference of Bishops, and approved by the Church Council.

As the Candidacy Manual states, interdependence within the Evangelical Lutheran Church in America means that there is a sharing of responsibility and accountability in the candidacy process. Candidates, congregations, bishops, synod candidacy committees, seminaries, and the Vocation and Education unit all work together and communicate openly to assure that the ELCA prepares gifted men and women who are called by God to serve in the rostered ministries of this church.

- The Church Council, working with the appropriate churchwide units, develops, monitors, and approves standards, policies, and procedures.
- A potential candidate's congregation and pastor register that person for candidacy by providing a statement about his or her engagement in the congregation and potential for rostered ministry. The congregation also commits to financial and prayerful support of the candidate.
- Synodical candidacy committees, using the standards, policies, and procedures of this church, offer counsel to candidates and make decisions about the readiness of each candidate registered in that synod. The process includes three formal decision points—entrance, endorsement (before internship), and final approval. The process necessarily takes at least one year and normally extends over a period of years.
- The seminaries of the ELCA and the Evangelical Lutheran Church in Canada (ELCIC) provide degree education for candidates. Several also provide a non-degree program of education called Theological Education for Emerging Ministries (TEEM) for candidates in special circumstances who have been approved for this program by their candidacy committees and the Vocation and Education unit of the churchwide organization. It is a policy of this church that each candidate for ordained ministry shall have at least one year of residency in an ELCA (or ELCIC) seminary. An ELCA seminary faculty member serves on each synodical candidacy committee.

Candidates are considered for service in the ELCA according to churchwide needs, requirements, standards, policies, and procedures.

Once a candidate has been approved for service and assigned to a synod, he or she is eligible for a call from one of the constitutionally defined sources. The governing documents also define what types of service constitute a call (7.44.A05).

¹www.elca.org/Growing-In-Faith/Vocation/Become-a-Leader/Candidacy/Resources/Manual.aspx

and 7.52.A05.). After a candidate has received and accepted a valid call, the synodical bishop of that ministry site ordains, consecrates, or commissions the candidate. That person is entered on the correct roster of this church and of that synod (7.24., 7.44., 7.52.14., 7.52.15.).

Reinstatement to the Roster

Persons who resigned from or were removed from the roster may seek reinstatement, under bylaw 7.31.15. The policy based on this bylaw is contained in the Roster Manual and is briefly summarized below. The process involves the congregation of an applicant for reinstatement, synods where the applicant has served and lived, and the churchwide organization.

The person files an "Application for Reinstatement" with the synod in which he or she was most recently rostered. (Under certain conditions, a reinstatement process may be transferred to the synod where an applicant currently lives.)

After reviewing the application and any other relevant information, the bishop interviews the applicant. The bishop then may forward the application to the Candidacy Committee along with a written statement concerning the application or may decline to forward the application.

The Candidacy Committee, using the current Candidacy Manual, determines what additional information the applicant must supply and what actions the applicant must take. The committee also interviews the candidate. The Candidacy Committee may approve or deny reinstatement or postpone a decision with specific recommendations for changes before the application can be considered again.

If approved for reinstatement, the applicant prepares the churchwide assignment paperwork and enters the assignment process. Upon receipt and acceptance of a properly issued and duly attested letter of call, the candidate is reinstated to the appropriate roster of this church.

In the case of an applicant whose removal from the roster was the result of the official disciplinary process of this church, or resignation or removal from the roster in lieu of the disciplinary process, or where the person was on leave or without call after conduct or allegations that could lead to disciplinary charges, then a minimum of five consecutive years without call must elapse before an application for reinstatement can be considered. In this situation, approval by the Candidacy Committee must be affirmed by a two-thirds vote of the total membership of the Executive Committee of the Synod Council before it is effective.

Constitution of the Lutheran Youth Organization of the ELCA
Last amended by the eighth triennial convention of the LYO, July 2009

PREAMBLE

In the name of the Father, and of the Son, and of the Holy Spirit, Amen. We, the youth of the Evangelical Lutheran Church in America, give thanks to God as we come together to join as one unified body of youth. By doing so, we do hereby commend this constitution to the glory of God. May the blessings of God rest upon us as we work together to proclaim God's word.

Chapter I. NAME AND LOCATION

1.01 The name of this organization shall be: Lutheran Youth Organization.

1.02.01 The churchwide office for this organization shall be located within the churchwide office of the ~~Division for Congregational Ministries~~ Vocation and Education unit of the ELCA.

1.03.01 ~~The headquarters for this youth organization shall be location within the headquarters of the Division for Congregational Ministries of the ELCA.~~

Chapter II. PURPOSE/FUNCTION

2.01 The purpose of this organization shall be to:

- a. Provide a context through which youth share in the oneness of Christ by proclaiming through word, deed, prayer, worship, Bible study, fellowship, and service the gospel of Jesus Christ our Lord;
- b. Encourage and support the membership of this organization to be full participants in the programs and activities of the entire church and those of this organization;
- c. Assure that the voice of youth is heard in the various areas of decision-making in the church;
- d. Enable youth to grow as stewards in the church;
- e. Cooperate with other youth ministries, youth serving agencies, and boards and offices of the church in planning and implementing programs, publications, and events to provide for the needs of young people;
- f. Engage in research of trends, problems, and issues which affect youth and youth ministry, take appropriate actions on such findings, as well as report such information as necessary to the church for study and action;
- g. Assist in the providing of resources, training, and guidance for youth ministry;
- h. Provide opportunities for study and action on global issues from a theological perspective;
- i. Exhibit the inclusive unity that is God's will for the church;
- j. Actively seek and encourage membership from all people, regardless of culture, color, heritage,

gender, sexual orientation, socioeconomic status, or ability.

Chapter III. ORGANIZATION

3.01 The Evangelical Lutheran Church in America will be the legal corporation of the youth organization, hereinafter referred to as the church.

3.02 Policies and actions of the Lutheran Youth Organization shall be subject to review by the ~~Board for~~ Division for Congregational Ministries-Vocation and Education unit, hereinafter referred to as ~~the DCM~~ board VE.

3.03 All budget requests shall be submitted through the ~~Division for Congregational Ministries, Vocation~~ and Education unit hereafter referred to as ~~DCM~~ VE.

3.10 Synod Lutheran Youth Organizations

3.11 The local congregations shall be grouped on a ~~territorial~~ geographical basis into Lutheran Youth Organizations.

3.12 The synod youth organizations shall have the same boundaries which are established for the synods of the church by the churchwide assembly of the church.

Chapter IV. MEMBERSHIP

4.01 The membership of this organization shall be open to all youth of congregations for the Evangelical Lutheran Church in America, with a primary focus on youth age 14–18 and/or in grades 9–12.

4.01.01 Individuals belong to this organization by virtue of their involvement in a local congregation of the Evangelical Lutheran Church in America.

4.01.02 Individuals shall not be denied rights of membership in the Lutheran Youth Organization nor shall the Lutheran Youth Organization place restrictions on or deny rights to any person because of race, color, ability, gender, sexual orientation, or national or social origin.

4.01.03 Membership in a congregation that is recognized as a congregation of the ELCA shall provide the basis for synodical youth organizations.

Chapter V. CONVENTION

5.10 Authority

5.11 The highest constitutional authority delegated by the membership of the Lutheran Youth Organization shall be vested in the convention which shall meet in regular session, once every three years, at the call of the Executive Committee of the Lutheran Youth Organization.

5.12 Special conventions may be called by a two-thirds vote of the Board of the Lutheran Youth Organization, hereinafter referred to as the board.

5.20.10 Arrangements

5.20.11 *The time and place of regular conventions of the Lutheran Youth Organization shall be determined at least one year in advance. The size of the conventions shall be determined by the board, allowing for at least one voting delegate from each synod to attend.*

5.30 Convention membership

5.31 The convention shall be composed of delegates, advisory members, official visitors, and registered participants.

5.32 The voting membership of the convention shall consist of: Board of the Lutheran Youth Organization, except the president (unless presiding, will vote in the event of a tie); Multicultural Advisory Committee, Definitely Abled Advisory Committee, Church Council youth advisory members, and delegates who represent their synods. Each synod shall be entitled to send the number of delegates set by the board for ~~each any convention for any special convention~~ of the Lutheran Youth Organization.

5.32.10 Selection of delegates

5.32.11 *Each synod shall identify the number of allocated voting delegates set by the board and one alternate delegate to the convention of the Lutheran Youth Organization in a manner that is representative of and accountable to the youth of the synod.*

5.32.12 *Each synod organization shall elect by ballot, with exception of the synod organization president, the allocated number of voting delegates set by the board and one alternate delegate to the convention of the Lutheran Youth Organization.*

- a. *The board shall determine a process for selecting delegates to the convention who are persons of color and/or persons whose primary language is other than English.*
- b. *The board shall determine a process for selecting people who have disabilities as delegates to the convention*
- c. *The synod organization president shall be one of the synod's delegates to the convention. If the synod organization president is unable to attend, an alternate may be substituted for this delegate position.*
- d. *In instances where there is no elected synod organization president, synods may choose to send delegates as its representative and accountable to the youth of the synod.*

5.32.15 *The delegates and alternate delegates must be members of a congregation that is recognized as a congregation of the ELCA and shall be age 15 to 18 and/or entering grades 10–12 at the time of convention, with the exception of the synod organization president.*

5.33.10 Duties of the delegates

5.33.11 *The duties of the delegates shall be to:*

- a. *Attend all sessions of the convention (if for a serious reason a voting delegate is unable to attend, the alternate delegate shall serve in his/ her place);*
- b. *Prepare a report on the actions of the convention to be presented to the constituencies he/ she represents.*

5.34 Advisory members shall be those other than voting members who are requested to attend the meetings of the convention. They shall have voice but not vote. They are:

- a. The youth ministry program staff ~~for~~ of the ~~Lutheran Youth Organization~~ ELCA.
- ~~b. The liaison(s) to the board appointed by the DCM board.~~
- ~~a. The chairperson of the DCM board or person appointed to represent him/her.~~
- b. The bishop of the ELCA, or person appointed to represent him/her;
- c. The ~~DCM~~ VE executive director;
- d. The chairperson of the ELCA Church Council;
- ~~e. The Definitely Abled Advisory Committee members other than the representatives on the board;~~
- ~~f. The Youth Advisory Members to the ELCA Church Council.~~
- e. Other officials or individuals appointed by the board.

5.35 Official visitors whose presence and participation is desired shall be invited to the convention by the board.

5.36 Other registered participants may attend the convention. They shall have no voice and no vote.

5.40.10 Quorum

5.40.11 A simple majority of the registered delegates shall constitute a quorum.

5.50 Convention purpose

5.51 The Lutheran Youth Organization shall assemble a convention triennially as a delegate body in order to:

- a. Require and receive reports to review the work of the officers, board, Council of Synod LYO Presidents, hereinafter referred to as the council, Multicultural Advisory Committee, hereinafter referred to as MAC, Definitely Abled Advisory Committee, hereinafter referred to as DAC, ~~and the council,~~ and act on recommendations proposed by them
- b. Elect officers and the nine members at large according to the procedures established in this constitution; and
- c. Act on resolutions submitted by synods, members, congregations, or delegates to the convention

5.52.10 Election procedures

5.52.11 All elections shall be by ballot.

5.52.12 The officers of the Lutheran Youth Organization and the nine members at large shall be elected at the triennial convention by a simple majority of votes cast to serve a term of three years or until their successors are elected. In case of no election after the first ballot, the fewest number of candidates who together received the majority of the vote, shall be entered on a second ballot. This process shall be repeated as necessary until an election is made.

5.52.13 *Members at large will be elected in such a manner that there shall be one member from each of the nine regions of the ELCA.*

5.52.14 *The president shall appoint a committee on elections which shall consist of 10 (ten) delegates who shall supervise the voting, the counting of ballots, and report the results to the convention.*

5.53.10 *Nominating committee*

5.53.11 *The board shall appoint a nominating committee which consists of four members of the board, including one MAC representative, one DAC representative and one CSLYOPs representative, along with four at large LYO members. This committee shall select and present nominees to the board and report these nominations to the triennial convention.*

5.53.12 *At least seven months prior to the convention, the board shall call for nominations through ~~a notice published in the official periodical of the church (and any other appropriate publication)~~ notices in ELCA churchwide publications as appropriate. A nomination form may then be obtained from the churchwide office of the Lutheran Youth Organization. Nomination forms shall also be sent to board and council members to be distributed to interested persons. The nomination forms shall request that individuals give biographical data and other information which will aid the nominating committee in its selection of candidates. Persons seeking nomination shall sign and send the completed nomination form to the proper address with its postmark no later than the date set by the board which will allow for a nomination slate to be included in the delegate handbook. The nominating committee shall then meet and select final candidates whose names will be placed on the ballot according to procedures established in this constitution. These nominations shall be included in the pre-convention report of the board.*

5.53.13 *In making the final nominations, the nominating committee shall give consideration to obtaining a proper balance between ages, genders, persons who have a disability and ethnic communities of the church.*

5.53.14 *The nominating committee shall present the convention three nominations for each position to be filled. Nominations shall be accepted from the floor of the convention.*

5.54.10 *Convention committees*

5.54.11 *There shall be a Committee on Resolutions, appointed by the board president to review resolutions referred to it by the convention or board president. This committee shall recommend approval or disapproval of the original or offer a substitute resolution.*

5.54.12 *The board president may appoint additional committees to the convention to assist the convention in its work.*

Chapter VI. ADMINISTRATION

6.10 **Board officers**

6.11 There shall be three officers: the president, vice-president, and secretary.

6.12 The officers of the Lutheran Youth Organization shall be elected at the triennial convention according to procedures established in this constitution.

6.13 The officers of the Lutheran Youth Organization shall be members of the board.

6.21 The officers of the Lutheran Youth Organization shall perform the duties prescribed by this constitution, the parliamentary authority; and carry out the resolutions adopted by the Lutheran Youth Organization's triennial convention.

6.21.11 *The president shall:*

- a. *Preside over the conventions of the Lutheran Youth Organization, and call and preside over the meetings of the board and its Executive Committee;*
- b. *Prepare the agenda for all meetings of the Executive Committee;*
- c. *Prepare the agenda for all meetings of the board with the assistance of the Executive Committee;*
- d. *Submit reports to the triennial convention of the Lutheran Youth Organization, ~~the DCM board,~~ VE executive director, and through ~~that board~~ the VE executive director ~~the Church Council of the ELCA and~~ the ELCA churchwide assembly.*
- e. *Exercise general supervision of this organization's activities and affairs in collaboration with the board and staff of this organization;*
- f. *Be able to assist synodical organizations;*
- g. *Represent the Lutheran Youth Organization at functions of the ELCA;*
- h. *Be a member of the board, ~~and advisory to the DCM board;~~*
- i. *Be age 15 to 18 and/or entering grades 10–12 at the time of election;*
- j. *Appoint committees for necessary duties to carry on the work of the Lutheran Youth Organization, which are not otherwise assigned in this constitution;*

6.21.12 *The vice-president shall:*

- a. *Act in the absence of the president, assuming the responsibilities of the same;*
- b. *Support the president and the board by accepting, when possible, duties and responsibilities assigned by the same;*
- c. *Carry the major responsibility for the planning of the business portion of the Lutheran Youth Organization's triennial convention;*
- d. *Be age 15 to 18 and/or entering grades 10–12 at the time of election.*

6.21.13 *The secretary shall:*

- a. *Record and keep accurate minutes of all board and Executive Committee meetings and all conventions of the Lutheran Youth Organization;*
- b. *Send advance notices reminding all board members of upcoming meetings;*
- c. *Be responsible for all official correspondence of the board, the Executive Committee, and the convention of the Lutheran Youth Organization;*

d. *Be age 15 to 18 and/or entering grades 10–12 at the time of election.*

6.30 The Board

6.31 The board, consisting of ~~twenty (20)~~ ~~twenty one (21)~~ twenty-three (23) voting members, shall be composed of;

- a. The president, vice-president, secretary, the nine (9) members at large; and
- b. Two youth representatives from the Multicultural Advisory Committee, one of which is the chairperson; and
- c. Four chairpersons from the Council of Presidents, elected by the council pursuant to Chapter 7.15.a.
- d. ~~Two~~ Three youth representatives from DAC ~~who are elected at DAYLE, one of which is the chairperson.~~
- e. Two youth advisory members to the ELCA Church Council, elected by the rest of the Board of the Lutheran Youth Organization.

6.32 Advisory members to board, having voice but no vote, shall consist of:

- ~~a. The youth advisory members of the ELCA Church Council, elected by the Board of the Lutheran Youth Organization.~~
- ~~b. The liaison(s) from the DCM board appointed by the DCM board chairperson.~~
- a. Other individuals appointed or invited by the president of the Board of Lutheran Youth Organization who are not elected to serve on the board;
- b. The youth ministry program staff of the ~~Lutheran Youth Organization~~ ELCA.

6.33 Members of this board shall serve from convention to convention. Outgoing officers, members at large, MAC and DAC shall serve through the end of the triennial convention.

6.33.11 This board shall meet at least twice a year. Additional meetings may be called by the Executive Committee or by a three-fourths majority of the board.

6.40 Duties of the board

6.41 The duties of the board shall be to:

- a. Serve as the governing body of the Lutheran Youth Organization between conventions by carrying on the business of the Lutheran Youth Organization, making decisions and acting upon them, within the policies of the convention;
- b. Perform the duties prescribed by the constitution and bylaws of the church, as well as those stated in this constitution, the parliamentary authority, and resolutions adopted by the triennial convention;
- c. Periodically review the work of the organization, and, through the DCM Board, make such

- recommendations to any council, board, committee, synod, institution, or agency of this church as it deems wise;
- d. Review such reports and resolutions prepared by various staff, officers, boards, councils, committees, MAC, DAC, and synods of the church that relate to youth ministry and the work of the Lutheran Youth Organization and, after consideration, transmit them to the Lutheran Youth Organization convention with its recommendation;
 - e. In consultation with ~~the DCM VE~~, establish any administrative structure necessary to carry on the work of the Lutheran Youth Organization;
 - f. Be responsible for the agenda and arrangements for the triennial conventions of the Lutheran Youth Organization;
 - g. Fill vacancies occurring on the board: Should ~~an officer~~ a board member become unable or unwilling to fulfill his/her respective duties, the board shall be empowered to declare said office vacant and to appoint a successor to complete the unexpired term. Such a successor may be eligible for election to the same office at the next convention if he/she is within the proper guidelines established by this constitution. To choose a successor, the board shall use the following guidelines:
 1. The nominee(s) must have been within the required age limits at the time of the previous convention; or, nominees must presently meet the age limits of the BLYO.
 2. The 1st runner-up from the convention for vacated position will be invited to run for said office.
 3. An effort must be made to publicize all names for the vacancy by the board members through the appropriate network:
 - a) regional representatives;
 - b) synod LYOs and youth committees;
 - c) council representatives of the most recent meeting;
 - d) MAC
 - e) DAC
 4. The board will elect the replacement with a simple majority vote.
 5. The board shall fill the vacant position within six (6) months from the date when the position is declared vacant.
 - h. Determine whether the board president is unable to serve, in which event the vice-president shall assume the duties of the presidency until the next Lutheran Youth Organization convention;
 - i. Be represented at all meetings of the council and provide representatives of the board to meetings at the request of the church;
 - j. Elect the two youth advisory members to the Church Council of the ELCA and other board and committees of the church, as specified in the constitution and bylaws of the church and by the Church Council.

- k. Prepare a budget request for transmittal to the Church Council through ~~the DCM board~~ VE.

6.50.10 *Executive Committee of the board*

6.50.11 *The Executive Committee shall be composed of:*

- a. *The president, vice-president, and the secretary of the organization;*
- b. *The second year chairperson (s) of the Council of Synod Youth Organization presidents;*
- c. *The chairperson of the Multicultural Advisory Committee;*
- d. *The chairperson of the Definitely Abled Advisory Committee;*
- e. *The program staff of Lutheran Youth Organization who shall serve as advisory members.*

6.50.12 *The Executive Committee shall meet as often as it deems necessary in order to carry out its work.*

6.50.13 *The duties of the Executive Committee shall be to:*

- a. *Perform the duties prescribed by this constitution and the resolutions adopted by the Lutheran Youth Organization convention;*
- b. *Prepare the agenda for the meetings of the board;*
- c. *Act on matters referred to it by the board. The Executive Committee's decisions must be reported to and approved by the board.*

6.50.14 *Powers not granted, defined, or limited herein are hereby granted to the board.*

6.60.10 *The Members at Large of the Lutheran Youth Organization shall perform the duties prescribed by this constitution and carry out the resolutions adopted by the Lutheran Youth Organization's Triennial Convention.*

6.60.11 *Duties of the Members at Large shall be to:*

- a. *Serve as a communication link and engage in conversation semiannually between the churchwide and synodical expressions of the Lutheran Youth Organization.*
- b. *Act as a resource for the congregation, synods and churchwide expressions of the Lutheran Youth Organization;*
- c. *Carry out any other functions deemed appropriate by the board of the Lutheran Youth Organization.*

Chapter VII. ADVISORY COUNCILS AND COMMITTEES

7.10 The Council of Synod Lutheran Youth Organization Presidents

7.11 The council shall be composed of the board president and two synod presidents or elected youth representatives from each region of the ELCA. When financially feasible, the council shall be composed of each synod president or elected youth representative, as well as persons with disabilities and/or of color

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit O, Part 6a

Page 10

and/or whose primary language is other than English. There shall also be ~~two~~ one adult advisory members from each of the ~~nine regions~~ synod of the ELCA. Staff services for the council shall be provided through the staff of the Lutheran Youth Organization.

7.12.11 The council shall meet at least once a year. Additional meetings may be called by the Executive Committee or a majority of the board.

7.12.12 Meetings of the council shall be budgeted through the process established in this constitution.

7.13 Purpose

7.14 The purpose of this council shall be to discuss matters of interest and concerns from the synods, as well as to share resources, information, and to provide learning/ training experiences for council members.

7.15 The duties of the council shall be to:

- a. Elect two (2) of the synod presidents or synod youth representatives, one (1) male and one (1) female, to serve as co-chair elects for a two-year term, renewable once, and elected on alternate years. (The co-chair elect becomes chairperson at the expiration of the previous chairperson);
- b. One member of the elected chairpersons will be appointed by the chairpersons, to serve as secretary of the council;
- c. Bring concerns in the form of recommendations to the board.

7.20.10 The council chairpersons

7.20.11 There shall be two council chairpersons.

7.20.12 The council chairpersons shall be elected by ballot according to requirements established in this constitution.

7.30.10 Duties of the council chairpersons and appointed secretary

7.30.11 The council chairpersons shall:

- a. Prepare an agenda for all meetings of the council with the assistance of the council secretary;
- b. Preside over all meetings of the council ~~and act as chairperson of the nominating committee if serving during the year of the triennial convention;~~
- c. Submit reports on the meetings of the council to the board, council, and triennial convention;
- d. Be a member of the board with the second year chairpersons being members of the Executive Committee.

7.30.12 The appointed council secretary shall:

- a. Record and keep accurate minutes of all meetings of the council;
- b. Assist the council chairpersons in preparing an agenda for council meetings.

7.40.10 Synod presidents or elected youth representatives

7.40.11 *If it is not feasible for all the presidents to meet, the synod presidents or elected youth representatives shall convene/communicate at least annually within their region of the ELCA in order to elect/select two presidents or representatives to serve on the National Council of Synod Presidents as representatives for their region.*

7.40.20 *Budgeting for regional meetings/matters*

7.40.21 *Budgeting for regional meetings/matters shall be collectively managed by the synod youth committees in conjunction with the synod council. (Each synod shall take the responsibility for funding its own president in regional matters.)*

7.50 Multicultural Advisory Committee

7.51 MAC shall be composed of one (1) male and one (1) female from each of the following five ethnic communities: African American and Black; Latino; Asian; American Indian / Alaskan Native; Arab / Middle Eastern, and one (1) male and one (1) female who identify themselves as multiethnic, whose racial makeup consists of at least one of the ethnic communities named above, as well as Caucasian.

7.52 The members of this committee shall be elected to a three (3)-year term by its own constituency at the Multicultural Youth Leadership Event (MYLE). Their term shall begin immediately following the adjournments of the triennial youth convention.

7.53.11 *This committee shall meet at least twice a year. Additional meetings may be called by the Executive Committee of the Lutheran Youth Organization or a three-fourths majority of the board.*

7.54.11 *The members of this committee shall be age 15-18 and/ or entering grades 10-12 at the time of election.*

7.55 The purpose of MAC is to help the Lutheran Youth Organization to strive to be more inclusive, and to voice the concerns and needs of youth of color and whose primary language is other than English.

7.56 The duties of MAC shall be to:

- a. Elect from among the MAC members one person in addition to the chairperson to serve on the board;
- b. Elect from among the MAC members a chairperson and a secretary;
- c. Bring concerns in the form of recommendations to the board.

7.57 Advisory members

7.57.11 *The advisory members of MAC shall have voice but no vote. They shall consist of:*

- a. *One liaison from the board to MAC; and*
- b. *One liaison from the ~~Board of the Commission for~~ Multicultural Ministries unit of the ELCA churchwide organization.*

7.58.10 *Officers*

7.58.11 *The chairperson shall:*

- a. *Preside over all meetings of the Multicultural Advisory Committee;*
- b. *Prepare an agenda for the MAC meetings with the assistance of the MAC secretary;*
- c. *Submit reports to the board, and to the triennial convention of the Lutheran Youth Organization;*
- d. *Be a member with voice and vote of the board and the Executive Committee*

7.58.12 *The MAC secretary shall:*

- a. *Record and keep accurate minutes of all meetings of the MAC;*
- b. *Be responsible for all official correspondence of MAC;*
- c. *Assist the chair in preparing an agenda for MAC meetings.*

7.59 This committee shall be budgeted through the process established in this constitution.

7.60 Definitely Abled Advisory Committee (DAC)

7.61 DAC shall be composed of three members who represent varying abilities.

7.62 The members of this committee shall be elected to a three (3) year term by its own constituency at the Definitely Abled Youth Leadership Event. Their term shall begin immediately following the adjournment of the triennial convention.

7.63.11 *This committee shall meet twice a year.*

7.64.11 *It is strongly urged that the members of this committee be age 15–18 and/or entering grades 10–12 at the time of the election.*

7.65 The purpose of DAC is to help the LYO strive to be more inclusive, and to voice the concerns and needs of youth who have disabilities.

7.66 DAC will be elected at DAYLE, according to the following positions:

- a. chairperson
- b. secretary
- c. liaison to the LYO board

7.67 The duties of DAC shall be to: bring concerns in form of recommendations to the board.

7.67.11 *Duties of the officers:*

- a. *The chairperson shall preside over all the meetings of DAC and propose an agenda for the DAC meeting, with the assistance of the secretary, and be present at all board meetings with voice and vote, and be a member of the Executive Committee.*
- b. *The secretary shall record and keep accurate minutes of all meetings of DAC; be responsible for all official correspondence of DAC, ~~and to~~ assist the chair in proposing the agenda for the DAC meeting, and be present at all LYO board meetings.*

- c. The liaison to the LYO Board shall be present at all LYO board meetings; submit reports to the board, and to the triennial convention and be a member with voice and vote on the board.*

7.68 The committee shall be budgeted through the process established in the constitution.

Chapter VIII. MULTICULTURAL YOUTH LEADERSHIP EVENT

8.01 The Multicultural Youth Leadership Event, hereinafter referred to as MYLE, shall be held immediately preceding the ELCA Youth Gathering.

8.02 The purpose of MYLE shall be to:

8.02.11 Provide the participants with opportunities to:

- a. develop/enhance leadership skills;*
- b. communicate with each other in order to create and maintain familiar atmosphere;*
- c. recognize that their participation in the church does make a difference;*
- d. convene to elect MAC members.*

8.02.12 Help the Lutheran Youth Organization to become more inclusive.

8.02.13 Bring together people of different heritages to celebrate their cultures.

8.02.14 Help prepare participants in this event for transition from the smaller MYLE community to the larger community of the gathering.

Chapter IX. DEFINITELY-ABLED YOUTH LEADERSHIP EVENT

9.01 The Definitely-Abled Youth Leadership Event, hereinafter referred to as DAYLE shall be held immediately preceding the ELCA Youth Gathering.

9.02 The purpose of DAYLE shall be to:

9.02.11 Provide the participants with opportunities to:

- a. develop/enhance leadership skills;*
- b. communicate with each other in order to create a bond within the group;*
- c. recognize that their participation in the church can, does, and will make a difference.*

9.02.12 Help the Lutheran Youth Organization to become more inclusive.

9.02.13 Help prepare participants in this event for transition from the smaller DAYLE community to the larger community of the gathering.

Chapter X. STAFF

10.01 There shall be a director of this youth organization who is chosen by the procedure established in the constitution and bylaws of the ELCA.

10.02 The board may obtain additional staff from ~~the DCM~~ VE in order to carry on the work of the Lutheran Youth Organization.

10.03 The duties of the director and staff of the Lutheran Youth Organization shall be designated by the board in consultation with the executive director of ~~the DCM~~ VE and the director for youth ministries. The director and the staff of the Lutheran Youth Organization also provide staff service for the council, MAC and DAC.

10.04 The board, in consultation with ~~the DCM board~~ VE, shall review the work of its director and staff and, for this purpose, require and receive reports from them and act on business proposed by them.

Chapter XI. FINANCE

11.01 This Lutheran Youth Organization shall be financed through ~~the Division for Congregational Ministries (DCM)~~ VE. All budget requests shall be submitted to ~~the DCM board~~ VE. This organization's fiscal year is in accordance with ~~the DCM~~ VE and the ELCA.

Chapter XII. TERMS OF OFFICE

12.01 The officers and members at large of the board shall be elected by ballot to serve for three (3) years or until their successors are elected. Their terms of office shall begin immediately following the adjournment of the triennial youth convention at which they are elected.

12.01.11 The council chairpersons and persons elected to fill vacancies occurring on the board shall begin serving immediately following their election.

12.01.12 Where not otherwise provided, a person elected to the board or office of the council shall be ineligible to succeed himself/herself more than once or hold more than one office at a time.

12.02 A person elected or appointed to fill an unexpired term on the board may be eligible for re-election to one full term if the length of the unexpired term does not exceed two (2) years.

Chapter XIII. PARLIAMENTARY AUTHORITY

13.01 Any items not provided for by this constitution shall be governed by **Robert's Rules of Order**, latest edition.

Chapter XIV. ELIGIBILITY OF OFFICE

14.01 To be eligible for election to or continuance in any office, board, or committee of this organization, one shall be a member of a congregation that is recognized as a congregation of the ELCA.

14.02 Board members shall be age 15-18 and/or entering grades 10-12 at the time of their election to the board, with the possible exception of DAC chair, ~~or~~ liaison and/or secretary.

14.01.11 Synod presidents (or synod youth representatives) whose synod term does not terminate within one year of the date of the elections by the council are eligible for election to the board or the offices of the

council.

14.02.12 If elected to the board as an officer, he/she must resign his/her position as president, vice-president or secretary on the synodical level.

14.02.13 A member currently serving as a voting or advisory member on the board is ineligible for nomination or election to any other position on the board if an election would cause a vacancy in a position.

Chapter XV. ORGANIZATION MODIFICATION

15.01 If in the event the depletion of economic resources prevents the board, council, MAC, DAC, triennial convention from meeting for an indefinite period of time, the board president shall appoint a committee of the board and the youth ministry program executive staff ~~to of the Lutheran Youth Organization~~ ELCA. The committee shall:

- a. Develop an alternative plan by which this Lutheran Youth Organization can be organized and/or governed and funded;
- b. Submit this proposed recommendation to ~~the DCM board~~ VE and the Synod Councils for study and reaction;
- c. Allow at least three (3), but no more than six (6) months to receive reactions and, after consideration, submit a final proposed recommendation to ~~the DCM board~~ VE and Synod Councils who shall be entitled to cast one vote on the recommendation by secret ballot.”
- d. Allow at least three (3), but no more than six (6) months to receive ballots. The ballots shall then be counted and the results reported by the board secretary. If two thirds of the ballots cast favor adoption of the recommendation, the board president shall declare it adopted, subject to approval of the ELCA Church Council. If the recommendation is not adopted, the committee shall continue its work until an acceptable plan is adopted.

15.01.11 If circumstances do not prevent the board, council, or the youth convention from meeting indefinitely, but do suggest organizational change of this youth organization, this constitution may be amended according to procedures established in this constitution.

Chapter XVI. AMENDMENTS

16.01 No amendment to this constitution shall conflict with the doctrinal basis and confessional subscription and bylaws of the church.

16.02 This constitution may be amended at ~~the triennial~~ any convention of this organization by a two-thirds favorable vote of the registered delegates.

16.03 The proposed amendment shall be presented in writing to the board president at least 90 days prior to the youth convention at which it is to be considered. At least two (2) months before the convention at which it is to be considered, it shall be ~~published in the official periodical of the church in two (2) consecutive issues~~ announced on the LYO web site and additional ELCA publications as appropriate, in the delegate handbook and the mailing to synod offices, synod presidents, delegates and advisors.

16.04 The proposed amendment must have the support of at least one synod convention or the board.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit O, Part 6a

Page 16

16.05 If the proposed amendment is adopted, the board president shall declare it so adopted, subject to approval by the ELCA Church Council.

16.06 If the proposed amendment is not adopted, the board president shall declare it not adopted to the youth convention at which it is considered.

16.11 This Lutheran Youth Organization shall adopt such bylaws as may be found necessary. No bylaw shall conflict with this constitution.

16.12 The bylaws to this constitution may be amended at any convention of this organization by a two-thirds favorable vote of registered delegates.

16.13 A resolution to amend the bylaws may be presented on the convention floor by any delegate. The proposed amendment shall be presented for consideration at a time designated by the board president. At least one day shall elapse between the first presentation of the resolution and convention action.

Constitution of the Lutheran Youth Organization of the ELCA

Last amended by the Eighth Triennial Convention of the LYO, July 2009

PREAMBLE

In the name of the Father, and of the Son, and of the Holy Spirit, Amen. We, the youth of the Evangelical Lutheran Church in America, give thanks to God as we come together to join as one unified body of youth. By doing so, we do hereby commend this constitution to the glory of God. May the blessings of God rest upon us as we work together to proclaim God's word.

Chapter I. NAME AND LOCATION

1.01 The name of this organization shall be: Lutheran Youth Organization.

1.02.01 The churchwide office for this youth organization shall be located within the churchwide office of the Vocation and Education unit of the ELCA.

Chapter II. PURPOSE/FUNCTION

2.01 The purpose of this organization shall be to:

- a. Provide a context through which youth share in the oneness of Christ by proclaiming through word, deed, prayer, worship, Bible study, fellowship, and service the gospel of Jesus Christ our Lord;
- b. Encourage and support the membership of this organization to be full participants in the programs and activities of the entire church and those of this organization;
- c. Assure that the voice of youth is heard in the various areas of decision-making in the church;
- d. Enable youth to grow as stewards in the church;
- e. Cooperate with other youth ministries, youth serving agencies, and boards and offices of the church in planning and implementing programs, publications, and events to provide for the needs of young people;
- f. Engage in research of trends, problems, and issues which affect youth and youth ministry, take appropriate actions on such findings, as well as report such information as necessary to the church for study and action;
- g. Assist in the providing of resources, training, and guidance for youth ministry;
- h. Provide opportunities for study and action on global issues from a theological perspective;
- i. Exhibit the inclusive unity that is God's will for the church;
- j. Actively seek and encourage membership from all people, regardless of culture, color, heritage, gender, sexual orientation, socioeconomic status, or ability.

Chapter III. ORGANIZATION

3.01 The Evangelical Lutheran Church in America will be the legal corporation of the youth organization, hereinafter referred to as the church.

3.02 Policies and actions of the Lutheran Youth Organization shall be subject to review by the Vocation and Education unit, hereinafter referred to as VE.

3.03 All budget requests shall be submitted through the Vocation and Education unit, hereinafter referred to as VE.

3.10 Synod Lutheran Youth Organizations

3.11 The local congregations shall be grouped on a geographical basis into synod Lutheran Youth Organizations.

3.12 The synod youth organizations shall have the same boundaries which are established for the synods of the church by the churchwide assembly of the church.

Chapter IV. MEMBERSHIP

4.01 The membership of this organization shall be open to all youth of congregations for the Evangelical Lutheran Church in America, with a primary focus on youth age 14–18 and/or in grades 9–12.

4.01.01 Individuals belong to this organization by virtue of their involvement in a local congregation of the Evangelical Lutheran Church in America.

4.01.02 Individuals shall not be denied rights of membership in the Lutheran Youth Organization nor shall the Lutheran Youth Organization place restrictions on or deny rights to any person because of race, color, ability, gender, sexual orientation, or national or social origin.

4.01.03 Membership in a congregation that is recognized as a congregation of the ELCA shall provide the basis for synodical youth organizations.

Chapter V. CONVENTION

5.10 Authority

5.11 The highest constitutional authority delegated by the membership of the Lutheran Youth Organization shall be vested in the convention which shall meet in regular session, once every three years, at the call of the Executive Committee of the Lutheran Youth Organization.

5.12 Special conventions may be called by a two-thirds vote of the Board of the Lutheran Youth Organization, hereinafter referred to as the board.

5.20.10 Arrangements

5.20.11 The time and place of regular conventions of the Lutheran Youth Organization shall be determined at least one year in advance. The size of the conventions shall be determined by the board, allowing for at least one voting delegate from each synod to attend.

5.30 Convention membership

5.31 The convention shall be composed of delegates, advisory members, official visitors, and registered participants.

5.32 The voting membership of the convention shall consist of: Board of the Lutheran Youth Organization, except the president (unless presiding, will vote in the event of a tie); Multicultural Advisory Committee, Definitely Abled Advisory Committee, Church Council youth advisory members, and delegates who represent their synods. Each synod shall be entitled to send the number of delegates set by the board for any convention of the Lutheran Youth Organization.

5.32.10 Selection of delegates

5.32.11 Each synod shall identify the number of allocated voting delegates set by the board and one alternate delegate to the convention of the Lutheran Youth Organization in a manner that is representative of and accountable to the youth of the synod.

5.32.12 Each synod organization shall elect by ballot, with exception of the synod organization president, the allocated number of voting delegates set by the board and one alternate delegate to the convention of the Lutheran Youth Organization.

- a. The board shall determine a process for selecting delegates to the convention who are persons of color and/or persons whose primary language is other than English.*
- k. The board shall determine a process for selecting people who have disabilities as delegates to the convention*
- b. The synod organization president shall be one of the synod's delegates to the convention. If the synod organization president is unable to attend, an alternate may be substituted for this delegate position.*
- c. In instances where there is no elected synod organization president, synods may choose to send delegates as its representative and accountable to the youth of the synod.*

5.32.15 The delegates and alternate delegates must be members of a congregation that is recognized as a congregation of the ELCA and shall be age 15 to 18 and/or entering grades 10–12 at the time of convention, with the exception of the synod organization president.

5.33.10 Duties of the delegates

5.33.11 The duties of the delegates shall be to:

- a. Attend all sessions of the convention (if for a serious reason a voting delegate is unable to attend, the alternate delegate shall serve in his/ her place);*
- b. Prepare a report on the actions of the convention to be presented to the constituencies he/ she represents.*

5.34 Advisory members shall be those other than voting members who are requested to attend the meetings of the convention. They shall have voice but not vote. They are:

- a. The youth ministry program staff of the ELCA;
- b. The bishop of the ELCA, or person appointed to represent him/her;

- c. The VE executive director;
- d. The chairperson of the ELCA Church Council;
- e. Other officials or individuals appointed by the board.

5.35 Official visitors whose presence and participation is desired shall be invited to the convention by the board.

5.36 Other registered participants may attend the convention. They shall have no voice and no vote.

5.40.10 Quorum

5.40.11 A simple majority of the registered delegates shall constitute a quorum.

5.50 Convention purpose

5.51 The Lutheran Youth Organization shall assemble a convention triennially as a delegate body in order to:

- a. Require and receive reports to review the work of the officers, board, Council of Synod LYO Presidents, hereinafter referred to as the council, Multicultural Advisory Committee, hereinafter referred to as MAC, Definitely Abled Advisory Committee, hereinafter referred to as DAC, and act on recommendations proposed by them;
- b. Elect officers and the nine members at large according to the procedures established in this constitution; and
- c. Act on resolutions submitted by synods, members, congregations, or delegates to the convention.

5.52.10 Election procedures

5.52.11 All elections shall be by ballot.

5.52.12 The officers of the Lutheran Youth Organization and the nine members at large shall be elected at the triennial convention by a simple majority of votes cast to serve a term of three years or until their successors are elected. In case of no election after the first ballot, the fewest number of candidates who together received the majority of the vote, shall be entered on a second ballot. This process shall be repeated as necessary until an election is made.

5.52.13 Members at large will be elected in such a manner that there shall be one member from each of the nine regions of the ELCA.

5.52.14 The president shall appoint a committee on elections which shall consist of 10 (ten) delegates who shall supervise the voting, the counting of ballots, and report the results to the convention.

5.53.10 Nominating committee

5.53.11 The board shall appoint a nominating committee which consists of four members of the board, including one MAC representative, one DAC representative and one CSLYOPs representative, along with four at large LYO members. This committee shall select and present nominees to the board and report these nominations to the triennial convention.

5.53.12 At least seven months prior to the convention, the board shall call for nominations through notices in ELCA churchwide publications as appropriate. A nomination form may then be obtained from the churchwide office of the Lutheran Youth Organization. Nomination forms shall also be sent to board and council members to be distributed to interested persons. The nomination forms shall request that individuals give biographical data and other information which will aid the nominating committee in its selection of candidates. Persons seeking nomination shall sign and send the completed nomination form to the proper address with its postmark no later than the date set by the board which will allow for a nomination slate to be included in the delegates handbook. The nominating committee shall then meet and select final candidates whose names will be placed on the ballot according to procedures established in this constitution. These nominations shall be included in the pre-convention report of the board.

5.53.13 In making the final nominations, the nominating committee shall give consideration to obtaining a proper balance between ages, genders, persons who have a disability and ethnic communities of the church.

5.53.14 The nominating committee shall present the convention three nominations for each position to be filled. Nominations shall be accepted from the floor of the convention.

5.54.10 Convention committees

5.54.11 There shall be a Committee on Resolutions, appointed by the board president to review resolutions referred to it by the convention or board president. This committee shall recommend approval or disapproval of the original or offer a substitute resolution.

5.54.12 The board president may appoint additional committees to the convention to assist the convention in its work.

Chapter VI. ADMINISTRATION

6.10 Board officers

6.11 There shall be three officers: the president, vice-president, and secretary.

6.12 The officers of the Lutheran Youth Organization shall be elected at the triennial convention according to procedures established in this constitution.

6.13 The officers of the Lutheran Youth Organization shall be members of the board.

6.20 Duties of the officers

6.21 The officers of the Lutheran Youth Organization shall perform the duties prescribed by this constitution, the parliamentary authority; and carry out the resolutions adopted by the Lutheran Youth Organization's triennial convention.

6.21.11 *The president shall:*

- a. Preside over the conventions of the Lutheran Youth Organization, and call and preside over the meetings of the board and its Executive Committee;*
- b. Prepare the agenda for all meetings of the Executive Committee;*
- c. Prepare the agenda for all meetings of the board with the assistance of the Executive Committee;*

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit O, Part 6b

Page 6

- d. *Submit reports to the triennial convention of the Lutheran Youth Organization, the VE executive director, and through the VE executive director the Church Council of the ELCA and the ELCA churchwide assembly;*
- e. *Exercise general supervision of this organization's activities and affairs in collaboration with the board and staff of this organization;*
- f. *Be able to assist synodical organizations;*
- g. *Represent the Lutheran Youth Organization at functions of the ELCA;*
- h. *Be a member of the board;*
- i. *Be age 15 to 18 and/or entering grades 10–12 at the time of election;*
- j. *Appoint committees for necessary duties to carry on the work of the Lutheran Youth Organization, which are not otherwise assigned in this constitution;*

6.21.12 *The vice-president shall:*

- a. *Act in the absence of the president, assuming the responsibilities of the same;*
- b. *Support the president and the board by accepting, when possible, duties and responsibilities assigned by the same;*
- c. *Carry the major responsibility for the planning of the business portion of the Lutheran Youth Organization's triennial convention;*
- d. *Be age 15 to 18 and/or entering grades 10–12 at the time of election.*

6.21.13 *The secretary shall:*

- a. *Record and keep accurate minutes of all board and Executive Committee meetings and all conventions of the Lutheran Youth Organization;*
- b. *Send advance notices reminding all board members of upcoming meetings;*
- c. *Be responsible for all official correspondence of the board, the Executive Committee, and the convention of the Lutheran Youth Organization;*
- d. *Be age 15 to 18 and/or entering grades 10–12 at the time of election.*

6.30 The Board

6.31 The board, consisting of twenty-three (23) voting members, shall be composed of:

- a. The president, vice-president, secretary, the nine (9) members at large; and
- b. Two youth representatives from the Multicultural Advisory Committee, one of which is the chairperson; and
- c. Four chairpersons from the Council of Presidents, elected by the council pursuant to Chapter 7.15.a.

- d. Three youth representatives from DAC, one of which is the chairperson.
- e. Two youth advisory members to the ELCA Church Council, elected by the rest of the Board of the Lutheran Youth Organization.

6.32 Advisory members to board, having voice but no vote, shall consist of:

- a. Other individuals appointed or invited by the president of the Board of Lutheran Youth Organization who are not elected to serve on the board;
- b. The youth ministry program staff of the ELCA.

6.33 Members of this board shall serve from convention to convention. Outgoing officers, members at large, MAC and DAC shall serve through the end of the triennial convention.

6.33.11 This board shall meet at least twice a year. Additional meetings may be called by the Executive Committee or by a three-fourths majority of the board.

6.40 Duties of the board

6.41 The duties of the board shall be to:

- a. Serve as the governing body of the Lutheran Youth Organization between conventions by carrying on the business of the Lutheran Youth Organization, making decisions and acting upon them, within the policies of the convention;
- b. Perform the duties prescribed by the constitution and bylaws of the church, as well as those stated in this constitution, the parliamentary authority, and resolutions adopted by the triennial convention;
- c. Periodically review the work of the organization, and, through the DCM Board, make such recommendations to any council, board, committee, synod, institution, or agency of this church as it deems wise;
- d. Review such reports and resolutions prepared by various staff, officers, boards, councils, committees, MAC, DAC, and synods of the church that relate to youth ministry and the work of the Lutheran Youth Organization and, after consideration, transmit them to the Lutheran Youth Organization convention with its recommendation;
- e. In consultation with VE, establish any administrative structure necessary to carry on the work of the Lutheran Youth Organization;
- f. Be responsible for the agenda and arrangements for the triennial conventions of the Lutheran Youth Organization;
- g. Fill vacancies occurring on the board: Should a board member become unable or unwilling to fulfill his/her respective duties, the board shall be empowered to declare said office vacant and to appoint a successor to complete the unexpired term. Such a successor may be eligible for election to the same office at the next convention if he/she is within the proper guidelines established by this constitution. To choose a successor, the board shall use the following guidelines:
 - 1. The nominee(s) must have been within the required age limits at the time of the previous convention; or, nominees must presently meet the age limits of the BLYO.

2. The 1st runner-up from the convention for vacated position will be invited to run for said office.
 3. An effort must be made to publicize all names for the vacancy by the board members through the appropriate network:
 - a) regional representatives;
 - b) synod LYO's and youth committees;
 - c) council representatives of the most recent meeting;
 - d) MAC
 - e) DAC
 4. The board will elect the replacement with a simple majority vote.
 5. The board shall fill the vacant position within six (6) months from the date when the position is declared vacant.
- h. Determine whether the board president is unable to serve, in which event the vice-president shall assume the duties of the presidency until the next Lutheran Youth Organization convention;
 - i. Be represented at all meetings of the council and provide representatives of the board to meetings at the request of the church;
 - j. Elect the two youth advisory members to the Church Council of the ELCA and other board and committees of the church, as specified in the constitution and bylaws of the church and by the Church Council.
 - k. Prepare a budget request for transmittal to the Church Council through VE.

6.50.10 Executive Committee of the board

6.50.11 The Executive Committee shall be composed of:

- a. The president, vice-president, and the secretary of the organization;*
- b. The second year chairperson (s) of the Council of Synod Youth Organization presidents;*
- c. The chairperson of the Multicultural Advisory Committee;*
- d. The chairperson of the Definitely Abled Advisory Committee;*
- e. The program staff of Lutheran Youth Organization who shall serve as advisory members.*

6.50.12 The Executive Committee shall meet as often as it deems necessary in order to carry out its work.

6.50.13 The duties of the Executive Committee shall be to:

- a. Perform the duties prescribed by this constitution and the resolutions adopted by the Lutheran Youth Organization convention;*

- b. *Prepare the agenda for the meetings of the board;*
- c. *Act on matters referred to it by the board. The Executive Committee's decisions must be reported to and approved by the board.*

6.50.14 *Powers not granted, defined, or limited herein are hereby granted to the board.*

6.60.10 *The Members at Large of the Lutheran Youth Organization shall perform the duties prescribed by this constitution and carry out the resolutions adopted by the Lutheran Youth Organization's Triennial Convention.*

6.60.11 *Duties of the Members at Large shall be to:*

- a. *Serve as a communication link and engage in conversation semiannually between the churchwide and synodical expressions of the Lutheran Youth Organization;*
- b. *Act as a resource for the congregation, synods and churchwide expressions of the Lutheran Youth Organization;*
- c. *Carry out any other functions deemed appropriate by the board of the Lutheran Youth Organization.*

Chapter VII. ADVISORY COUNCILS AND COMMITTEES

7.10 The Council of Synod Lutheran Youth Organization Presidents

7.11 The council shall be composed of the board president and two synod presidents or elected youth representatives from each region of the ELCA. When financially feasible, the council shall be composed of each synod president or elected youth representative, as well as persons with disabilities and/or of color and/or whose primary language is other than English. There shall also be one adult advisory member from each synod of the ELCA. Staff services for the council shall be provided through the staff of the Lutheran Youth Organization.

7.12.11 *The council shall meet at least once a year. Additional meetings may be called by the Executive Committee or a majority of the board.*

7.12.12 *Meetings of the council shall be budgeted through the process established in this constitution.*

7.13 Purpose

7.14 The purpose of this council shall be to discuss matters of interest and concerns from the synods, as well as to share resources, information, and to provide learning/ training experiences for council members.

7.15 The duties of the council shall be to:

- a. Elect two (2) of the synod presidents or synod youth representatives, one (1) male and one (1) female, to serve as co-chair elects for a two-year term, renewable once, and elected on alternate years. (The co-chair elect becomes chairperson at the expiration of the previous chairperson);
- b. One member of the elected chairpersons will be appointed by the chairpersons, to serve as secretary of the council;
- c. Bring concerns in the form of recommendations to the board.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit O, Part 6b

Page 10

7.20.10 The council chairpersons

7.20.11 There shall be two council chairpersons.

7.20.12 The council chairpersons shall be elected by ballot according to requirements established in this constitution.

7.30.10 Duties of the council chairpersons and appointed secretary

7.30.11 The council chairpersons shall:

- a. Prepare an agenda for all meetings of the council with the assistance of the council secretary;*
- b. Preside over all meetings of the council;*
- c. Submit reports on the meetings of the council to the board, council, and triennial convention;*
- d. Be a member of the board with the second year chairpersons being members of the Executive Committee.*

7.30.12 The appointed council secretary shall:

- a. Record and keep accurate minutes of all meetings of the council;*
- b. Assist the council chairpersons in preparing an agenda for council meetings.*

7.40.10 Synod presidents or elected youth representatives

7.40.11 If it is not feasible for all the presidents to meet, the synod presidents or elected youth representatives shall convene/communicate at least annually within their region of the ELCA in order to elect/select two presidents or representatives to serve on the National Council of Synod Presidents as representatives for their region.

7.40.20 Budgeting for regional meetings/matters

7.40.21 Budgeting for regional meetings/matters shall be collectively managed by the synod youth committees in conjunction with the synod council. (Each synod shall take the responsibility for funding its own president in regional matters.)

7.50 Multicultural Advisory Committee

7.51 MAC shall be composed of one (1) male and one (1) female from each of the following five ethnic communities: African American and Black; Latino; Asian; American Indian / Alaskan Native; Arab / Middle Eastern, and one (1) male and one (1) female who identify themselves as multiethnic, whose racial makeup consists of at least one of the ethnic communities named above, as well as Caucasian.

7.52 The members of this committee shall be elected to a three (3)-year term by its own constituency at the Multicultural Youth Leadership Event (MYLE). Their term shall begin immediately following the adjournments of the triennial youth convention.

7.53.11 This committee shall meet at least twice a year. Additional meetings may be called by the Executive Committee of the Lutheran Youth Organization or a three-fourths majority of the board.

7.54.11 The members of this committee shall be age 15-18 and/ or entering grades 10-12 at the time of

election.

7.55 The purpose of MAC is to help the Lutheran Youth Organization to strive to be more inclusive, and to voice the concerns and needs of youth of color and whose primary language is other than English.

7.56 The duties of MAC shall be to:

- a. Elect from among the MAC members one person in addition to the chairperson to serve on the board;
- b. Elect from among the MAC members a chairperson and a secretary;
- c. Bring concerns in the form of recommendations to the board.

7.57 Advisory members

7.57.11 The advisory members of MAC shall have voice but no vote. They shall consist of:

- a. One liaison from the board to MAC; and*
- b. One liaison from the Multicultural Ministries of the ELCA.*

7.58.10 Officers

7.58.11 The chairperson shall:

- a. Preside over all meetings of the Multicultural Advisory Committee;*
- b. Prepare an agenda for the MAC meetings with the assistance of the MAC secretary;*
- c. Submit reports to the board, and to the triennial convention of the Lutheran Youth Organization;*
- d. Be a member with voice and vote of the board and the Executive Committee*

7.58.12 The MAC secretary shall:

- a. Record and keep accurate minutes of all meetings of the MAC;*
- b. Be responsible for all official correspondence of MAC;*
- c. Assist the chair in preparing an agenda for MAC meetings.*

7.59 This committee shall be budgeted through the process established in this constitution.

7.60 Definitely Abled Advisory Committee (DAC)

7.61 DAC shall be composed of three members who represent varying abilities.

7.62 The members of this committee shall be elected to a three (3) year term by its own constituency at the Definitely Abled Youth Leadership Event. Their term shall begin immediately following the adjournment of the triennial convention.

7.63.11 This committee shall meet twice a year.

7.64.11 *It is strongly urged that the members of this committee be age 15–18 and/or entering grades 10–12 at the time of the election.*

7.65 The purpose of DAC is to help the LYO strive to be more inclusive, and to voice the concerns and needs of youth who have disabilities.

7.66 DAC will be elected at DAYLE, according to the following positions:

- a. chairperson
- b. secretary
- c. liaison to the LYO board

7.67 The duties of DAC shall be to: bring concerns in form of recommendations to the board.

7.67.11 *Duties of the officers:*

- a. *The chairperson shall preside over all the meetings of DAC and propose an agenda for the DAC meeting, with the assistance of the secretary, and be present at all board meetings with voice and vote, and be a member of the Executive Committee.*
- b. *The secretary shall record and keep accurate minutes of all meetings of DAC; be responsible for all official correspondence of DAC, assist the chair in proposing the agenda for the DAC meeting, and be present at all LYO board meetings..*
- c. *The liaison to the LYO Board shall be present at all LYO board meetings; submit reports to the board, and to the triennial convention and be a member with voice and vote on the board.*

7.68 The committee shall be budgeted through the process established in the constitution.

Chapter VIII. MULTICULTURAL YOUTH LEADERSHIP EVENT

8.01 The Multicultural Youth Leadership Event, hereinafter referred to as MYLE, shall be held immediately preceding the ELCA Youth Gathering.

8.02 The purpose of MYLE shall be to:

8.02.11 *Provide the participants with opportunities to:*

- a. *develop/enhance leadership skills;*
- b. *communicate with each other in order to create and maintain familiar atmosphere;*
- c. *recognize that their participation in the church does make a difference;*
- d. *convene to elect MAC members.*

8.02.12 *Help the Lutheran Youth Organization to become more inclusive.*

8.02.13 *Bring together people of different heritages to celebrate their cultures.*

8.02.14 Help prepare participants in this event for transition from the smaller MYLE community to the larger community of the gathering.

Chapter IX. DEFINITELY-ABLED YOUTH LEADERSHIP EVENT

9.01 The Definitely-Abled Youth Leadership Event, hereinafter referred to as DAYLE shall be held immediately preceding the ELCA Youth Gathering.

9.02 The purpose of DAYLE shall be to:

9.02.11 Provide the participants with opportunities to:

- a. develop/enhance leadership skills;*
- b. communicate with each other in order to create a bond within the group;*
- c. recognize that their participation in the church can, does, and will make a difference.*

9.02.12 Help the Lutheran Youth Organization to become more inclusive.

9.02.13 Help prepare participants in this event for transition from the smaller DAYLE community to the larger community of the gathering.

Chapter X. STAFF

10.01 There shall be a director of this youth organization who is chosen by the procedure established in the constitution and bylaws of the ELCA.

10.02 The board may obtain additional staff from VE in order to carry on the work of the Lutheran Youth Organization.

10.03 The duties of the director and staff of the Lutheran Youth Organization shall be designated by the board in consultation with the executive director of VE and the director for youth ministries. The director and the staff of the Lutheran Youth Organization also provide staff service for the council, MAC and DAC.

10.04 The board, in consultation with VE, shall review the work of its director and staff and, for this purpose, require and receive reports from them and act on business proposed by them.

Chapter XI. FINANCE

11.01 This Lutheran Youth Organization shall be financed through VE. All budget requests shall be submitted to the DCM board. This organization's fiscal year is in accordance with VE and the ELCA.

Chapter XII. TERMS OF OFFICE

12.01 The officers and members at large of the board shall be elected by ballot to serve for three (3) years or until their successors are elected. Their terms of office shall begin immediately following the adjournment of the triennial youth convention at which they are elected.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit O, Part 6b

Page 14

12.01.11 The council chairpersons and persons elected to fill vacancies occurring on the board shall begin serving immediately following their election.

12.01.12 Where not otherwise provided, a person elected to the board or office of the council shall be ineligible to succeed himself/herself more than once or hold more than one office at a time.

12.02 A person elected or appointed to fill an unexpired term on the board may be eligible for re-election to one full term if the length of the unexpired term does not exceed two (2) years.

Chapter XIII. PARLIAMENTARY AUTHORITY

13.01 Any items not provided for by this constitution shall be governed by **Robert's Rules of Order**, latest edition.

Chapter XIV. ELIGIBILITY OF OFFICE

14.01 To be eligible for election to or continuance in any office, board, or committee of this organization, one shall be a member of a congregation that is recognized as a congregation of the ELCA.

14.02 Board members shall be age 15–18 and/or entering grades 10–12 at the time of their election to the board, with the possible exception of DAC chair, liaison and/or secretary.

14.01.11 Synod presidents (or synod youth representatives) whose synod term does not terminate within one year of the date of the elections by the council are eligible for election to the board or the offices of the council.

14.02.12 If elected to the board as an officer, he/she must resign his/her position as president, vice-president or secretary on the synodical level.

14.02.13 A member currently serving as a voting or advisory member on the board is ineligible for nomination or election to any other position on the board if an election would cause a vacancy in a position.

Chapter XV. ORGANIZATION MODIFICATION

15.01. If in the event the depletion of economic resources prevents the board, council, MAC, DAC, triennial convention from meeting for an indefinite period of time, the board president shall appoint a committee of the board and the youth ministry program staff of the ELCA. The committee shall:

- a. Develop an alternative plan by which this Lutheran Youth Organization can be organized and/or governed and funded;
- b. Submit this proposed recommendation to VE and the Synod Councils for study and reaction;
- c. Allow at least three (3), but no more than six (6) months to receive reactions and, after consideration, submit a final proposed recommendation to the DCM board and Synod Councils who shall be entitled to cast one vote on the recommendation by secret ballot.
- d. Allow at least three (3), but no more than six (6) months to receive ballots. The ballots shall then be counted and the results reported by the board secretary. If two thirds of the ballots cast favor

adoption of the recommendation, the board president shall declare it adopted, subject to approval of the ELCA Church Council. If the recommendation is not adopted, the committee shall continue its work until an acceptable plan is adopted.

15.01.11 If circumstances do not prevent the board, council, or the youth convention from meeting indefinitely, but do suggest organizational change of this youth organization, this constitution may be amended according to procedures established in this constitution.

Chapter XVI. AMENDMENTS

16.01 No amendment to this constitution shall conflict with the doctrinal basis and confessional subscription and bylaws of the church.

16.02 This constitution may be amended at any convention of this organization by a two-thirds favorable vote of the registered delegates.

16.03 The proposed amendment shall be presented in writing to the board president at least 90 days prior to the youth convention at which it is to be considered. At least two (2) months before the convention at which it is to be considered, it shall be announced on the LYO web site and additional ELCA publications as appropriate, in the delegate handbook and the mailing to synod offices, synod presidents, delegates and advisors.

16.04 The proposed amendment must have the support of at least one synod convention or the board.

16.05 If the proposed amendment is adopted, the board president shall declare it so adopted, subject to approval by the ELCA Church Council.

16.06 If the proposed amendment is not adopted, the board president shall declare it not adopted to the youth convention at which it is considered.

16.11 This Lutheran Youth Organization shall adopt such bylaws as may be found necessary. No bylaw shall conflict with this constitution.

16.12 The bylaws to this constitution may be amended at any convention of this organization by a two-thirds favorable vote of registered delegates.

16.13 A resolution to amend the bylaws may be presented on the convention floor by any delegate. The proposed amendment shall be presented for consideration at a time designated by the board president. At least one day shall elapse between the first presentation of the resolution and convention action.

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MEMORANDUM

DATE: October 30, 2009
TO: ELCA Church Council
FROM: Robert H. Rydland, Vice President and General Counsel
CC: John G. Kapanke, President
SUBJECT: Concerning the need to amend ELCA Trust documents relating to the ELCA Pension and Other Benefits Program

The Board of Trustees of the ELCA Board of Pensions has raised excellent questions regarding clarification of trustees' roles and responsibilities. In particular, there has been confusion over the rather unusual practice of the trustees serving as both trustees of the Board of Pensions and trustees of the nine (9) trusts that support the ELCA Pension and Other Benefits Program. The current structure has been in place for over 20 years. The trustees' questions provided a perfect opportunity for the Board of Pensions' staff to reexamine the trust and plan documents and come to the Board of Trustees with certain recommendations to amend the trust and plan documents to better clarify trustee roles and responsibilities so trustees can more effectively fulfill their duties.

To better understand these recommendations and proposed amendments, a brief look at the history of the Board of Pensions is helpful. In 1988, the Evangelical Lutheran Church in America (ELCA) was formed as a result of the merger of three Lutheran church bodies: The American Lutheran Church (ALC), the Lutheran Church in America (LCA), and The Association of Evangelical Lutheran Churches (AELC).

The ALC and the LCA both had their own pension boards, although with substantially different structures. The AELC utilized The Travelers Insurance Company to provide pension benefits to its clergy and lay workers.

The ALC Board of Pensions was one of three service boards, including the Board of Trustees, the Board of Pensions, and the Board of Publications, all entirely contained within the ALC corporate structure (see Figure 1).

All assets of the ALC, including pension and other benefit accumulations, were managed and invested by the ALC Board of Trustees and not by the Board of Pensions. The ALC Board of Pensions was responsible for administrative functions such as collecting contributions and paying benefits, including pension, health, disability, and survivor benefits.

In 1979-1980, legal counsel to the ALC expressed concern over the risk to the pension and other benefit accumulations as a result of ascending liability. These concerns were prompted by a lawsuit involving the United Methodist Church and one of its subsidiaries called Pacific Homes. Additionally, during the same time frame, Eckankar, a Minneapolis-based religious organization, threatened a lawsuit against Augsburg Publishing concerning statements made in a book published by Augsburg. Augsburg was one of the three ALC service boards.

Because all of the ALC assets, including pension and other benefit accumulations, were held by the ALC, there was concern that a lawsuit brought against the ALC or one of its subsidiaries

could put the plan assets at risk. Accordingly, four separate trusts were created and funded to insulate these assets from creditors of the ALC. Because it was the policy of the ALC to have the Board of Trustees, one of the three service boards, manage all assets, the trustees of the Board of Trustees were also made trustees of these newly-developed trusts. At the same time, the Board of Pensions continued to provide the administrative services associated with the provision of pension and other benefits to the ALC.

The LCA Board of Pensions, on the other hand, was a separate Minnesota nonprofit corporation, and not contained within the LCA corporate structure. Accordingly, the pension and other accumulations were isolated from any liabilities generated by the LCA.

In 1984, three years before merger, the working group on legal matters recommended that the Board of Pensions be designed with a “belt-and-suspenders” approach. The Board of Pensions of the New Lutheran Church would be separately incorporated and, at the same time, all of its assets would be held in separate trusts associated with the individual pension and other benefit plans. With this decision made, the design task group on pensions went ahead and designed the Pension and Other Benefits Program of what was to become the Evangelical Lutheran Church in America.

At the time of merger, the ELCA adopted trust documents in substantially the same form as those utilized by the ALC. The trust documents still reflected a concept of separate boards, one managing the trust assets, and the other administering the ELCA Pension and Other Benefits Program.

The ELCA Board of Pensions commenced operations in January 1988. Because the trustees of the new Board of Pensions and the trustees of the trusts were the same individuals, the operations of the new Board of Pensions were more centralized in the Board of Pensions than they had been in the ALC. Thus, the ELCA Board of Pensions took on the responsibility of investing the trust assets as well as administering the benefits plans. The trustees of the trusts have effectively delegated responsibility for the operation of the trusts to the Board of Pensions (see Figure 2), while retaining responsibility for general oversight of the Board of Pensions in their capacity as trustees of the Board of Pensions.

When re-examining the trust and plan documents in order to provide role clarification for the trustees, staff determined the best trust structure should clarify trustee roles, eliminate potential conflicts between the trust and Board of Pensions’ roles, reduce complexity, provide for coordination between entities, and minimize cost.

Staff analyzed the current structure of the trusts and plans, and also looked at the structures used by other denominational pension boards. Staff reviewed the pros and cons of each option and determined that the best structure (the one that best met the goals identified in the previous paragraphs) was the corporate trustee structure—the Board of Pensions, a Minnesota nonprofit corporation, should be the trustee of its trusts (see Figure 3). This corporate trustee structure minimizes costs because there is no need for additional staff, attorneys, accountants, or auditors. It also provides for trustee role clarification and eliminates role conflict between the trustees and the Board of Pensions. Trustees would oversee the trusts in their capacity as trustees of the Board of Pensions. With this structure, there are no additional entities involved and complexity is reduced because the Board of Pensions will be performing both the trustee and administrator roles.

The ELCA and ELCA Church Council would maintain control of the Board of Pensions by retaining the power to elect the Board of Pensions’ trustees. The ELCA Board of Pensions’ Trustees would maintain control of the trust assets as a result of its oversight and control of the Board of Pensions. This structure will preserve all of the fiduciary responsibilities of the board of trustees while, at the same time, reduce the complexity of the trusts and provide for coordination between the Board of Pensions, both in its role as administrator of the ELCA Pension and Other

Benefits Program, and its role of trustee of the nine trusts supporting the ELCA Pension and Other Benefits Program.

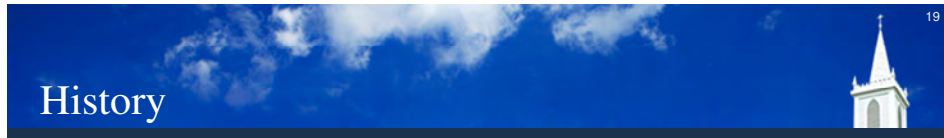
Update

The Board of Trustees of the ELCA Board of Pensions discussed staff recommendations concerning the trust amendments at its February 2009 meeting and directed staff to draft the appropriate amendments. At its August 2009 meeting, the Board of Trustees adopted the restated trusts. The amended trusts were forwarded to the Office of the Secretary of the ELCA. Following review of the amended trusts by ELCA's legal staff, the Board of Trustees approved certain changes suggested by them at its October 2009 meeting.

In addition to the trust amendments, the Board of Trustees approved the creation of a new trust, the ELCA Participating Annuity Trust, and transferred into it the associated assets and liabilities from the Restated ELCA Retirement Trust. The Board of Trustees also approved the merger of the ELCA Continuation of the ALC Major Medical-Dental Trust for Retired Participants into the ELCA Benefits Contribution Trust.

The Board of Trustees of the ELCA Board of Pensions request the approval of the restated trusts, as well as approval of the ELCA Participating Annuity Trust, and merger of the ALC Major Medical-Dental Trust for Retired Participants into the ELCA Benefits Contribution Trust.

Figure 1



The American Lutheran Church

(A Minnesota nonprofit corporation)

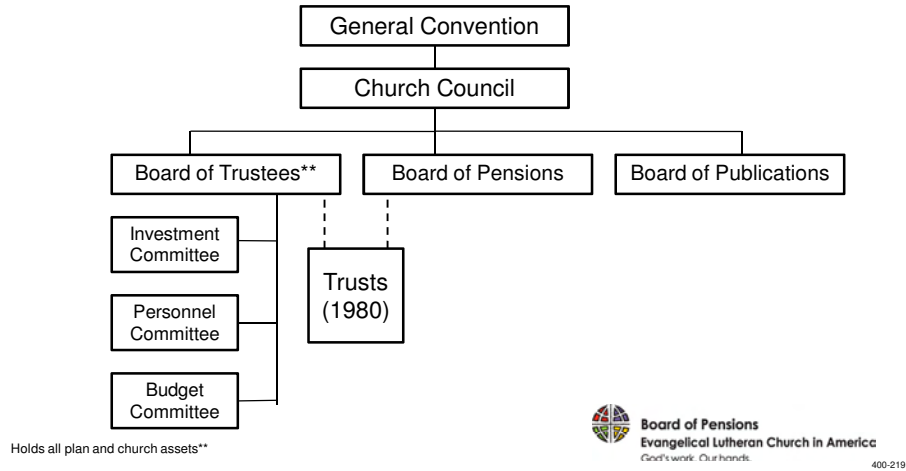
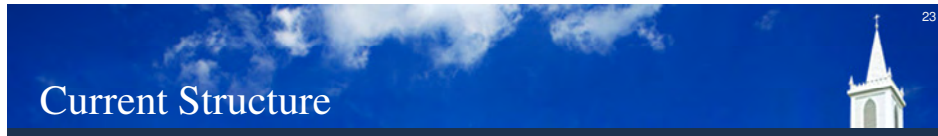
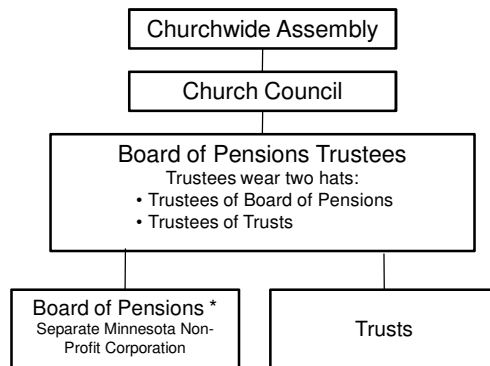


Figure 2

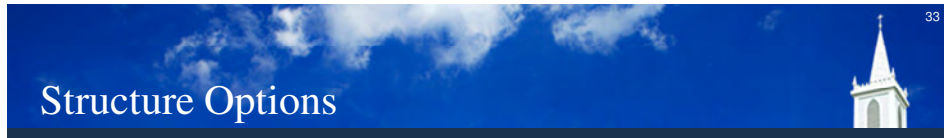


Evangelical Lutheran Church in America

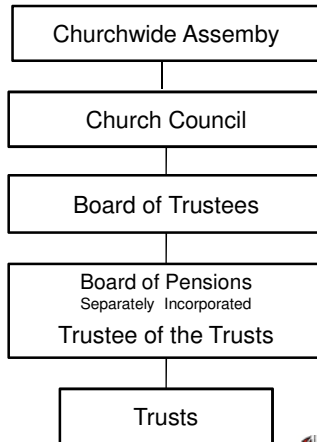


- * Manages and controls trust assets
- * Holds, administers, invests, reinvests and disburses trust assets
- * Employs others necessary for proper trust administration

Figure 3



Corporate Trustee Structure





Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1b
Page 1

~~Trust Document~~
**Restated ELCA Retirement
Trust**

November 2009 DRAFT

BOT 7/30/09 & 10/30/09 CC 11/13-15/09
BOT 11/4-6/05 — CC 11/11-13/05

January 1, 2010
January 1, 2006

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
RETIREMENT TRUST**

Preamble

This Amendment and Restatement of ~~the ELCA Retirement Trust Agreement (“Agreement”~~ **”Trust”**), ~~to be is made and entered into~~ effective **January 1, 2010** ~~January 1, 2003~~, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation, (the “ELCA Board of Pensions”), **in its capacity as the administrator of a church retirement income account plan under section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “Trustee”);** ~~David Alvarez, Rev. James S. Aull, Kenneth G. Bash, Jon B. Christianson, Bradley C. Engel, Brenda A. Grandell, Nancy J. Haberstich, Rev. Larry C. Kassebaum, Rev. Jon R. Lee, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Barbara A. Swartling, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick,~~ referred to collectively as the “TRUSTEES”;

WITNESSETH:

~~WHEREAS, the ELCA Board of Pensions established and maintained two pension plans known as the “Evangelical Lutheran Church in America Regular Pension Plan” (the “Regular Pension Plan”) and the “Evangelical Lutheran Church in America Optional Pension Plan” (the “Optional Pension Plan”); and~~

~~WHEREAS, effective January 1, 2003, the ELCA Board of Pensions will merge and consolidate the Regular Pension Plan with the Optional Pension Plan and the resulting plan will be renamed the Evangelical Lutheran Church in America Retirement Plan (the “Retirement Plan”); and~~

~~WHEREAS, prior to this amendment and restatement, the assets of the Regular Pension Plan were held in the Evangelical Lutheran Church in America Regular Pension Trust (the “Regular Pension Trust”) and the assets of the Optional Plan were held in the Evangelical Lutheran Church in America Optional Pension Trust (the “Optional Pension Trust”); and~~

~~WHEREAS, the Regular Pension Trust and the Optional Pension Trust provide that they may be amended, among other methods, by the Board of Pensions initiating Amendments. The Amendments shall be executed by two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and executed by the Regular Pension and Optional Pension Trustees and then submitted to the ELCA Church Council for final action; and~~

WHEREAS, pursuant to the merger of the **ELCA** Regular Pension Plan and the **ELCA** Optional Pension Plan into the **ELCA** Retirement Plan **on January 1, 2003**, the ELCA Board of Pensions and the trustees of both the Regular Pension Trust and the Optional Pension Trust ~~have decided to transfer~~ **red** all

assets in the Optional Pension Trust to the Regular Pension Trust, and ~~to have~~ the resulting trust **was** renamed the Evangelical Lutheran Church in America Retirement Trust (“Trust”); and

~~WHEREAS, the Retirement Plan provides that more than one employer may participate in the Retirement Plan, each of said employers, including the ELCA Board of Pensions, being referred to as a “Participating Employer”.~~

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Retirement Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure; and

WHEREAS, this Trust provides that it may be amended as set forth in Article VII.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, ~~and for the purpose of providing a future funding vehicle for the Retirement Plan, the parties agree that the Trust Agreement for the Retirement Trust is~~ **amended and restated** as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known collectively as the “**Restated** Evangelical Lutheran Church in America Retirement Trust” (the “Trust”).

Sec. 1.02 Acceptance of Trust Responsibilities. The Trustees accept ~~their~~ **its** appointment as such, and agree s to hold, manage and disburse all the property received by ~~it them~~, pursuant to this Trust **and applicable law**.

Sec. 1.03 Purpose. The Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, nursing homes, hospitals, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other **Section 501(c)(3)** organizations operated exclusively for religious purposes.

The Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustees, and no part of the net income or net earnings of the Trust shall inure to the benefit of ~~any of~~ the Trustees or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including a ~~the~~ Trustee, from receiving any benefit to which he or she may be entitled as a ~~participant~~ **member** of, or beneficiary in, the Retirement Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of the Retirement Plan, as applied to all other ~~participants~~ **members** and beneficiaries. The Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Part of Retirement Plan. This Trust will form a part of the **ELCA** Retirement Plan (**the “Retirement Plan”**) and will be used to fund benefits thereunder. **The Retirement Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Retirement Plan, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Retirement Plan.** To the extent that this Trust conflicts with any provision in the Retirement Plan, the **Retirement** Plan document shall control.

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Retirement Plan it will furnish the Trustees with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions

further agrees that no amendment of the Retirement Plan shall have the effect of changing the rights, duties, and liabilities of the Trustees without ~~their~~ **its** written consent. The Trustees may rely on the latest Retirement Plan documents furnished ~~them~~ as above provided without further inquiry or verification. ~~The Retirement Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Retirement Plan, including the responsibility to direct the Trustees as to disbursement of the Trust for purposes of the Retirement Plan.~~

Sec. 1.05 Church Plan Trust. **The ELCA Board of Pensions intends by this document to have created a trust forming part of the Retirement Plan which shall be exempt from federal income tax pursuant to Code section 501(a) as provided for in section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code section 403(b)(9).** The Trust and the Retirement Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Retirement Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.06 Certifications. The Secretary of the ELCA Board of Pensions, or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions, shall certify to the Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Trustees as to disbursements from the Trust for purposes of the Retirement Plan and the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to communicate with the Trustees with respect to any other matter or matters relating to the Trust, and shall provide the Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: RETIREMENT PLAN TRUST

- Sec. 2.01 Trust Fund Composition. **The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interest in the Retirement Plan account balances of members, in each case pursuant to the Retirement Plan, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the Retirement Plan. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.** ~~All sums of money and all securities and other property acceptable to the Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the Trustees as the Trust, in accordance with the terms and provisions hereof. The Trust is a continuation and complete amendment and restatement of the Regular Pension Trust, and shall include any contributions made to the Regular Pension Plan and the Retirement Plan. Further, the assets of the Optional Pension Trust shall be transferred to this Trust and shall be held and administered by the Trustees in accordance with the terms and provisions hereof. The Trust shall be held, administered, and disbursed by the Trustees without distinction between principal and income.~~
- Sec. 2.02 Contributions. The Trustees shall have no duty to require any contributions to be made to ~~it them~~, to determine that the contributions received ~~by them~~ comply with the provisions of the Retirement Plan, or to collect any contributions payable ~~to them~~ pursuant to the Retirement Plan. The responsibility of the Trustees shall be limited to the sums of money, securities, and other property actually received ~~by them~~.
- Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Retirement Plan, or required by law, the interests of ~~participants~~ **members** and their beneficiaries under the Retirement Plan or this ~~Agreement~~ **Trust** may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.
- Sec. 2.04 No Diversion. The Trust shall be for the exclusive purpose of providing benefits to ~~participants~~ **members** under the Retirement Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Retirement Plan. For purposes of this Trust, ~~the ELCA Church Council intends that the~~ expenses of administering or operating the Retirement Plan shall be paid from contributions made to the Retirement Plan or from assets held in this Trust under the Retirement Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of **Retirement** Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Retirement Plan (including the costs associated with a change in the persons or

organizations from time to time providing services to the Retirement Plan). Such expenses may also include premiums for the bonding of officials of the Retirement Plan as required by any applicable law. No part of the corpus or income of the Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the Participating Employer.

ARTICLE III. TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trustees shall be as follows:

- (a) The Trustees shall have exclusive authority and discretion to manage and control the assets of the Retirement Plan held in the Trust **subject to the provisions of Sec. 3.03 and Article IV.**
- (b) The Trustees shall hold, administer, invest and reinvest, ~~and disburse~~ the principal and income of the Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustees shall disburse monies and other properties from the Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Retirement Plan to the payee or payees specified by the ELCA Board of Pensions in directions to the Trustees in such form as the Trustees may reasonably require. The Trustees shall be under no liability for any distribution made by ~~them~~ **it** pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by ~~them~~ **it** pursuant to any such direction is made pursuant to the provisions of the Retirement Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Trustees.
- (d) The Trustees shall have the responsibilities, if any, expressly allocated to ~~it them~~ by the Retirement Plan **and the Trust.** Except as responsibilities may be expressly so allocated, the Trustees in ~~their~~ **its** capacity as such shall have no responsibility or authority with respect to the operation and administration of the Retirement Plan, and the rights, powers and duties of the Trustees shall be governed solely by the terms of this Agreement **Trust without reference to provided, however, that to the extent this Agreement Trust conflicts with a provision in the Retirement Plan,** the provisions of the Retirement Plan **shall control.**
- (e) **The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.**

Sec. 3.02 Powers of the Trustees. **As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions.** The Trustees solely

shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the Trust that may be necessary or advisable to discharge ~~their~~ its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustees, the Trustees shall have the following powers and authorities to be exercised in ~~their~~ its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustees such securities and properties shall constantly be shown to be a part of the appropriate Investment Funds selected by the ELCA Board of Pensions, as provided in accordance with Sec. 4.02, and no such registration or holding by the Trustees shall relieve ~~them~~ it from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Trust not subject to member investment direction under Sec. 3.03 at such prices and on such terms and in such manner as ~~they~~ it may deem proper, and for terms within or extending beyond the duration of the Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by ~~it~~ them; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~it~~ they may deem advisable in its ~~their~~ absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~it~~ they may in its ~~their~~ absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate Investment Fund any and all liens, charges, or encumbrances upon the same, in its ~~their~~ absolute discretion, and to

make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as ~~it they~~ may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Trust, and to pay, compromise, and discharge with the assets of the Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Retirement Plan from time to time and to deposit the same in ~~its their~~ name as Trustees in such depositories as ~~it they~~ may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Trust or the assets thereof, at the sole cost and expense of the Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Trust or of the Trustees; but the Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless ~~it they~~ shall have been indemnified to ~~its their~~ satisfaction against any and all loss, cost, expense, and liability ~~it they~~ may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustees cannot delegate ~~its their~~ right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as ~~it they~~ may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Trust in

the same manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Retirement Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or the ELCA Board of Pensions) deemed by the Trustees to be necessary or proper for the administration of the Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustees under the terms of the Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the Trust from the Trust. The Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~have~~ **has** exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate Investment Fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such Investment Fund, without need to seek any approval or direction from the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustee's opinion, ~~they~~ **it** shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustees shall deem necessary for ~~their~~ **its** protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Trustees but also in any other fiduciary capacity with respect to the Retirement Plan pursuant to such agreements or practices as the Trustees ~~considers~~ necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustees.

- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation **and administration** of ~~this Agreement or the administration of the Trust.~~
- (s) To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of ~~the~~is Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections 501(c)(3) ~~and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03

Member Investment Direction. To the extent permitted under the Retirement Plan, the Trustees shall permit individual members **and, if applicable, beneficiaries** to direct the investment of contributions into specified Investment Funds, established pursuant to the provisions of Article IV **in accordance with procedures established by the ELCA Board of Pensions.** ~~Neither the Trustees, nor the ELCA Board of Pensions, nor any other person shall be under a duty to question any such direction of a member, to make any suggestions or recommendations to the member in connection therewith, and the Trustees shall have no responsibility or liability for the making, retention or disposition of such investment other than to comply promptly, as practical under the situation, with the direction of the member.~~

Neither the Trustee, the ELCA Board of Pensions, nor any Participating Employer under the Retirement Plan shall be liable or responsible for any loss resulting to the accounts of a member or beneficiary because of any sale or investment directed by the member or beneficiary or because of the failure to take any action regarding an investment acquired pursuant to such elective investment. The Trustee, the ELCA Board of Pensions, and any Participating Employer under the Retirement Plan shall be indemnified by the member or beneficiary from and against any liability to which the Trustee, the ELCA Board of Pensions, or any Participating Employer under the Retirement Plan may be subjected due to carrying out an elective investment directed by the member or beneficiary or investment in a default investment option in the absence of instructions from the member or beneficiary. If a member or beneficiary who has investment authority under the terms of the Retirement Plan fails to provide investment direction, the Trustee shall invest such member's or beneficiary's Retirement Plan assets in accordance with the default investment option of the Retirement Plan.

Sec. 3.04

Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the Trust is situated in a state or states in which the Trustees acting hereunder ~~are~~ **is** prohibited from holding real estate as trustee, or in a foreign country, the Trustees ~~are~~ **is** hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as

ancillary trustee of such property and require such security as may be designated by the Trustees. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustees, but shall exercise and discharge the same subject to such limitations or directions of the Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Trust. The Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Trustees hereunder, in the exercise of ~~its~~ ~~their~~ discretion, may deem appropriate and consistent with the provisions of this ~~Agreement~~ ~~Trust~~.

Sec. 3.05 Expenses. The Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~it~~ ~~them~~ in the performance of ~~its~~ ~~their~~ services as Trustees or in any other capacity in connection with the Retirement Plan as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Trust if not paid directly by the **ELCA Board of Pensions or the Participating Employers** in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.

Sec. 3.06 Records and Accountings. The Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Trust, and as soon as reasonably practicable after the resignation or removal of ~~all~~ ~~of~~ the Trustees, ~~as described in Sec. 6.05,~~ has become effective, the Trustees shall determine the fair market value of the Trust, such determination to be made at least annually. At the same time, the Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~them~~ ~~it~~ during such year for each Investment Fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each Investment Fund, and the cost of each item thereof as carried on the books of the Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Trust is not available, when necessary for accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustees, assuming an orderly liquidation at the time of such determination. If there is a

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1b

Page 14

disagreement between the Trustees and anyone as to any act or transaction reported in an accounting, the Trustees shall have the right to have the Trust's account settled by a court of competent jurisdiction.

Sec. 3.07

Record Retention. The Trustees shall retain the records relating to the Trust including records relating to each Investment Fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV. INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Retirement Plan. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Retirement Plan or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions and any member investment direction described in Sec. 3.03. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with

the objectives of each fund described in Section 4.02, the Trustees shall diversify the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (a i) The Trustees may invest and reinvest principal and income of the Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate, leases and real estate partnerships; and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IX IV.
- (b ii) The Trustees may invest and reinvest the principal and income of the Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (c iii) The Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustees may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.

Sec. 4.02 Investment Funds. Notwithstanding the provisions of Section 4.01 above, the Trustees shall establish separate funds (herein sometimes referred to as "Investment Funds") in accordance with directions given by the ELCA Board of Pensions. Each of these separate Investment Funds shall be subject to the terms of this ~~Agreement~~ **Trust** unless otherwise modified by the ELCA Board of Pensions. The ELCA Board of Pensions ~~or the Investments Committee described in Article IX, if so authorized by the ELCA Board of Pensions,~~ will direct the Trustees regarding the current investment policy and certain specific investment decisions for each of the Investment Funds selected. The assets of any Investment Fund cannot be used to satisfy the liabilities of any other Investment Fund as determined in accordance with the provisions of the Retirement Plan.

Sec. 4.03 Investment Managers.

- (a) The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will

have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the Retirement Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.

- (b) If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant to Sec. 4.03(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.
- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the Retirement Plan which is subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.

~~ARTICLE V. CO-TRUSTEES~~

- ~~Sec. 5.01~~ ~~Co trustees.~~ Except as otherwise clearly indicated by the context, the word "Trustees" when used in this Agreement shall include and refer to all co trustees in office at the time.
- ~~Sec. 5.02~~ ~~Title.~~ Except as provided in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the Trust shall vest jointly in all of the co trustees.
- ~~Sec. 5.03~~ ~~Responsibility With Respect to Co trustee.~~ Each co trustee shall use reasonable care to prevent each other co trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement, co trustees shall jointly manage and control the assets of the Trust; provided, however, that by unanimous agreement the co trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the Trust, responsibility with respect to custody of the assets of the Trust, responsibility with respect to disbursement of the Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.
- ~~Sec. 5.04~~ ~~Exercise of Powers.~~ If co trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec. 5.03 hereof, all actions of the co trustees shall be taken or authorized at a meeting by vote of a majority of the co trustees, or by written authorization of a majority of the co trustees. Written minutes of meetings shall be kept. The co trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the Trustees or to perform any ministerial function of the Trustees hereunder. No co trustee who at the time is a participant or beneficiary under the Retirement Plan shall vote or otherwise participate in the consideration or determination of the Trustees with respect to any matters solely concerning the rights or interests of such co trustee as participant or beneficiary under such Plan.
- ~~Sec. 5.05~~ ~~Disability of Co trustee.~~ If any co trustee acting hereunder is, in the opinion of the other co trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co trustees shall have full power and authority to exercise all powers, duties, authorities, and discretions granted such co trustee herein while such incapacity continues.

EVANGELICAL LUTHERAN CHURCH IN AMERICA

CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1b

Page 19

~~Sec. 5.06 — Bonding. Any individual appointed as a Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the Trust if not paid directly by the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.~~

ARTICLE VI. APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 56.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 56.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 56.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 56.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. ~~56~~.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec. ~~56~~.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all~~ Trustee. ~~If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VII. MISCELLANEOUS

- Sec. 67.01 Incompetent Payee. If, in the opinion of the ELCA Board of Pensions, a person to whom the Trustees ~~are~~ **is** directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing the ELCA Board of Pensions with evidence satisfactory to the ELCA Board of Pensions of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of the ELCA Board of Pensions caring for or maintaining the person who is under the disability. The Trustees shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Trustees shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. 67.02 Evidence. Evidence required of anyone under this ~~Agreement~~ **Trust** may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. 67.03 Dealings of Others With Trustees. No person (corporate or individual) dealing with the Trustees shall be required to see to the application of any money paid or property delivered to the Trustees or to determine whether the Trustees **is** ~~are~~ acting pursuant to any authority granted to ~~it them~~ under this ~~Agreement~~ **Trust**.
- Sec. 67.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Trust, solely in the interests of the members and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to ~~participants~~ **members** in the Retirement Plan and their beneficiaries and defraying reasonable expenses of administering the Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
 - (c) By diversifying the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
 - (d) In accordance with the provisions of this Trust and the Retirement Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any Investment Fund, in accordance with the investment objectives and policies from time to time established for such Investment Fund, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies. Further, nothing herein shall be construed or applied to limit the availability of member investment direction as provided under Sec. 3.03.

- Sec. 67.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Trust for the administrative services provided by the ELCA Board of Pensions to the Retirement Plan and the Trust, including a fee for informing the employees and employers of the availability of the Retirement Plan. The fee charged to the Trust shall constitute a lien upon the Trust until paid.
- Sec. 67.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Trustees that relate to the Retirement Plan to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Trust, if not paid by the Participating Employers, in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.
- Sec. 67.07 Successors. The provisions of this ~~Agreement~~ Trust shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of and Participating Employer's assets is eligible to, and elects to, continue participation in the Retirement Plan, such successor or purchaser shall be substituted for the Participating Employer under this ~~Agreement~~ Trust.
- Sec. 67.08 Waiver of Notice. Any notice required under this ~~Agreement~~ Trust may be waived by the person entitled thereto.
- Sec. 67.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this ~~Agreement~~ Trust, and shall not influence its construction.
- Sec. 67.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire ~~Agreement~~ Trust unless the context clearly indicates otherwise.
- Sec. 67.11 Construed as a Whole. The provisions of this ~~Agreement~~ Trust shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Sec. 67.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this

Trust, but shall be fully severable, and the Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.

Sec. 67.13 Counterparts. This ~~Agreement~~ **Trust** may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.

Sec. 67.14 Indemnification of Trustees. The ~~Adopting~~ **Participating** Employers jointly and severally agree, to the fullest extent permitted by law, **to** indemnify ~~each~~ of the Trustees for and to hold ~~each~~ **it** harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any~~ **the** Trustee at any time by reason of the Trustee's service under this ~~Agreement~~ **Trust** if the Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises.

Sec. 67.15 Internal Revenue Code of 1986. All references in this ~~Agreement~~ **Trust** to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this ~~Agreement~~ **Trust**.

Sec. 67.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Sec. 6.17 **Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.**

Sec. 6.18 **Parties to the Trust. Any Participating Employer that contributes to the Retirement Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Retirement Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer the Trust as a single fund for investment and accounting purposes, provided that at all times the interests of members and beneficiaries shall be accounted for separately.**

Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Retirement Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust, that portion of the Trust which, pursuant to the

determination of the ELCA Board of Pensions, is attributable to the participation in the Retirement Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Sec. 6.19

Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE VIII. AMENDMENTS AND TERMINATION

Sec. ~~78~~.01 Amendments. The Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ members under the Retirement Plan and their beneficiaries, or reasonable expenses of administration of the Retirement Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Agreement~~ Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ Board of Trustees of the ELCA Board of Pensions to take such action and the Trustees.

Sec. ~~78~~.02 Termination. The Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. ~~78~~.01. Upon termination of the Trust, any surplus property remaining after the payment of all benefits of the Trust attributable to the Retirement Plan, and all of the debts of the Retirement Plan and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

ARTICLE IX. INVESTMENT COMMITTEE

~~Recommendations of the Investment Committee. The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investment Committee. This Investment Committee shall make appropriate investment recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions, after consideration of the recommendations of the Investment Committee, shall have authority to select those specific Investment Funds in which Trust assets will be invested, and direct the Trustees as to the investment and reinvestment of all or a part of the Trust. The investment of the Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:~~

- ~~(a) — The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~
- ~~(b) — The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~
- ~~(c) — The Investment Committee shall formulate a set of Investment Policy Documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investment Committee.~~
- ~~(d) — The Corporate Social Responsibility Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions as a result of such advice and counsel.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this ~~Agreement~~ **Restated Trust** to be executed **as of the day and year written below** by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto.

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

Dated: _____, 2009

By _____
Robert H. Rydland, Vice President & General Counsel

SUMMARY OF AMENDMENTS

Restated ELCA Retirement Trust (Formerly known as the ELCA Regular Pension Trust; Optional Pension Trust merged into this trust and renamed as ELCA Retirement Trust 1/1/2003)

Trust effective 1/1/1988.

Amendment Effective: 1/01/1988

Approval: BoP-6/02/1988; CC-7/11/1988

Amended Sec. 7.02, Incompetent Payee, to include 'physical' condition and remove 'age' to read: "If in the opinion of the ELCA BoP a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age...~~"

Amendment Effective: 7/01/1989

Approval: BoP-10/08/1988; CC-11/13/1988

Added 'Whereas' clause to Preamble, "The ALC maintained The ALC Pension Plan for Clergy and The ALC Pension Plan for Lay Workers ("The ALC Plans"). Also, amended Sec. 1.01 to add reference to a new Appendix F, implementing the Social Purpose Balanced Fund; Sec. 1.03 to add "The ALC Plans"; a new Sec. 1.06, stating that the RPT will also form a part of, and used to fund benefits of, The ALC Pension Plan for Clergy and The ALC Pension Plan for Lay Workers; and the addition of Appendix F-1 and F-2.

Amendment Effective: 1/01/1990

Approval: BoP-6/24/1989; CC-8/22/1989

Added Sec. 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 1/01/1991

Approval: BoP-6/22/1990; CC-8/02/1990

Sec. 1.01, added reference to new Appendix G, "ALC Balanced Fund," new Appendix H, "LCA Fixed Income Pension Fund," and new Appendix I, "LCA Variable Income Pension Fund;" Secs. 1.03, 2.02, 3.01, 3.02(g), 3.02(p), 3.04, 5.04, 7.01, 7.05, 7.06, 7.07, 7.08 and 8.01, to remove references to "LCA Plans and/or The ALC Plans;" and deleted Secs. 1.05 & 1.06. Amended Appendices A, B, C, D, E, and F, and added Appendices G, H and I.

Amendment Effective: 1/01/1991

Approval: BoP-10/20/1990; CC-10/22/1990

The Executive Committee of the Church Council, on August 2, 1990, approved in concept the merger of the predecessor ALC plans and predecessor LCA plans into the ELCA Regular Pension Plan and adopted the "Proposed Amendments Reflecting Merger of Predecessor Plans into ELCA Plan" and related amendments to the ELCA Regular Pension Trust, but expressly recognized the need for technical

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1b

Page 30

corrections and other relevant documentation. See resolution attached to Oct 8, 1990 BoP minutes, to: provide for the transfer of assets from the predecessor church pension plans to the RPP; to confirm that the trustees of the RPT accept the assets from the predecessor plans; and to appoint the president as agent for the trustees to effectuate the transfer of assets from the predecessor plans as of Jan 1, 1991.

Amendment Effective: 7/01/1991

Approval: BoP-6/22/1990; CC-8/02/90 ??

Addition of new Appendix J, "South Africa Free Bond Fund," new Appendix K, "South Africa Free Balanced Fund," and new Appendix L, "South Africa Free Equity Fund." These funds would be implemented July 1, 1991 (and eliminated April 15, 1995).

Amendment Effective: 7/01/1991

Approval: BoP-7/12/90 ??; CC-8/02/90 ??

Sec. 1.01, added reference to new Appendices J, K & L; and Sec. 7.05, added to "Fiduciary Standards," to reflect that nothing shall be construed to prohibit the fiduciaries from administering any of the funds.

Amendment Effective: 7/01/1991

Approval: BoP-4/07/1991; CC-4/15/1991

Amendments to Appendices A-L, to conform to the addition of the South Africa Free Funds; to the renaming of the Regular Funds to Alternative Bond Funds; and to the changes in the investment guidelines.

Amendment Effective: 1/01/1994

Approval: BoP-7/18/1993; CC-8/24/1993

Added Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

Approval: BoP-8/26/1994

CC-11/14/1994 - eliminated the South Africa Free Funds.

Amendment Effective: 12/01/1994

Approval: BoP-8/26/1994; CC-11/14/1994

Sec. 1.01, reference to Appendices A, C & D. Amended Appendix A by substituting the "ELCA Bond Fund" for "ELCA Alternative Bond Fund;" Appendix C by substituting the "ELCA Balanced Fund" for "ELCA Alternative Balanced Fund;" and Appendix D by substituting the "ELCA Bond Fund" for "ELCA Alternative Bond Fund."

Amendment Effective: 1/01/1995

Approval: BoP-8/26/1994; CC-11/14/1994

Eliminated Appendices J, K & L (three South Africa Free funds); and amended Sec. 7.05 (deleting South Africa Free fund language).

Amendment Effective: 1/01/1997

Approval: BoP-2/11/1996; CC-4/14/1996

Renamed the equity funds as stock funds, re-ordered the fund descriptions, and added the investment objective and policy of the new Money Market Fund as Appendix G.

Amendment Effective: 1/01/1997

Approval: BoP-8/02/1996; CC-11/11/1996

Minor changes in the implementation plan for the pension and investment strategy and incorporated technical corrections.

Amendment Effective 1/01/1997

Approval: BoP-11/03/1996; CC-11/11/1996

To retain language for the balanced funds allowing a range of 15-50% as the permissible allocation for fixed income securities in the Balanced Fund and Institutional Balanced Fund, and 20-50% in the Social Purpose Balanced Fund and Institutional Social Purpose Balanced Fund.

Amendment Effective: 1/01/1998

Approval: BoP-2/09/1997; CC-8/13/1997

Modified the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Amendment Effective: 1/01/2003

Approval: BoP-8/02/2002; CC-11/17/2002

With the merger of the Regular Pension Plan and Optional Pension Plan, it was no longer necessary to have two trusts; therefore, the Regular Pension Trust and Optional Pension Trust were merged into one trust (the ELCA Retirement Trust) to form a funding vehicle for the ELCA Retirement Plan.

Amendment Effective Retro to 1/01/2003

Approval: BoP-8/02/2002; CC-11/17/2002

Amendments were made to more accurately reflect the BoP's current operation, specifically:

(1) Preamble amended to reflect the current trustees.

(2) Fourth "whereas" clause amended to more accurately reflect the method by which the trusts may be amended.

(3) Sec. 1.01 amended to eliminate the naming of the specific investment funds, as well as the appendices describing the funds. The individual funds are now set forth in the plan documents and the rules governing their investment are set forth in the Investment Guidelines.

(4) Article IV amended to more accurately reflect the current investment strategies of the BoP, specifically to correctly reflect the BoP's utilization of futures, forwards, options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure. It also makes it clear that the trustees may not invest so as to leverage the size of each trust.

(5) Article VI substantially rewritten to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees. Since all of the trustees of the trusts are members of the Board of Trustees of the BoP, the section now incorporates the procedures for election of trustees which is set forth in the ELCA Constitution, Bylaws and Continuing Resolutions and the BoP's Bylaws.

(6) Article IX rewritten to more accurately reflect the operation of the Board of Trustees and its Investment Committee, and clarify that the Board of Trustees had delegated certain responsibilities to the Investment Committee and staff, consistent with the ELCA Constitution, Bylaws and Continuing Resolutions and the BoP's Articles and Bylaws.

Amendment Effective: 1/01/2006

Approval: BoP-11/06/2005; CC-11/13/2005

The "Purpose" section in the trust was amended to coincide with the intent and purpose of the changes to each plan document and to the change in Article II of BoP's Restated Articles of Incorporation which expand the BoP's ability to provide services and benefits to other organizations exclusively for religious purposes.

Amendment Effective: 1/1/2010

Approval: BoP-8/01/2009; CC-11/15/2009

Restated Trusts – See Bob Rydland memo dated July 23, 2009

Amendments to former ELCA Optional Pension Trust (merged into ELCA Retirement Trust 1/1/2003)

Trust effective 1/1/1988.

Amendment Effective: 1/01/1988

Approval: BoP-6/02/1988; CC-7/11/1988

Sec. 7.02, amended Incompetent Payee to include 'physical' condition and remove 'age' to read: "If in the opinion of the ELCA BoP a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age...~~"

Amendment Effective: 1/01/1990

Approval: BoP-6/24/1989; CC-8/22/1989

Amended Sec. 3.02(1), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 1/01/1994

Approval: BoP-7/18/1993; CC-8/24/1993

Added Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

Amendment Effective: 1/01/1998

Approval: BoP-2/09/1997; CC-8/13/1997

Modified the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Amendment Effective: 1/01/2003

Approval: BoP-8/02/2002; CC-11/17/2002

Merged this trust into the Regular Pension Trust and renamed ELCA Retirement Trust.

Upon approval-Church Council BoP-8/01/2009 & 10/30/2009; CC-11/15/2009

Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1b
Page 34

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Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1c
Page 1

Trust Document

**Restated ELCA Master
Institutional
Retirement Trust**

November 2009 Draft

BOT 7/30/09 & 10/30/09 CC 11/13-15/09

January 1, 2010

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
MASTER INSTITUTIONAL RETIREMENT TRUST
(~~Sec. 1.03 amended effective as of January 1, 2006, upon approval by Church Council~~)**

Preamble

This Amendment and Restatement of **the ELCA Master Institutional Retirement Trust Agreement (“Trust”)**, ~~to be~~ **is made and entered into** effective ~~January 1, 2003~~ **January 1, 2010**, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation, (the “ELCA Board of Pensions”), **in its capacity as the administrator of a church retirement income account plan under section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “Trustee”)**; ~~David Alvarez, Rev. James S. Aull, Kenneth G. Bash, Jon B. Christianson, Bradley C. Engel, Brenda A. Grandell, Nancy J. Haberstich, Rev. Larry C. Kassebaum, Rev. Jon R. Lee, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Barbara A. Swartling, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick, referred to collectively as the “TRUSTEES”;~~

WITNESSETH:

~~WHEREAS, the ELCA Board of Pensions established and maintained two master pension plans known as the Evangelical Lutheran Church in America Master Institutional Pension Plan (the “Institutional Pension Plan”) and the Evangelical Lutheran Church in America Master Institutional Savings Plan (the “Institutional Savings Plan”); and~~

~~WHEREAS, effective July 1, 2002, the ELCA Board of Pensions merged and consolidated the ELCA Master Institutional Savings Plan with the Master Institutional Pension Plan, and the resulting plan was renamed the ELCA Master Institutional Retirement Plan (the “Institutional Retirement Plan”); and~~

~~WHEREAS, prior to this amendment and restatement, the assets of the Institutional Pension Plan were held in the Evangelical Lutheran Church in America Master Institutional Regular Pension Trust (the “Institutional Regular Pension Trust”) and the assets of the Institutional Savings Plan were held in the Evangelical Lutheran Church in America Master Institutional Savings Trust (the “Institutional Savings Trust”); and~~

~~WHEREAS, the Institutional Regular Pension Trust and the Institutional Savings Trust provide that they may be amended, among other methods, by the Board of Pensions initiating Amendments. The Amendments shall be executed by two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and executed by the Institutional Regular and Savings Trustees and then submitted to the ELCA Church Council for final action; and~~

WHEREAS, pursuant to the merger of the ELCA Institutional Regular Pension Plan and the ELCA Institutional Savings Plan into the ELCA Master Institutional Retirement Plan on January 1, 2003, the ELCA Board of Pensions and the trustees of both the Institutional Regular Pension Trust and the Institutional Savings Trust ~~have decided to transfer~~ red all assets in the Institutional Savings Trust to the Institutional Regular Pension Trust, and ~~to have~~ the resulting trust was renamed the Evangelical Lutheran Church in America Master Institutional Retirement Trust (“Trust”); and

WHEREAS, the Institutional Retirement Plan provides that various employers may establish a separate Plan (“Plan”) ~~under such Institutional Retirement Plan~~ by executing an Adoption Agreement and having such Adoption Agreement approved by the officer of the ELCA Board of Pensions who has been authorized to act on behalf of the Trustees, each of said employers being referred to as an “Adopting Employer”; and

WHEREAS, by establishing a separate Plan under the Institutional Retirement Plan each Adopting Employer also agrees to the terms set forth herein; and

WHEREAS, effective July 1, 2002, The Evangelical Lutheran Good Samaritan Society adopted the ELCA Retirement Plan for The Evangelical Lutheran Good Samaritan Society (“ELGSS Plan”); and

WHEREAS, the ELGSS Plan provides that the assets of such plan are to be maintained under this Trust on behalf of sponsored members in the ELGSS Plan; and

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions including the ELCA Master Institutional Retirement Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure; and

WHEREAS, the Trust provides that it may be amended as set forth in Article VII.

EVANGELICAL LUTHERAN CHURCH IN AMERICA

CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1c

Page 4

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, ~~and for the purpose of providing a future funding vehicle for the Institutional Retirement Plan, the parties agree that the Trust Agreement for the ELCA Master Institutional Retirement Trust is~~ **amended and restated** as follows:

ARTICLE I: GENERAL

Sec 1.01 Name of Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known collectively as the “**Restated** Evangelical Lutheran Church in America Master Institutional Retirement Trust” (the “Trust”).

Sec. 1.02 Definition of Plan. Except as otherwise clearly indicated by the context, the word “Plan” shall include each Plan established under the Institutional Retirement Plan and the ELGSS Plan.

Sec. 1.03 Acceptance of Trust Responsibilities. The Trustees accept ~~their~~ **its** appointment as such, and agrees to hold, manage and disburse all the property received by ~~it them~~, pursuant to this Trust **and applicable law**.

Sec. 1.04 Purpose. The Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member colleges, schools, nursing homes, hospitals, and social service organizations), and to other **501(c)(3)** organizations operated exclusively for religious purposes.

The Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustees, and no part of the net income or net earnings of the Trust shall inure to the benefit of ~~any of~~ the Trustees or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.04 shall preclude any individual, including a ~~the~~ Trustee, from receiving any benefit to which he or she may be entitled as a ~~participant~~ **member** of, or beneficiary in, any Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of such Plan, including the provisions of the Institutional Retirement Plan, as applied to all other ~~participants~~ **members** and beneficiaries. The Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.05 Part of Each Plan. This Trust will form a part of each Plan and will be used to fund benefits thereunder. **The Institutional Retirement Plan and the ELGSS Plan provide that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Plans, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Plans. To the extent that this Trust conflicts with any provision in the Institutional Retirement Plan or the Plans, the documents evidencing the respecting Plan shall control.**

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Institutional Retirement Plan, the ELGSS Plan, or any of the separate Plans it will furnish the Trustees with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions further agrees that no amendment of the Institutional Retirement Plan, the ELGSS Plan, or any of the separate Plans shall have the effect of changing the rights, duties, and liabilities of the Trustees without ~~their~~ **its** written consent. The Trustees may rely on the latest Plan documents furnished ~~them~~ as above provided without further inquiry or verification. ~~The Institutional Retirement Plan and the ELGSS Plan provide that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Plans, including the responsibility to direct the Trustee as to disbursement of the Trust for purposes of the Plans. To the extent that this Trust conflicts with any provision in the Institutional Retirement Plan or the Plans, the documents evidencing the respecting Plan shall control.~~

Sec. 1.06 Church Plan Trust. **The ELCA Board of Pensions intends by this document to have created a trust forming part of the Plans which shall be exempt from federal income tax pursuant to Code section 501(a) as provided for in section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code section 403(b)(9).** The Trust, the Institutional Retirement Plan and each separate Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust, the Institutional Retirement Plan, or the separate Plans, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.07 Certifications. The Secretary of the ELCA Board of Pensions, or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions, shall certify to the Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Trustees as to disbursements from the Trust for purposes of the Plans and the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to communicate with the Trustees with respect to any other matter or matters relating to the Trust, and shall provide the Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: INSTITUTIONAL RETIREMENT ~~PLAN~~ TRUST

- Sec. 2.01 ~~Trust Fund Composition.~~ **The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interest in each Plan's account balances of members, in each case pursuant to the Plans, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document Agreement and the Plans. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.** ~~All sums of money and all securities and other property acceptable to the Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the Trustees as the Trust, in accordance with the terms and provisions hereof. The Trust is a continuation and complete amendment and restatement of the Institutional Regular Pension Trust, and shall include any contributions made to the Institutional Regular Pension Plan and the Institutional Retirement Plan. Further, the assets of the Institutional Savings Trust shall be transferred to this Trust and shall be held and administered by the Trustees in accordance with the terms and provisions hereof. The Trust shall be held, administered, and disbursed by the Trustees without distinction between principal and income.~~
- Sec. 2.02 Contributions. ~~The Trustees shall have no duty to require any contributions to be made to it them, to determine that the contributions received by them comply with the provisions of the Plans, or to collect any contributions payable to them pursuant to the Plans. The responsibility of the Trustees shall be limited to the sums of money, securities, and other property actually received by them.~~
- Sec. 2.03 Benefits May Not Be Assigned or Alienated. ~~Except as otherwise expressly permitted by the Institutional Retirement Plan or the ELGSS Plan, or required by law, the interests of participants **members** and their beneficiaries under the Plans or this **Trust Agreement** may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.~~
- Sec. 2.04 No Diversion. ~~The Trust shall be for the exclusive purpose of providing benefits to participants under the Plans and their beneficiaries, and defraying reasonable expenses of administering or operating the Plans. For purposes of this Trust, the ELCA Church Council intends that the expenses of administering or operating the Plans shall be paid from contributions made to the Plans or from assets held in this Trust under the Plans. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Plans (including the costs associated with a change in the persons or organizations from~~

time to time providing services to the Plans). Such expenses may include premiums for the bonding of officials of the Plans as required by any applicable law. No part of the corpus or income of the Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by an Adopting Employer by a mistake of fact, the Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the Adopting Employer.

ARTICLE III: TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trustees shall be as follows:

- (a) The Trustees shall have exclusive authority and discretion to manage and control the assets of the Plans held in the Trust **subject to the provisions of Sec 3.03 and Article IV.**
- (b) The Trustees shall hold, administer, invest and reinvest, ~~and disburse~~ the principal and income of the Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustees shall disburse monies and other properties from the Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Plans, including the provisions of the Institutional Retirement Plan, to the payee or payees specified by the ELCA Board of Pensions in directions to the Trustees in such form as the Trustees may reasonably require. The Trustees shall be under no liability for any distribution made by ~~them~~ **it** pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by ~~them~~ **it** pursuant to any such direction is made pursuant to the provisions of the Plans. The payee's receipt of the distributions shall constitute a full acquittance to the Trustees.
- (d) The Trustees shall have the responsibilities, if any, expressly allocated to ~~them~~ **it** by the Plans, including the provisions of the Institutional Retirement Plan, **and the Trust.** Except as responsibilities may be expressly so allocated, the Trustees in ~~their~~ **its** capacity as such shall have no responsibility or authority with respect to the operation and administration of the Plans, and the rights, powers and duties of the Trustees shall be governed solely by the terms of this ~~Trust Agreement without reference to~~ **provided, however, that to the extent this Trust conflicts with a provision in the Plans,** the provisions of the Plans **shall control.**
- (e) **The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.**

Sec. 3.02 Powers of the Trustees. **As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions.** The Trustees solely

shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the Trust that may be necessary or advisable to discharge ~~their~~ its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustees, the Trustees shall have the following powers and authorities to be exercised in ~~their~~ its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustees such securities and properties shall constantly be shown to be a part of the appropriate Investment Funds selected by the ELCA Board of Pensions, as provided in accordance with Sec. 4.02, and no such registration or holding by the Trustees shall relieve ~~them~~ it from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Trust not subject to member investment direction under Sec. 3.03 at such prices and on such terms and in such manner as ~~they~~ it may deem proper, and for terms within or extending beyond the duration of the Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it ~~them~~; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~they~~ it may deem advisable in ~~their~~ its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~they~~ it may in ~~their~~ its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate Investment Fund any and all liens, charges, or encumbrances upon the same, in ~~their~~ its absolute discretion, and to

make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as ~~it~~ they may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Trust, and to pay, compromise, and discharge with the assets of the Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Plans from time to time and to deposit the same in ~~their~~ its name as Trustees in such depositories as ~~it~~ they may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Trust or the assets thereof, at the sole cost and expense of the Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Trust or of the Trustees; but the Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless ~~they~~ it shall have been indemnified to ~~their~~ its satisfaction against any and all loss, cost, expense, and liability ~~they~~ it may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustees cannot delegate ~~their~~ its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as ~~they~~ it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Trust in

the same manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Plans or the Institutional Retirement Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent an Adopting Employer or the ELCA Board of Pensions) deemed by the Trustees to be necessary or proper for the administration of the Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustees under the terms of the Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the Trust from the Trust. The Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~have~~ **has** exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate Investment Fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such Investment Fund, without need to seek any approval or direction from the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustees' **Trustee's** opinion, ~~they~~ **it** shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustees shall deem necessary for ~~their~~ **its** protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Trustees but also in any other fiduciary capacity with respect to the Plans pursuant to such agreements or practices as the Trustees ~~considers~~ necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustees.

- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation or administration of this Agreement or the administration of the Trust.
- (s) **To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of the ~~is~~ Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections ~~501(c)(3) and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03

Member Investment Direction. To the extent permitted under the ~~Institutional Retirement Plans~~, the Trustees shall permit individual ~~Members~~ **members, and if applicable, beneficiaries,** to direct the investment of contributions into specified Investment Funds, established pursuant to the provisions of Article IV **in accordance with procedures established by the ELCA Board of Pensions.** ~~Neither the Trustees, nor the ELCA Board of Pensions, nor any other person shall be under a duty to question any such direction of a Member, to make any suggestions or recommendations to the Member in connection therewith, and the Trustees shall have no responsibility or liability for the making, retention or disposition of such investment other than to comply promptly, as practical under the situation, with the direction of the Member.~~

Neither the Trustee, the ELCA Board of Pensions nor any Adopting Employer shall be liable or responsible for any loss resulting to the accounts of a member or beneficiary because of any sale or investment directed by the member or beneficiary or because of the failure to take any action regarding an investment acquired pursuant to such elective investment. The Trustee, the ELCA Board of Pensions, and any Adopting Employer shall be indemnified by the member or beneficiary from and against any liability to which the Trustee, the ELCA Board of Pensions, or any Adopting Employer may be subjected due to carrying out an elective investment directed by the member or beneficiary or investment in a default investment option in the absence of instructions from the member or beneficiary. If a member or beneficiary who has investment authority under the terms of the Plans fails to provide investment direction, the Trustee shall invest such member's or beneficiary's Plan assets in accordance with the default investment option of the Plan.

Sec. 3.04

Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the Trust is situated in a state or states in which the Trustees acting hereunder ~~are~~ **is** prohibited from holding real estate as trustee, or in a foreign country, the Trustees ~~are~~ **is** hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the

Trustees. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustees, but shall exercise and discharge the same subject to such limitations or directions of the Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Trust. The Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Trustees hereunder, in the exercise of ~~their~~ its discretion, may deem appropriate and consistent with the provisions of this ~~Agreement~~ Trust.

Sec. 3.05 Expenses. The Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~them~~ it in the performance of ~~their~~ its services as Trustees or in any other capacity in connection with the Plans as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Trust if not paid directly by the ELCA Board of Pensions or the Adopting Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.

Sec. 3.06 Records and Accountings. The Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Trust, and as soon as reasonably practicable after the resignation or removal of ~~all~~ ~~of the Trustees as described in Sec. 6.05,~~ has become effective, the Trustees shall determine the fair market value of the Trust, such determination to be made at least annually. At the same time, the Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~them~~ it during such year for each Investment Fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each Investment Fund, and the cost of each item thereof as carried on the books of the Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Trust is not available, when necessary for accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustees, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Trustees and anyone as to any act or transaction reported in an

accounting, the Trustees shall have the right to have the Trust's account settled by a court of competent jurisdiction.

Sec. 3.07 Record Retention. The Trustees shall retain the records relating to the Trust including records relating to each Investment Fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Plans. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Plans or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions and any member investment direction described in Sec. 3.03. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of each fund described in Section 4.02, the Trustees shall

diversify the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (i)** The Trustees may invest and reinvest principal and income of the Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate, leases and real estate partnerships; and other asset classes approved by the ELCA Board of Pensions in accordance with **this Article IX IV.**
- (ii)** The Trustees may invest and reinvest the principal and income of the Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii)** The Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Trust. Financial futures and options may be used, for example, to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustees may not **sell uncovered call options or sell put options nor** invest so as to leverage the size of the Trust.

Sec. 4.02 **Investment Funds.** Notwithstanding the provisions of Section 4.01 above, the Trustees shall establish separate funds (herein sometimes referred to as "Investment Funds") in accordance with directions given by the ELCA Board of Pensions. Each of these separate Investment Funds shall be subject to the terms of this **Trust Agreement** unless otherwise modified by the ELCA Board of Pensions. ~~The ELCA Board of Pensions or the Investment Committee described in Article IX, if so authorized by the ELCA Board of Pensions,~~ will direct the Trustees regarding the current investment policy and certain specific investment decisions for each of the Investment Funds selected. The assets of any Investment Fund cannot be used to satisfy the liabilities of any other Investment Fund as determined in accordance with the provisions of the Institutional Retirement Plan or the ELGSS Plan.

Sec. 4.03 **Investment Managers.**

- (a) The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the Plans and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.

- (b) If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant to Sec. 4.03(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.

- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the Plans which are subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Adopting Employer or by the ELCA Board of Pensions.

~~ARTICLE V: CO TRUSTEES~~

~~Sec. 5.01 — Co trustees. Except as otherwise clearly indicated by the context, the word "Trustees" when used in this Agreement shall include and refer to all co-trustees in office at the time.~~

~~Sec. 5.02 — Title. Except as provided in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the Trust shall vest jointly in all of the co-trustees.~~

~~Sec. 5.03 — Responsibility With Respect to Co trustee. Each co-trustee shall use reasonable care to prevent each other co-trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement, co-trustees shall jointly manage and control the assets of the Trust; provided, however, that by unanimous agreement the co-trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the Trust, responsibility with respect to custody of the assets of the Trust, responsibility with respect to disbursement of the Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co-trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.~~

~~Sec. 5.04 — Exercise of Powers. If co-trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co-trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec. 5.03 hereof, all actions of the co-trustees shall be taken or authorized at a meeting by vote of a majority of the co-trustees, or by written authorization of a majority of the co-trustees. Written minutes of meetings shall be kept. The co-trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the Trustees or to perform any ministerial function of the Trustees hereunder. No co-trustee who at the time is a participant or beneficiary under any of the Plans shall vote or otherwise participate in the consideration or determination of the Trustees with respect to any matters solely concerning the rights or interests of such co-trustee as participant or beneficiary under such Plan.~~

~~Sec. 5.05 — Disability of Co trustee. If any co-trustee acting hereunder is, in the opinion of the other co-trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co-trustees shall have full power and authority to exercise all powers, duties, authorities, and discretions granted such co-trustee herein while such incapacity continues.~~

~~Sec. 5.06 — Bonding. Any individual appointed as a Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the Trust if not paid directly by the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.~~

ARTICLE V: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 56.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 56.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 56.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 56.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. ~~56~~.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec. ~~56~~.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all~~ Trustee. ~~If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VI: MISCELLANEOUS

- Sec. 6.01 Incompetent Payee. If, in the opinion of the ELCA Board of Pensions, a person to whom the Trustees ~~is are~~ directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing the ELCA Board of Pensions with evidence satisfactory to the ELCA Board of Pensions of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of the ELCA Board of Pensions caring for or maintaining the person who is under the disability. The Trustees shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Trustees ~~shall~~ have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. 6.02 Evidence. Evidence required of anyone under this Trust Agreement may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. 6.03 Dealings of Others With Trustees. No person (corporate or individual) dealing with the Trustees shall be required to see to the application of any money paid or property delivered to the Trustees or to determine whether the Trustees ~~are~~ is acting pursuant to any authority granted to ~~them~~ it under this Trust Agreement.
- Sec. 6.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Trust, solely in the interests of the Members and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to ~~participants~~ members in the Plans and their beneficiaries and defraying reasonable expenses of administering the Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
 - (c) By diversifying the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
 - (d) In accordance with the provisions of this Trust and the Plans, including the provisions of the Institutional Retirement Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any Investment Fund, in accordance with the investment objectives and policies from time to time established for such Investment Fund, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies. Further, nothing herein shall be construed or applied to limit the availability of member investment direction as provided under Sec. 3.03.

- Sec. 6.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Trust for the administrative services provided by the ELCA Board of Pensions to the Plans and the Trust, including a fee for informing the employees and employers of the availability of the Institutional Retirement Plan. The fee charged to the Trust shall constitute a lien upon the Trust until paid.
- Sec. 6.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Trustees that relate to the Plans to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Trust, if not paid by the Adopting Employers, in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.
- Sec. 6.07 Successors. The provisions of this Trust Agreement shall be binding on each Adopting Employer and its successors. If a successor to an Adopting Employer or a purchaser of all or substantially all of an Adopting Employer's assets is eligible to, and elects to, continue the Adopting Employer's Plan, such successor or purchaser shall be substituted for the Adopting Employer under this Trust Agreement.
- Sec. 6.08 Waiver of Notice. Any notice required under this Trust Agreement may be waived by the person entitled thereto.
- Sec. 6.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust Agreement, and shall not influence its construction.
- Sec. 6.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust Agreement unless the context clearly indicates otherwise.
- Sec. 6.11 Construed as a Whole. The provisions of this Trust Agreement shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Sec. 6.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this

Trust, but shall be fully severable, and the Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.

Sec. 6.13 Counterparts. This ~~Agreement~~ **Trust** may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.

Sec. 6.14 Indemnification of Trustees. The Adopting Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify ~~each of~~ the Trustees for and to hold ~~each~~ **it** harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any~~ **the** Trustee at any time by reason of the Trustee's service under this ~~Trust Agreement~~ **Trust** if the Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises.

Sec. 6.15 Internal Revenue Code of 1986. All references in this ~~Trust Agreement~~ **Trust** to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this ~~Trust Agreement~~ **Trust**.

Sec. 6.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Sec. 6.17 Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.

Sec. 6.18 Parties to the Trust. Any Adopting Employer that has adopted the Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer the Trust as a single fund for investment and accounting purposes, provided that at all times the interests of members and beneficiaries shall be accounted for separately.

Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust, that portion of the Trust which, pursuant to the determination of the ELCA Board of Pensions, is attributable to the participation in the Plan of the

employees and their beneficiaries affected by such termination or by such transaction.

Sec. 6.19 Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE VII: AMENDMENT AND TERMINATION

Sec. 7.01 Amendments. The Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ members under the Plans and their beneficiaries, or reasonable expenses of administration of the Plans:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Agreement~~ Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ Board of Trustees of the ELCA Board of Pensions to take such action and the Trustees.

Sec. 7.02 Termination. The Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. 7.01. Upon termination of the Trust, any surplus property remaining after the payment of all benefits of the Trust attributable to the Plans, and all of the debts of the Plans and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

~~ARTICLE III: INVESTMENT COMMITTEE~~

~~Recommendations of the Investment Committee. The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investment Committee. This Investment Committee shall make appropriate recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions after consideration of the recommendations of the Investment Committee, shall have authority to select those specific Investment Funds in which Trust assets will be invested, and direct the Trustees as to the investment and reinvestment of all or a part of the Trust. The investment of the Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:~~

~~The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~

~~The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~

~~The Investment Committee shall formulate a set of Investment Policy Documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investment Committee.~~

~~The Corporate Social Responsibility Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions as a result of such advice and counsel.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this **Restated Trust Agreement** to be executed **as of the day and year written below.** ~~by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto.~~

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President and CEO

Dated: _____, 2009

By _____
Robert H. Rydland, Vice President & General Counsel

Summary of Amendments
Restated ELCA Master Institutional Retirement Trust
(Formerly known as the ELCA Master Institutional Pension Trust;
Master Institutional Savings Trust merged into this trust and
renamed ELCA Master Institutional Retirement Trust 7/1/2002)

Trust Effective: 1/1/1989

Amendment Effective: 7/01/1989

Approval: BoP-10/08/1988; CC-11/13/1988

Sec. 1.01 to add reference to a new Appendix G, implementing the Institutional Social Purpose Balanced Fund; and the addition of Appendix G-1 and G-2.

Amendment Effective: 1/01/1990

Approval: BoP-6/24/1989; CC-8/22/1989

Sec. 3.02(I), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 7/01/1991

Approval: BoP-7/12/90 ??; CC-8/02/90 ??

Investment Policy Statement: addition of new Appendix H, "Institutional South Africa Free Bond Fund," new Appendix I, "Institutional South Africa Free Balanced Fund," and new Appendix J, "Institutional South Africa Free Equity Fund."

7/01/1992 ??

BoP-7/12/90 ??; CC-8/02/90 ??

Sec. 1.01, added reference to new Appendices H, I and J; and Sec. 7.05, added to "Fiduciary Standards," to reflect that nothing shall be construed to prohibit the fiduciaries from administering any of the funds.

Amendment Effective: 7/01/1991 ??

Approval: BoP-4/07/1991; CC-4/15/1991

Amendments to Appendices A-L, to conform to the addition of the South Africa Free Funds; to the renaming of the Regular Funds to Alternative Bond Funds; and to the changes in the investment guidelines.

Amendment Effective: 1/01/1994

Approval: BoP-7/18/1993; CC-8/24/1993

Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

BoP-8/26/1994; CC-11/14/1994 - To eliminate the South Africa Free Funds.

Amendment Effective: 1/01/1995

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1c

Page 30

Approval: BoP-8/26/1994; CC-11/14/1994

Sec. 1.01, reference to Appendices A, C & F. Amended Appendix A by substituting the "ELCA Institutional Bond Fund" for "ELCA Institutional Alternative Bond Fund;" Appendix C by substituting the "ELCA Institutional Equity Fund" for "ELCA Institutional Alternative Equity Fund;" and Appendix F by substituting the "ELCA Institutional Balanced Fund" for "ELCA Institutional Alternative Balanced Fund." Eliminating Appendices H, I & J (three Institutional South Africa Free funds); and amended Sec. 7.05, by deleting Institutional South Africa Free fund language.

Amendment Effective: 1/01/1997

Approval: BoP-2/11/1996; CC-4/14/1996

To rename the "Equity Funds" as "Stock Funds."

Amendment Effective: 1/01/1997

Approval: BoP-8/02/1996; CC-11/11/1996

Minor changes in the implementation plan for the pension and investment strategy and to incorporate technical corrections.

Amendment Effective: 1/01/1997

Approval: BoP-11/03/1996; CC-11/11/1996

To retain language for the balanced funds allowing a range of 15-50% as the permissible allocation for fixed income securities in the Balanced Fund and Institutional Balanced Fund, and 20-50% in the Social Purpose Balanced Fund and Institutional Social Purpose Balanced Fund.

Amendment Effective: 1/01/1998

Approval: BoP-2/09/1997; CC-8/13/1997

To modify the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Amendment Effective: Retro to 7/01/2002

Approval: BoP-8/02/2002; CC-11/17/2002

IPT & IST merged, with resulting restatement of MIRT. With the merger of the Master Institutional Regular Pension Plan and Master Institutional Savings Plan, it was no longer necessary to have two trusts; therefore, the IPT and IST were merged into one trust (MIRT) to form a funding vehicle. Additionally, The Evangelical Lutheran Good Samaritan Society adopted (as of 7/01/02) MIRT as its own separate plan, with its assets to be maintained within MIRT.

Amendment Effective Retro to 7/01/2002

Approval: BoP-8/02/2002; CC-11/17/2002

Amendments were made to more accurately reflect the BoP's current operation, specifically:

(1) Preamble to reflect the current trustees.

(2) Fourth "whereas" clause to more accurately reflect the method by which the trusts may be amended.

(3) Sec. 1.01 to eliminate the naming of the specific investment funds, as well as the appendices describing the funds. The individual funds are now set forth in the plan documents and the rules governing their investment are set forth in the Investment Guidelines.

(4) Article IV to more accurately reflect the current investment strategies of the BoP, specifically to correctly reflect the BoP's utilization of futures, forwards, options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure. It also makes it clear that the trustees may not invest so as to leverage the size of each trust.

(5) Article VI substantially rewritten to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees. Since all of the trustees of the trusts are members of the Board of Trustees of the BoP, the section now incorporates the procedures for election of trustees which is set forth in the ELCA Constitution, Bylaws and Continuing Resolutions and the BoP's Bylaws.

(6) Article IX rewritten to more accurately reflect the operation of the Board of Trustees and its Investment Committee, and clarify that the Board of Trustees had delegated certain responsibilities to the Investment Committee and staff, consistent with the ELCA Constitution, Bylaws and Continuing Resolutions and the BoP's Articles and Bylaws.

Amendment Effective: 1/01/2006

Approval: BoP-11/06/2005; CC-11/13/2005

The "Purpose" section in each of the five trusts to coincide with the intent and purpose of the changes to each plan document and to the change in Article II of BoP's Restated Articles of Incorporation which expand the BoP's ability to provide services and benefits to other organizations exclusively for religious purposes.

Amendment Effective: 1/1//2010

Approval: BoP-8/01/2009; CC-11/15/2009

Restated Trusts – See Bob Rydland memo dated July 23, 2009

Amendments to former Master Institutional Savings Trust (merged into Master Institutional Retirement Trust 7/1/2002):

Trust effective 1/1/1989

Amendment Effective: 1/01/1990

Approval: BoP-6/24/1989; CC-8/22/1989

Sec. 3.02(I), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Amendment Effective: 1/01/1994

Approval: BoP-7/18/1993; CC-8/24/1993

Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

Amendment Effective: 1/01/1994

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1c

Page 32

Approval: BoP-7/18/1993; CC-8/24/1993

Sec. 7.16 – ELGSS Savings Plan. Resulting from BoP entering into an agreement with The Evangelical Lutheran Good Samaritan Society to administer its plan, the IST was amended to allow commingling of assets.

1/01/1998

BoP-2/09/1997; CC-8/13/1997

To modify the investment funds, i.e., (1) expand the minimum-to-maximum allocation ranges for the asset classes in the balanced funds in order to increase flexibility in managing the effective asset class exposures due to the potential transfers of prior accumulations by plan members into and out of the balanced funds; (2) clarify the role of the social criteria in the social purpose funds; (3) modify provisions for the bond funds in order to achieve greater consistency with guidelines approved by the Investment Committee; and (4) utilize consistent language in provisions for the private equity portion in the stock component of the balanced and stock funds.

Retro to 7/01/2002

BoP-8/02/2002; CC-11/17/2002

IPT & IST merged, with resulting restatement of MIRT. With the merger of the Master Institutional Regular Pension Plan and Master Institutional Savings Plan, it was no longer necessary to have two trusts; therefore, the IPT and IST were merged into one trust (MIRT) to form a funding vehicle. Additionally, The Evangelical Lutheran Good Samaritan Society adopted (as of 7/01/02) MIRT as its own separate plan, with its assets to be maintained within MIRT.

Upon approval-Church Council BoP-8/01/2009 & 10/30/2009; CC-11/15/2009

Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009



Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1d
Page 1

~~Trust Document~~
**Restated ELCA Medical
and Dental
Benefits Trust**
November 2009 Draft

BOT 7/30/09 & 10/30/09 CC 11/13-15/09
~~BOT 11/4-6/05 CC 11/11-13/05~~

January 1, 2010
~~January 1, 2006~~

RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
MEDICAL AND DENTAL BENEFITS TRUST
(Sec. 1.03 amended effective as of January 1, 2006, upon approval by Church Council)

PREAMBLE

This Amendment **and Restatement** of the **ELCA Medical and Dental Benefits Trust Agreement (“Trust”)**, to be **is made and entered into** effective **January 1, 2010** ~~January 1, 2003~~, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation, (the “ELCA Board of Pensions”), **in its capacity as the administrator of a church medical and dental benefits plan, and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “Medical Benefits Trustee” or “Trustee”)**; and ~~David Alvarez, Rev. James S. Aull, Kenneth G. Bash, Jon B. Christianson, Bradley C. Engel, Nancy J. Haberstick, Rev. Larry C. Kassebaum, Rev. Jon R. Lee, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Barbara A. Swartling, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick,~~ referred to collectively as the “MEDICAL BENEFITS TRUSTEES”;

WITNESSETH:

WHEREAS, the ELCA Board of Pensions has established and maintained a medical and dental benefits plan since January 1, 1988, known as the Evangelical Lutheran Church in America Medical and Dental Benefits Plan (the “Medical Benefits Plan”); **and**

~~WHEREAS, the Medical Benefits Trust provides that it may be amended, among other methods, by the Board of Pensions initiating Amendments. The Amendments shall be executed by two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and executed by the Medical Benefits Plan Trustees and then submitted to the ELCA Church Council for final action; and~~

~~WHEREAS, the Medical Benefits Plan provides that more than one employer may participate in the Medical Benefits Plan, each of said employers, including the ELCA Board of Pensions, being referred to as a “Participating Employer”.~~

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Medical and Dental Benefits Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure; and

WHEREAS, the Trust provides that it may be amended as set forth in Article VII.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, the Trust is amended and restated and for the purpose of providing a future funding vehicle for the Medical Benefits Plan, the parties agree as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Medical Benefits Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known as the “**Restated** Evangelical Lutheran Church in America Medical and Dental Benefits Trust” (the “Medical Benefits Trust” or “Trust”).

Sec. 1.02 Acceptance of Trust Responsibilities. The Medical Benefits Trustees accepts ~~their~~ **its** appointment as such, and agrees to hold, manage and disburse all the property received by ~~it them~~, pursuant to this Medical Benefits Trust **and applicable law**.

Sec. 1.03 Purpose. The Medical Benefits Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing medical and dental benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other **Section 501(c)(3)** organizations operated exclusively for religious purposes.

The Medical Benefits Trust shall not afford pecuniary gain, incidentally or otherwise, to the Medical Benefits Trustees and no part of the net income or net earnings of the Medical Benefits Trust shall inure to the benefit of ~~any of~~ the Medical Benefits Trustees or any other individual and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including a ~~the~~ **the** Medical Benefits Trustee, from receiving any benefit to which he or she may be entitled as a ~~participant~~ **member** of, or beneficiary in, the Medical Benefits Plan, so long as the benefit is computed and paid on a basis which is consistent with the terms of the Medical Benefits Plan as applied to all other ~~participants~~ **members** and beneficiaries. The Medical Benefits Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Part of Medical Benefits Plan. This Medical Benefits Trust will form a part of the **ELCA** Medical Benefits Plan (“**Medical Benefits Plan**”) and will be used to fund benefits thereunder. **The Medical Benefits Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Medical Benefits Plan, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Medical Benefits Plan.** To the extent that this Trust conflicts with any provision in the Medical Benefits Plan, the **Medical Benefits** Plan document shall control.

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Medical Benefits Plan it will furnish the Medical Benefits Trustees with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions further agrees that no amendment of the Medical Benefits Plan shall have the effect of changing the rights, duties, and liabilities of the Medical Benefits Trustees without ~~their~~ **its** written consent. The Medical Benefits Trustees may rely on the latest Medical Benefits Plan documents furnished ~~them~~ as above provided without further inquiry or verification. ~~The Medical Benefits Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Medical Benefits Plan, including the responsibility to direct the Medical Benefits Trustees as to disbursement of the Medical Benefits Trust for purposes of the Medical Benefits Plan.~~

Sec. 1.05 Church Plan Trust. **The ELCA Board of Pensions intends by this document to have created a trust forming part of the Medical Benefits Plan which shall be exempt from federal income tax pursuant to Code section 501(a).** The Medical Benefits Trust and the Medical Benefits Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Medical Benefits Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.06 Certifications. The Secretary of the ELCA Board of Pensions or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions shall certify to the Medical Benefits Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Medical Benefits Trustees as to disbursements from the Medical Benefits Trust for purposes of the Medical Benefits Plan and the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to communicate with the Medical Benefits Trustees with respect to any other matter or matters relating to the Medical Benefits Trust, and shall provide the Medical Benefits Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Medical Benefits Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: MEDICAL AND DENTAL BENEFITS TRUST

- Sec. 2.01 Composition. **The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interest in the Medical Benefits Plan, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the Medical Benefits Plan. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.** All sums of money and all securities and other property acceptable to the Medical Benefits Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the Medical Benefits Trustees as the Medical Benefits Trust, in accordance with the terms and provisions hereof. The Medical Benefits Trust shall be held, administered, and disbursed by the Medical Benefits Trustees without distinction between principal and income.
- Sec. 2.02 Contributions. The Medical Benefits Trustees shall have no duty to require any contributions to be made to ~~it them~~, to determine that the contributions received by ~~them~~ comply with the provisions of the Medical Benefits Plan, or to collect any contributions payable to ~~them~~ pursuant to the Medical Benefits Plan. The responsibility of the Medical Benefits Trustees shall be limited to the sums of money, securities, and other property actually received ~~by them~~.
- Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Medical Benefits Plan, or required by law, the interests of ~~participants~~ **members** and their beneficiaries under the Medical Benefits Plan or this ~~Agreement~~ **Trust** may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.
- Sec. 2.04 No Diversion. The Medical Benefits Trust shall be for the exclusive purpose of providing benefits to ~~participants~~ **members** under the Medical Benefits Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Medical Benefits Plan. For purposes of this Medical Benefits Trust, the ~~ELCA Church Council intends that the~~ expenses of administering or operating the Medical Benefits Plan shall be paid from contributions made to the Medical Benefits Plan or from assets held in this Trust under the Medical Benefits Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of **Medical Benefits** Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Medical Benefits Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Medical Benefits Plan). Such expenses may also include premiums for the bonding of officials of the Medical Benefits

Plan as required by any applicable law. No part of the corpus or income of the Medical Benefits Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Medical Benefits Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the Participating Employer.

ARTICLE III: TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Medical Benefits Trustees shall be as follows:

- (a) The Medical Benefits Trustees shall have exclusive authority and discretion to manage and control the assets of the Medical Benefits Plan held in the Medical Benefits Trust subject to the provisions of Article IV.
- (b) The Medical Benefits Trustees shall hold, administer, invest and reinvest, ~~and disburse~~ the principal and income of the Medical Benefits Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Medical Benefits Trustees shall disburse monies and other properties from the Medical Benefits Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Medical Benefits Plan, to the payee or payees specified by the ELCA Board of Pensions in directions to the Medical Benefits Trustees, in such form as the Medical Benefits Trustees may reasonably require. The Medical Benefits Trustees shall be under no liability for any distribution made by ~~them~~ it pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by ~~them~~ it pursuant to any such direction is made pursuant to the provisions of the Medical Benefits Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Medical Benefits Trustees.
- (d) The Medical Benefits Trustees shall have the responsibilities, if any, expressly allocated to ~~them~~ it by the Medical Benefits Plan and the Trust. Except as responsibilities may be expressly so allocated, the Medical Benefits Trustees in ~~their~~ its capacity as such shall have no responsibility or authority with respect to the operation and administration of the Medical Benefits Plan, and the rights, powers and duties of the Medical Benefits Trustees shall be governed solely by the terms of this Agreement Trust without reference to provided, however, that to the extent this Trust conflicts with a provision in the Medical Benefits Plan, the provisions of the Medical Benefits Plan shall control.
- (e) The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.

Sec. 3.02 Powers of the Medical Benefits Trustees. As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee

be, at all times, a directed trustee of the Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions.

The Medical Benefits Trustees ~~solely~~ shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the Medical Benefits Trust that may be necessary or advisable to discharge ~~their~~ its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Medical Benefits Trustees, the Medical Benefits Trustees shall have the following powers and authorities to be exercised in ~~their~~ its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Medical Benefits Trustees such securities and properties shall constantly be shown to be a part of the Medical Benefits Trust, and no such registration or holding by the Medical Benefits Trustees shall relieve ~~them~~ it from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Medical Benefits Trust at such prices and on such terms and in such manner as ~~they~~ it may deem proper, and for terms within or extending beyond the duration of the Medical Benefits Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by ~~it~~ them; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Medical Benefits Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~they~~ it may deem advisable in ~~their~~ its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~they~~ it may in ~~their~~ its absolute discretion deem advisable; to exercise and enforce any

and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies in respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the Medical Benefits Trust any and all liens, charges, or encumbrances upon the same, in its ~~their~~ absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Medical Benefits Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as ~~they~~ it may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Medical Benefits Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Medical Benefits Trust, and to pay, compromise, and discharge with the assets of the Medical Benefits Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Medical Benefits Plan from time to time and to deposit the same in ~~their~~ its name as Medical Benefits Trustees in such depositories as ~~they~~ it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Medical Benefits Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Medical Benefits Trust or the assets thereof, at the sole cost and expense of the Medical Benefits Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Medical Benefits Trust or of Medical Benefits Trustees; but the Medical Benefits Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless ~~they~~ it shall have been indemnified to ~~their~~ its satisfaction against any and all loss, cost, expense, and liability ~~they~~ it may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Medical Benefits Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Medical Benefits Trustees cannot delegate ~~their~~ its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as ~~they~~ it may

determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Medical Benefits Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Medical Benefits Trust in the same manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Medical Benefits Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or the ELCA Board of Pensions) deemed by the Medical Benefits Trustees to be necessary or proper for the administration of the Medical Benefits Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustees under the terms of the Medical Benefits Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the Medical Benefits Trust from the Medical Benefits Trust. The Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~have~~ **has** exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the Medical Benefits Trust all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against the Medical Benefits Trust, without **the need to seek** any approval or direction of the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Medical Benefits **Trustee's** opinion, ~~they~~ **it** shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Medical Benefits Trustees shall deem necessary for ~~their~~ **its** protection.

- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Medical Benefits Trustees but also in any other fiduciary capacity with respect to the Medical Benefits Plan pursuant to such agreements or practices as the Medical Benefits Trustees considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Medical Benefits Trustees.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation **and administration** of ~~this Agreement or the administration of~~ the Medical Benefits Trust.
- (s) **To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of ~~the~~is Medical Benefits Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections 501(c)(3) ~~and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03 Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the Medical Benefits Trust is situated in a state or states in which the Medical Benefits Trustees acting hereunder ~~are~~ is prohibited from holding real estate as trustee, or in a foreign country, the Medical Benefits Trustees ~~are~~ is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Medical Benefits Trustees. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Medical Benefits Trustees, but shall exercise and discharge the same subject to such limitations or directions of the Medical Benefits Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Medical Benefits Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Medical Benefits Trust. The Medical Benefits Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Medical Benefits Trust, payment of expenses with respect to ancillary

trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Medical Benefits Trustees hereunder, in the exercise of ~~their~~ its discretion, may deem appropriate and consistent with the provisions of this Trust Agreement.

Sec. 3.04 Expenses. The Medical Benefits Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~it them~~ in the performance of its ~~their~~ services as Medical Benefits Trustees or in any other capacity in connection with the Medical Benefits Plan as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Medical Benefits Trust if not paid directly by the ELCA Board of Pensions or the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Medical Benefits Trust until paid.

Sec. 3.05 Records and Accountings. The Medical Benefits Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Medical Benefits Trust, and as soon as reasonably practicable after the resignation or removal of the Medical Benefits Trustees has become effective, the Medical Benefits Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~it them~~ during such year, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period, and the cost of each item thereof as carried on the books of the Medical Benefits Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the Medical Benefits Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Medical Benefits Trust is not available, when necessary for accounting or reporting purposes the fair value of the asset shall be determined in good faith by the Medical Benefits Trustees, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Medical Benefits Trustees and anyone as to any act or transaction reported in an accounting, the Medical Benefits Trustees shall have the right to have its account settled by a court of competent jurisdiction.

Sec. 3.06 Record Retention. The Medical Benefits Trustees shall retain the records relating to the Medical Benefits Trust as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Medical Benefits Plan. No member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Medical Benefits Plan or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Medical Benefits Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the Medical Benefits Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of the ELCA Board of Pensions' Investment

Policy for the Medical Benefits Plan, the Medical Benefits Trustees shall diversify the investments of the Medical Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Medical Benefits Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (a*i*) The Medical Benefits Trustees may invest and reinvest principal and income of the Medical Benefits Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; ~~and~~ real estate leases and real estate partnerships; **and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IV.**
- (b*ii*) The Medical Benefits Trustees may invest and reinvest the principal and income of the Medical Benefits Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (c*iii*) The Medical Benefits Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Medical Benefits Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Medical Benefits Trustees may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.

Sec. 4.02

Investment Managers.

- (a) **The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the Medical Benefits Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.**
- (b) **If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant**

to Sec. 4.02(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.

- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the Medical Benefits Plan which is subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.

ARTICLE V: ~~CO-TRUSTEES~~

- ~~Sec. 5.01~~ ~~Co-trustees.~~ Except as otherwise clearly indicated by the context when used in this Agreement, "Medical Benefits Trustees" shall include and refer to all co-trustees in office at the time.
- ~~Sec. 5.02~~ ~~Title.~~ Except as provided in Sec. 3.03 hereof or in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the Medical Benefits Trust shall vest jointly in all of the co-trustees.
- ~~Sec. 5.03~~ ~~Responsibility With Respect to Co-trustee.~~ Each co-trustee shall use reasonable care to prevent each other co-trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement co-trustees shall jointly manage and control the assets of the Medical Benefits Trust; provided, however, that by unanimous agreement the co-trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the Medical Benefits Trust, responsibility with respect to custody of the assets of the Medical Benefits Trust, responsibility with respect to disbursement of the Medical Benefits Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co-trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.
- ~~Sec. 5.04~~ ~~Exercise of Powers.~~ If co-trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co-trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec. 5.03 hereof, all actions of the co-trustees shall be taken or authorized at a meeting by vote of a majority of the co-trustees, or by written authorization of a majority of the co-trustees. Written minutes of meetings shall be kept. The co-trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the Medical Benefits Trustees or to perform any ministerial function of the Medical Benefits Trustees hereunder. No co-trustee who at the time is a participant or beneficiary under the Medical Benefits Plan shall vote or otherwise participate in the consideration or determination of the Medical Benefits Trustees with respect to any matters solely concerning the rights or interests of such co-trustee as participant or beneficiary under such Plan.
- ~~Sec. 5.05~~ ~~Disability of Co-trustee.~~ If any co-trustee acting hereunder is, in the opinion of the other co-trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co-trustees shall have full power and authority to exercise

EVANGELICAL LUTHERAN CHURCH IN AMERICA

CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1d

Page 18

~~all powers, duties, authorities, and discretions granted such co trustee herein while such incapacity continues.~~

~~Sec. 5.06 — Bonding. Any individual appointed as a Medical Benefits Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the Medical Benefits Trust if not paid directly by the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Medical Benefits Trust until paid.~~

ARTICLE VI: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 56.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 56.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 56.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 56.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. ~~56~~.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec. ~~56~~.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all~~ Trustee. ~~If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VII: MISCELLANEOUS

- Sec. ~~67~~.01 Incompetent Payee. If in the opinion of the ELCA Board of Pensions a person to whom the Medical Benefits Trustees ~~are~~ is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing to the ELCA Board of Pensions with satisfactory evidence of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then, in the opinion of the ELCA Board of Pensions, caring for or maintaining the person who is under the disability. The Medical Benefits Trustees shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Medical Benefits Trustees shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. ~~67~~.02 Evidence. Evidence required of anyone under this ~~Agreement~~ Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. ~~67~~.03 Dealings of Others With Medical Benefits Trustees. No person (corporate or individual) dealing with the Medical Benefits Trustees shall be required to see to the application of any money paid or property delivered to the Medical Benefits Trustees or to determine whether the Medical Benefits Trustees ~~are~~ is acting pursuant to any authority granted to ~~them~~ it under this ~~Agreement~~ Trust.
- Sec. ~~67~~.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Medical Benefits Trust, solely in the interests of the members and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to ~~participants~~ members and their beneficiaries in the Medical Benefits Plan ~~and the Evangelical Lutheran Church in America Welfare Benefits Plan for Government Chaplains (the "Welfare Benefits Plan for Chaplains")~~ and defraying reasonable expenses of administering the Medical Benefits Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,

- (c) By diversifying the investments of the Medical Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
- (d) In accordance with the provisions of this Medical Benefits Trust and the Medical Benefits Plan ~~and Welfare Benefits Plan for Chaplains.~~

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering the Medical Benefits Trust, in accordance with the investment objectives and policies from time to time established for such Trust, and the fiduciaries shall not be liable to any Member or other person solely by reason of their adherence to such investment objectives and policies as set forth in the Investment Policy for the Medical Benefits Trust.

Sec. 67.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Medical Benefits Trust for the administrative services provided by the ELCA Board of Pensions to the Medical Benefits Plan and the Medical Benefits Trust, including a fee for informing the employees and employers of the availability of the Medical Benefits Plan. The fee charged to the Medical Benefits Trust shall constitute a lien upon the Medical Benefits Trust until paid.

Sec. 67.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Medical Benefits Trustees that relate to the Medical Benefits Plan to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Medical Benefits Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Medical Benefits Trust, if not paid by the Participating Employers in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Medical Benefits Trust until paid.

Sec. 67.07 Successors. The provisions of this ~~Agreement~~ **Trust** shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of a Participating Employer's assets is eligible to, and elects to, continue the Medical Benefits Plan, such successor or purchaser shall be substituted for the Participating Employer under this **Trust Agreement**.

Sec. 67.08 Waiver of Notice. Any notice required under this ~~Trust Agreement~~ **Trust Agreement** may be waived by the person entitled thereto.

Sec. 67.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this ~~Trust Agreement~~ **Trust Agreement**, and shall not influence its construction.

Sec. 67.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire ~~Agreement~~ **Agreement**.

Trust unless the context clearly indicates otherwise.

- Sec. ~~6~~7.11 ~~Construed as a Whole~~**Error! Reference source not found.** The provisions of this ~~Agreement Trust~~ **Trust** shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Sec. ~~6~~7.12 Severability. In the event any provision of this Medical Benefits Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Medical Benefits Trust, but shall be fully severable, and the Medical Benefits Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Sec. ~~6~~7.13 Counterparts. This ~~Agreement Trust~~ **Trust** may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Sec. ~~6~~7.14 Indemnification of Medical Benefits Trustees. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify ~~each of the~~ **each** of the Medical Benefits Trustees for and to hold ~~each~~ **it** harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any~~ **the** Medical Benefits Trustee at any time by reason of the Medical Benefits Trustee's service under this ~~Agreement Trust~~ **Trust** if the Medical Benefits Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful ~~or negligent~~ violation of the law or regulations under which such liability, loss, cost, or expense arises.
- Sec. ~~6~~7.15 Internal Revenue Code of 1986. All references in this ~~Agreement Trust~~ **Trust** to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this ~~Trust Agreement~~ **Trust**.
- Sec. ~~6~~7.16 Applicable Law. This Medical Benefits Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.
- Sec. 6.17 Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.**
- Sec. 6.18 Parties to the Trust. Any Participating Employer that contributes to the Medical Benefits Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Medical Benefits Plan and this Trust, as then in effect and as may thereafter be amended.**

Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Medical Benefits Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust, that portion of the Trust which, pursuant to the determination of the ELCA Board of Pensions, is attributable to the participation in the Medical Benefits Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Sec. 6.19 Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE VIII: AMENDMENTS AND TERMINATION

Sec. ~~78~~.01 Amendments. The Medical Benefits Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Medical Benefits Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ members under the Medical Benefits Plan and their beneficiaries, or reasonable expenses of administration of the Medical Benefits Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Trust Agreement~~ shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ Board of Trustees of the ELCA Board of Pensions to take such action and the Medical Benefits Trustees.

Sec. ~~78~~.02 Termination. The Medical Benefits Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. ~~8.01~~ 7.01. Upon termination of the Medical Benefits Trust, any surplus property remaining after the payment of all benefits attributable to the Medical Benefits Plan, and all of the debts of the Medical Benefits Plan and Medical Benefits Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is, at that time, an organization described in said Section 501(c)(3) as the Medical Benefits Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Medical Benefits Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Medical Benefits Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

~~ARTICLE IX: INVESTMENTS COMMITTEE~~

~~Sec. 9.01 — Recommendations of the Investments Committee. The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investments Committee. This Investments Committee shall make appropriate recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions after consideration of the recommendations of the Investments Committee, shall have authority to direct the Medical Benefits Trustees as to the investment and reinvestment of all or a part of the Medical Benefits Trust. The investment of the Medical Benefits Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:~~

- ~~(a) — The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~
- ~~(b) — The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~
- ~~(c) — The Investment Committee shall formulate a set of Investment Policy Documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investments Committee.~~
- ~~(d) — The Investment Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this **Restated Trust Agreement** to be executed **as of the day and year written below.** by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto:

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

Dated: _____, 2009

By _____
Robert H. Rydland, Vice President & General Counsel

Summary of Amendments Restated ELCA Medical and Dental Benefits Trust

Trust effective 1/1/1988

1/01/1988

BoP-6/02/1988; CC-7/11/1988

Sec. 7.02, Incompetent Payee: to include 'physical' condition and remove 'age' to read: "If in the opinion of the ELCA BoP a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age...~~"

Retro to 1/01/1988

BoP-10/18/1992; CC-11/09/1992

Technical amendments – (1) to specifically include "Welfare Benefits Plan for Government Chaplains" in Secs. 7.05 & 8.01; and (2) to permit pooling of the Welfare Benefits Plan for Government Chaplains with the Medical and Dental Benefits Plan for risk pooling purposes. It conformed to current practice and was necessary for rational funding of the Chaplain's Plan since, by itself, it did not have a sufficiently large pool of participants to effectively spread risk.

1/01/1990

BoP-6/24/1989; CC-8/22/1989

Sec. 3.02(1), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

1/01/1994

BoP-7/18/1993; CC-8/24/1993

Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

1/01/2003

BoP-11/03/2002; CC-11/17/2002

In the process of restating the merged retirement trusts, it became obvious that certain changes were necessary in order to make the five remaining trusts, created between 1988 and 1997, more accurately reflect the current operation of the BoP.

(1) All "whereas" clauses to reflect the current trustees and the method by which the trusts may be amended.

(2) ALCT to reflect that all of the medical continuation plans have been merged into the MDBT.

(3) Article II was expanded by bringing in the sections relating to alienation and diversion (not changes, but simply reorganization of old provisions).

(4) Article IV to more accurately reflect the current investment strategies of the BoP. Specifically, Sec. 4.01(c) to correctly reflect the BoP's utilization of futures, forwards and options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure, and to clarify that the trustees may not invest so as to leverage the size of the trusts.

(5) Article VI to more accurately reflect the method by which trustees are elected and how the Board of

Trustees deals with the resignation, removal and election of successor trustees.

(6) Article IX to more accurately reflect the operation of the Board of Trustees and its Investment Committee.

1/01/2006

BoP-11/06/2005; CC-11/13/2005

The "Purpose" section in each of the five trusts to coincide with the intent and purpose of the changes to each plan document and to the change in Article II of BoP's Restated Articles of Incorporation which expand the BoP's ability to provide services and benefits to other organizations exclusively for religious purposes.

Upon approval-Church Council BoP-8/01/2009 & 10/30/09; CC-11/15/2009

Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1d
Page 30

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Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1e
Page 1

~~Trust Document~~
Restated ELCA Survivor
Benefits Trust

November 2009 Draft

BOT 7/30/09 & 10/30/09 CC 11/13-15/09

January 1, 2010

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
SURVIVOR BENEFITS TRUST
(~~Sec. 1.03 amended effective as of January 1, 2006, upon approval by Church Council~~)**

PREAMBLE

This Amendment **and Restatement** of the **ELCA** Survivor Benefits Trust Agreement ("**Trust**"), to be **entered into** effective **January 1, 2010** ~~January 1, 2003~~, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation (the "ELCA Board of Pensions"), **in its capacity as the administrator of a church survivor benefits plan, and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the "Survivor Benefits Trustee" or "Trustee")**; and David Alvarez, Rev. James S. Aull, Kenneth G. Bash, Jon B. Christianson, Bradley C. Engel, Nancy J. Haberstich, Rev. Larry C. Kassebaum, Rev. Jon R. Lee, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Barbara A. Swartling, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick, referred to collectively as the "SURVIVOR BENEFITS TRUSTEES";

WITNESSETH:

WHEREAS, the ELCA Board of Pensions has established and maintained a survivor benefits plan since January 1, 1988, known as the Evangelical Lutheran Church in America Survivor Benefits Plan (the "Survivor Benefits Plan"); **and**

~~WHEREAS, the Survivor Benefits Trust provides that it may be amended, among other methods, by the Board of Pensions initiating Amendments. The Amendments shall be executed by two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and executed by the Survivor Benefits Plan Trustees and then submitted to the ELCA Church Council for final action; and~~

~~WHEREAS, the Survivor Benefits Plan provides that more than one employer may participate in the Survivor Benefits Plan, each of said employers, including the ELCA Board of Pensions, being referred to as a "Participating Employer".~~

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Survivor Benefits Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure;
and

WHEREAS, the Trust provides that it may be amended as set forth in Article VII.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, **the Trust is amended and restated** and for the purpose of providing a future funding vehicle for the Survivor Benefits Plan, the parties agree as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Survivor Benefits Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known as the “**Restated** Evangelical Lutheran Church in America Survivor Benefits Trust” (the “Survivor Benefits Trust” **or “Trust”**).

Sec. 1.02 Acceptance of Trust Responsibilities. The Survivor Benefits Trustees ~~accepts their~~ **its** appointment as such, and ~~agrees~~ to hold, manage and disburse all the property received by ~~it them~~, pursuant to this Survivor Benefits Trust **and applicable law**.

Sec. 1.03 Purpose. The Survivor Benefits Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing survivor benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other **Section 501(c)(3)** organizations operated exclusively for religious purposes.

The Survivor Benefits Trust shall not afford pecuniary gain, incidentally or otherwise, to the Survivor Benefits Trustees and no part of the net income or net earnings of the Survivor Benefits Trust shall inure to the benefit of ~~any of~~ the Survivor Benefits Trustees or any other individual and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including a Survivor Benefits Trustee, from receiving any benefit to which he or she may be entitled as a ~~participant~~ **member** of, or beneficiary in, the Survivor Benefits Plan, so long as the benefit is computed and paid on a basis which is consistent with the terms of the Survivor Benefits Plan as applied to all other ~~participants~~ **members** and beneficiaries. The Survivor Benefits Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Part of Survivor Benefits Plan. This Survivor Benefits Trust will form a part of the **ELCA** Survivor Benefits Plan (“**Survivor Benefits Plan**”) and will be used to fund benefits thereunder. **The Survivor Benefits Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Survivor Benefits Plan, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Survivor Benefits Plan.** To the extent that this Trust conflicts with any provision in the Survivor Benefits Plan, the **Survivor Benefits** Plan document shall control.

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Survivor Benefits Plan it will furnish the Survivor Benefits Trustees with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions further agrees that no amendment of the Survivor Benefits Plan shall have the effect of changing the rights, duties, and liabilities of the Survivor Benefits Trustees without ~~their~~ **its** written consent. The Survivor Benefits Trustees may rely on the latest Survivor Benefits Plan documents furnished ~~them~~ as above provided without further inquiry or verification. ~~The Survivor Benefits Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Survivor Benefits Plan, including the responsibility to direct the Survivor Benefits Trustees as to disbursement of the Survivor Benefits Trust for purposes of the Survivor Benefits Plan.~~

Sec. 1.05 Church Plan Trust. **The ELCA Board of Pensions intends by this document to have created a trust forming part of the Survivor Benefits Plan which shall be exempt from federal income tax pursuant to Code section 501(a).** The Survivor Benefits Trust and the Survivor Benefits Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Survivor Benefits Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.06 Certifications. The Secretary of the ELCA Board of Pensions or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions shall certify to the Survivor Benefits Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Survivor Benefits Trustees as to disbursements from the Survivor Benefits Trust for purposes of the Survivor Benefits Plan and the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to communicate with the Survivor Benefits Trustees with respect to any other matter or matters relating to the Survivor Benefits Trust, and shall provide the Survivor Benefits Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Survivor Benefits Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: SURVIVOR BENEFITS TRUST

- Sec. 2.01 Composition. **The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interest in the Survivor Benefits Plan, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the Survivor Benefits Plan. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.** ~~All sums of money and all securities and other property acceptable to the Survivor Benefits Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the Survivor Benefits Trustees as the Survivor Benefits Trust, in accordance with the terms and provisions hereof. The Survivor Benefits Trust shall be held, administered, and disbursed by the Survivor Benefits Trustees without distinction between principal and income.~~
- Sec. 2.02 Contributions. The Survivor Benefits Trustees shall have no duty to require any contributions to be made to **it them**, to determine that the contributions received ~~by them~~ comply with the provisions of the Survivor Benefits Plan, or to collect any contributions payable ~~to them~~ pursuant to the Survivor Benefits Plan. The responsibility of the Survivor Benefits Trustees shall be limited to the sums of money, securities, and other property actually received ~~by them~~.
- Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Survivor Benefits Plan, or required by law, the interests of ~~participants~~ **members** and their beneficiaries under the Survivor Benefits Plan or this ~~Agreement~~ **Trust** may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.
- Sec. 2.04 No Diversion. The Survivor Benefits Trust shall be for the exclusive purpose of providing benefits to ~~participants~~ **members** under the Survivor Benefits Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Survivor Benefits Plan. For purposes of this Survivor Benefits Trust, the ~~ELCA Church Council~~ ~~intends that the~~ expenses of administering or operating the Survivor Benefits Plan shall be paid from contributions made to the Survivor Benefits Plan or from assets held in this Trust under the Survivor Benefits Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of **Survivor Benefits** Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Survivor Benefits Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Survivor Benefits Plan). Such expenses may also include premiums for the bonding of officials of the Survivor Benefits

Plan as required by any applicable law. No part of the corpus or income of the Survivor Benefits Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Survivor Benefits Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the Participating Employer.

ARTICLE III: TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Survivor Benefits Trustees shall be as follows:

- (a) The Survivor Benefits Trustees shall have exclusive authority and discretion to manage and control the assets of the Survivor Benefits Plan held in the Survivor Benefits Trust **subject to the provisions of Article IV.**
- (b) The Survivor Benefits Trustees shall hold, administer, invest and reinvest, ~~and disburse~~ the principal and income of the Survivor Benefits Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Survivor Benefits Trustees shall disburse monies and other properties from the Survivor Benefits Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Survivor Benefits Plan, to the payee or payees specified by the ELCA Board of Pensions in directions to the Survivor Benefits Trustees in such form as the Survivor Benefits Trustees may reasonably require. The Survivor Benefits Trustees shall be under no liability for any distribution made by ~~them~~ **it** pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by ~~them~~ **it** pursuant to any such direction is made pursuant to the provisions of the Survivor Benefits Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Survivor Benefits Trustees.
- (d) The Survivor Benefits Trustees shall have the responsibilities, if any, expressly allocated to **it** ~~them~~ by the Survivor Benefits Plan **and the Trust.** Except as responsibilities may be expressly so allocated, the Survivor Benefits Trustees in ~~their~~ **its** capacity as such shall have no responsibility or authority with respect to the operation and administration of the Survivor Benefits Plan, and the rights, powers and duties of the Survivor Benefits Trustees shall be governed solely by the terms of this **Trust Agreement without reference to provided, however, that to the extent this Trust conflicts with a provision in the Survivor Benefits Plan, the provisions of the Survivor Benefits Plan shall control.**
- (e) **The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.**

Sec. 3.02 Powers of the Survivor Benefits Trustees. **As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not be**

deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions.

The Survivor Benefits Trustees ~~solely~~ shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the Survivor Benefits Trust that may be necessary or advisable to discharge ~~their~~ **its** responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Survivor Benefits Trustees, the Survivor Benefits Trustees shall have the following powers and authorities to be exercised in ~~their~~ **its** absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Survivor Benefits Trustees such securities and properties shall constantly be shown to be a part of the Survivor Benefits Trust, and no such registration or holding by the Survivor Benefits Trustees shall relieve ~~them~~ **it** from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Survivor Benefits Trust at such prices and on such terms and in such manner as **it** ~~they~~ may deem proper, and for terms within or extending beyond the duration of the Survivor Benefits Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by **it** ~~them~~; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Survivor Benefits Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~they~~ **it** may deem advisable in **its** ~~their~~ absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~they~~ **it** may in ~~their~~ **its** absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and

enforce in any action, suit, or proceeding at law or in equity any rights or remedies in respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the Survivor Benefits Trust any and all liens, charges, or encumbrances upon the same, in ~~their~~its absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Survivor Benefits Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as they may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Survivor Benefits Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Survivor Benefits Trust, and to pay, compromise, and discharge with the assets of the Survivor Benefits Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Survivor Benefits Plan from time to time and to deposit the same in its ~~their~~ name as Survivor Benefits Trustees in such depositories as ~~they~~ it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Survivor Benefits Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Survivor Benefits Trust or the assets thereof, at the sole cost and expense of the Survivor Benefits Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Survivor Benefits Trust or of Survivor Benefits Trustees; but the Survivor Benefits Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless it ~~they~~ shall have been indemnified to its ~~their~~ satisfaction against any and all loss, cost, expense, and liability it ~~they~~ may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Survivor Benefits Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Survivor Benefits Trustees cannot delegate its ~~their~~ right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as it ~~they~~ may determine; to sell or exercise any and all subscription rights and conversion

privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Survivor Benefits Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Survivor Benefits Trust in the same manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Survivor Benefits Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel and other persons (any of whom may also be employed by or represent a Participating Employer or the ELCA Board of Pensions) deemed by the Survivor Benefits Trustees to be necessary or proper for the administration of the Survivor Benefits Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustees under the terms of the Survivor Benefits Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the Survivor Benefits Trust from the Survivor Benefits Trust. The Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~has~~ ~~have~~ exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the Survivor Benefits Trust all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against the Survivor Benefits Trust, without **the need to seek** any approval or direction of the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Survivor Benefits Trustee's opinion, ~~they~~ **it** shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Survivor Benefits Trustees shall deem necessary for **its** ~~their~~ protection.

- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Survivor Benefits Trustees but also in any other fiduciary capacity with respect to the Survivor Benefits Plan pursuant to such agreements or practices as the Survivor Benefits Trustees considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Survivor Benefits Trustees.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation or administration of ~~this Agreement or the administration of~~ the Survivor Benefits Trust.
- (s) **To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of the ~~is~~ Survivor Benefits Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections 501(c)(3) ~~and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03

Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the Survivor Benefits Trust is situated in a state or states in which the Survivor Benefits Trustees acting hereunder ~~is are~~ prohibited from holding real estate as trustee, or in a foreign country, the Survivor Benefits Trustees ~~is are~~ hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Survivor Benefits Trustees. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Survivor Benefits Trustees, but shall exercise and discharge the same subject to such limitations or directions of the Survivor Benefits Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Survivor Benefits Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Survivor Benefits Trust. The Survivor Benefits Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Survivor Benefits Trust, payment of expenses with respect to ancillary

trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Survivor Benefits Trustees hereunder, in the exercise of ~~their~~ **its** discretion, may deem appropriate and consistent with the provisions of this **Trust Agreement**.

Sec. 3.04 **Expenses.** The Survivor Benefits Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~it them~~ in the performance of ~~its their~~ services as Survivor Benefits Trustees or in any other capacity in connection with the Survivor Benefits Plan as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Survivor Benefits Trust if not paid directly by the **ELCA Board of Pensions or the** Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Survivor Benefits Trust until paid.

Sec. 3.05 **Records and Accountings.** The Survivor Benefits Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Survivor Benefits Trust, and as soon as reasonably practicable after the resignation or removal of the Survivor Benefits Trustees has become effective, the Survivor Benefits Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~them it~~ during such year, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period, and the cost of each item thereof as carried on the books of the Survivor Benefits Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the Survivor Benefits Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Survivor Benefits Trust is not available, when necessary for accounting or reporting purposes the fair value of the asset shall be determined in good faith by the Survivor Benefits Trustees, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Survivor Benefits Trustees and anyone as to any act or transaction reported in an accounting, the Survivor Benefits Trustees shall have the right to have its account settled by a court of competent jurisdiction.

Sec. 3.06 **Record Retention.** The Survivor Benefits Trustees shall retain the records relating to the Survivor Benefits Trust as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Survivor Benefits Plan. No member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Survivor Benefits Plan or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Survivor Benefits Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the Survivor Benefits Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of the ELCA Board

of Pensions' Investment Policy for the Survivor Benefits Plan, the Survivor Benefits Trustees shall diversify the investments of the Survivor Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Survivor Benefits Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (~~ai.~~) The Survivor Benefits Trustees may invest and reinvest principal and income of the Survivor Benefits Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; ~~and~~ real estate leases and real estate partnerships; **and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IV.**
- (~~bi.~~) The Survivor Benefits Trustees may invest and reinvest the principal and income of the Survivor Benefits Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (~~eiii.~~) The Survivor Benefits Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Survivor Benefits Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Survivor Benefits Trustees may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.

Sec. 4.02

Investment Managers.

- (a) **The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the Survivor Benefits Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.**
- (b) **If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant**

to Sec. 4.02(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.

- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the Survivor Benefits Plan which is subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.

ARTICLE V: ~~CO-TRUSTEES~~

- ~~Sec. 5.01~~ ~~Co-trustees.~~ Except as otherwise clearly indicated by the context when used in this Agreement, "Survivor Benefits Trustees" shall include and refer to all co-trustees in office at the time.
- ~~Sec. 5.02~~ ~~Title.~~ Except as provided in Sec. 3.03 hereof or in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the Survivor Benefits Trust shall vest jointly in all of the co-trustees.
- ~~Sec. 5.03~~ ~~Responsibility With Respect to Co-trustee.~~ Each co-trustee shall use reasonable care to prevent each other co-trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement co-trustees shall jointly manage and control the assets of the Survivor Benefits Trust; provided, however, that by unanimous agreement the co-trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the Survivor Benefits Trust, responsibility with respect to custody of the assets of the Survivor Benefits Trust, responsibility with respect to disbursement of the Survivor Benefits Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co-trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.
- ~~Sec. 5.04~~ ~~Exercise of Powers.~~ If co-trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co-trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec. 5.03 hereof, all actions of the co-trustees shall be taken or authorized at a meeting by vote of a majority of the co-trustees, or by written authorization of a majority of the co-trustees. Written minutes of meetings shall be kept. The co-trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the Survivor Benefits Trustees or to perform any ministerial function of the Survivor Benefits Trustees hereunder. No co-trustee who at the time is a participant or beneficiary under the Survivor Benefits Plan shall vote or otherwise participate in the consideration or determination of the Survivor Benefits Trustees with respect to any matters solely concerning the rights or interests of such co-trustee as participant or beneficiary under such Plan.
- ~~Sec. 5.05~~ ~~Disability of Co-trustee.~~ If any co-trustee acting hereunder is, in the opinion of the other co-trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co-trustees shall have full power and authority to exercise

EVANGELICAL LUTHERAN CHURCH IN AMERICA

CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1e

Page 18

~~all powers, duties, authorities, and discretions granted such co trustee herein while such incapacity continues.~~

~~Sec. 5.06 — Bonding. Any individual appointed as a Survivor Benefits Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the Survivor Benefits Trust if not paid directly by the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Survivor Benefits Trust until paid.~~

ARTICLE VI: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 56.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 56.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 56.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 56.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. ~~56~~.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec. ~~56~~.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all~~ Trustee. ~~If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VII: MISCELLANEOUS

- Sec. 67.01 Incompetent Payee. If, in the opinion of the ELCA Board of Pensions, a person to whom the Survivor Benefits Trustees ~~is are~~ directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing to the ELCA Board of Pensions with satisfactory evidence of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then, in the opinion of the ELCA Board of Pensions, caring for or maintaining the person who is under the disability. The Survivor Benefits Trustees shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Survivor Benefits Trustees shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. 67.02 Evidence. Evidence required of anyone under this ~~Agreement~~ **Trust** may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. 67.03 Dealings of Others With Survivor Benefits Trustees. No person (corporate or individual) dealing with the Survivor Benefits Trustees shall be required to see to the application of any money paid or property delivered to the Survivor Benefits Trustees or to determine whether the Survivor Benefits Trustees ~~are~~ **is** acting pursuant to any authority granted to ~~them~~ **it** under this **Trust Agreement**.
- Sec. 67.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Survivor Benefits Trust, solely in the interests of the **m**embers and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to ~~participants~~ **members** in the Survivor Benefits Plan and their beneficiaries and defraying reasonable expenses of administering the Survivor Benefits Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
 - (c) By diversifying the investments of the Survivor Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and

- (d) In accordance with the provisions of this Survivor Benefits Trust and the Survivor Benefits Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering the Survivor Benefits Trust, in accordance with the investment objectives and policies from time to time established for such Trust, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies as set forth in the Investment Policy for the Survivor Benefits Trust.

- Sec. 67.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Survivor Benefits Trust for the administrative services provided by the ELCA Board of Pensions to the Survivor Benefits Plan and the Survivor Benefits Trust, including a fee for informing the employees and employers of the availability of the Survivor Benefits Plan. The fee charged to the Survivor Benefits Trust shall constitute a lien upon the Survivor Benefits Trust until paid.
- Sec. 67.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Survivor Benefits Trustees that relate to the Survivor Benefits Plan to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Survivor Benefits Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Survivor Benefits Trust, if not paid by the Participating Employers in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Survivor Benefits Trust until paid.
- Sec. 67.07 Successors. The provisions of this ~~Agreement~~ Trust shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of a Participating Employer's assets is eligible to, and elects to, continue the Survivor Benefits Plan, such successor or purchaser shall be substituted for the Participating Employer under this Trust Agreement.
- Sec. 67.08 Waiver of Notice. Any notice required under this Trust Agreement may be waived by the person entitled thereto.
- Sec. 67.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust Agreement, and shall not influence its construction.
- Sec. 67.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust Agreement unless the context clearly indicates otherwise.

- Sec. ~~6~~7.11 Construed as a Whole. The provisions of this Trust Agreement shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Sec. ~~6~~7.12 Severability. In the event any provision of this Survivor Benefits Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Survivor Benefits Trust, but shall be fully severable, and the Survivor Benefits Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Sec. ~~6~~7.13 Counterparts. This Trust Agreement may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Sec. ~~6~~7.14 Indemnification of Survivor Benefits Trustees. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify ~~each of~~ the Survivor Benefits Trustees for and to hold ~~it each~~ harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any the~~ Survivor Benefits Trustee at any time by reason of the Survivor Benefits Trustee's service under this Trust Agreement if the Survivor Benefits Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful ~~or negligent~~ violation of the law or regulations under which such liability, loss, cost, or expense arises.
- Sec. ~~6~~7.15 Internal Revenue Code of 1986. All references in this Trust Agreement to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust Agreement.
- Sec. ~~6~~7.16 Applicable Law. This Survivor Benefits Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.
- Sec. 6.17 **Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.**
- Sec. 6.18 **Parties to the Trust. Any Participating Employer that contributes to the Survivor Benefits Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Survivor Benefits Plan and this Trust, as then in effect and as may thereafter be amended.**
Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to

the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Survivor Benefits Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust, that portion of the Trust which, pursuant to the determination of the ELCA Board of Pensions, is attributable to the participation in the Survivor Benefits Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Sec. 6.19 Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE VIII: AMENDMENTS AND TERMINATION

Sec. ~~78~~.01 Amendments. The Survivor Benefits Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Survivor Benefits Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ members under the Survivor Benefits Plan and their beneficiaries, or reasonable expenses of administration of the Survivor Benefits Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Agreement~~ Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ Board of Trustees of the ELCA Board of Pensions to take such action and the Survivor Benefits Trustees.

Sec. ~~78~~.02 Termination. The Survivor Benefits Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. ~~8.01~~ 7.01. Upon termination of the Survivor Benefits Trust, any surplus property remaining after the payment of all benefits attributable to the Survivor Benefits Plan, and all of the debts of the Survivor Benefits Plan and Survivor Benefits Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is, at that time, an organization described in said Section 501(c)(3) as the Survivor Benefits Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Survivor Benefits Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Survivor Benefits Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1e
Page 26

ARTICLE IX: INVESTMENT COMMITTEE

Sec. 9.01 ~~Recommendations of the Investment Committee.~~ The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investment Committee. ~~This Investment Committee shall make appropriate recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions, after consideration of the recommendations of the Investment Committee, shall have authority to direct the Survivor Benefits Trustees as to the investment and reinvestment of all or a part of the Survivor Benefits Trust. The investment of the Survivor Benefits Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:~~

- (a) ~~The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~
- (b) ~~The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~
- (c) ~~The Investment Committee shall formulate a set of Investment Policy Documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investments Committee.~~
- (d) ~~The Investment Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this Agreement **Restated Trust** to be executed **as of the day and year written below.** ~~by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto.~~

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

Dated: _____, 2009

By _____
Robert H. Rydland, Vice President &
General Counsel

Summary of Amendments Restated ELCA Survivor Benefits Trust

Trust effective 1/1/1988

1/01/1988

BoP-6/02/1988; CC-7/11/1988

Sec. 7.02, Incompetent Payee: to include 'physical' condition and remove 'age' to read: "If in the opinion of the ELCA BoP a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age~~..."

1/01/1990

BoP-6/24/1989; CC-8/22/1989

Sec. 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

1/01/1994

BoP-7/18/1993; CC-8/24/1993

Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

1/01/2003

BoP-11/03/2002; CC-11/17/2002

In the process of restating the merged retirement trusts, it became obvious that certain changes were necessary in order to make the five remaining trusts, created between 1988 and 1997, more accurately reflect the current operation of the BoP.

- (1) All "whereas" clauses to reflect the current trustees and the method by which the trusts may be amended.
- (2) ALCT to reflect that all of the medical continuation plans have been merged into the MDBT.
- (3) Article II was expanded by bringing in the sections relating to alienation and diversion (not changes, but simply reorganization of old provisions).
- (4) Article IV to more accurately reflect the current investment strategies of the BoP. Specifically, Sec. 4.01(c) to correctly reflect the BoP's utilization of futures, forwards and options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure, and to clarify that the trustees may not invest so as to leverage the size of the trusts.
- (5) Article VI to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees.
- (6) Article IX to more accurately reflect the operation of the Board of Trustees and its Investment Committee.

1/01/2006

BoP-11/06/2005; CC-11/13/2005

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1e

Page 30

The “Purpose” section in each of the five trusts to coincide with the intent and purpose of the changes to each plan document and to the change in Article II of BoP’s Restated Articles of Incorporation which expand the BoP’s ability to provide services and benefits to other organizations exclusively for religious purposes.

Upon approval-Church Council BoP-8/01/2009 & 10/30/09; CC-11/15/2009

Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009



Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1f
Page 1

~~Trust Document~~
**Restated ELCA Disability
Benefits Trust**
November 2009 Draft

BOT 7/30/09 & 10/30/09 CC 11/13-15/09
BOT 11/4-6/05 † CC 11/11-13/05

January 1, 2010
January 1, 2006

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
DISABILITY BENEFITS TRUST
(~~Sec. 1.03 amended effective as of January 1, 2006, upon approval by Church Council~~)**

PREAMBLE

This Amendment **and Restatement** of the ELCA Disability Benefits Trust Agreement (“Trust”), to be **is made and entered into** effective **January 1, 2010** ~~January 1, 2003~~, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation (the “ELCA Board of Pensions”), **in its capacity as the administrator of a church disability benefits plan, and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “Disability Benefits Trustee” or “Trustee”)**; and ~~David Alvarez, Rev. James S. Aull, Kenneth G. Bash, Jon B. Christianson, Bradley C. Engel, Nancy J. Haberstich, Rev. Larry C. Kassebaum, Rev. Jon R. Lee, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Barbara A. Swartling, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick, referred to collectively as the “DISABILITY BENEFITS TRUSTEES”;~~

WITNESSETH:

WHEREAS, the ELCA Board of Pensions has established and maintained a disability benefits plan since January 1, 1988, known as the Evangelical Lutheran Church in America Disability Benefits Plan (the “Disability Benefits Plan”); **and**

~~WHEREAS, the Disability Benefits Trust provides that it may be amended, among other methods, by the Board of Pensions initiating Amendments. The Amendments shall be executed by two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and executed by the Disability Benefits Plan Trustees and then submitted to the ELCA Church Council for final action; and~~

~~WHEREAS, the Disability Benefits Plan provides that more than one employer may participate in the Disability Benefits Plan, each of said employers, including the ELCA Board of Pensions, being referred to as a “Participating Employer”.~~

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Disability Benefits Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure; and

WHEREAS, the Trust provides that it may be amended as set forth in Article VII.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, ~~and for the purpose of providing a future funding vehicle for the Disability Benefits Plan, the parties agree~~ the Trust is amended and restated as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Disability Benefits Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known as the “**Restated** Evangelical Lutheran Church in America Disability Benefits Trust” (the “Disability Benefits Trust” **or “Trust”**).

Sec. 1.02 Acceptance of Trust Responsibilities. The Disability Benefits Trustees accepts **its** ~~their~~ appointment as such, and agrees to hold, manage and disburse all the property received by ~~them~~ **it**, pursuant to this Disability Benefits Trust **and applicable law**.

Sec. 1.03 Purpose. The Disability Benefits Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing disability benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other **Section 501(c)(3)** organizations operated exclusively for religious purposes.

The Disability Benefits Trust shall not afford pecuniary gain, incidentally or otherwise, to the Disability Benefits Trustees and no part of the net income or net earnings of the Disability Benefits Trust shall inure to the benefit of ~~any of~~ the Disability Benefits Trustees or any other individual and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including a **the** Disability Benefits Trustee, from receiving any benefit to which he or she may be entitled as a ~~participant~~ **member** of, or beneficiary in, the Disability Benefits Plan, so long as the benefit is computed and paid on a basis which is consistent with the terms of the Disability Benefits Plan as applied to all other ~~participants~~ **members** and beneficiaries. The Disability Benefits Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Part of Disability Benefits Plan. This Disability Benefits Trust will form a part of the **ELCA** Disability Benefits Plan and will be used to fund benefits thereunder. **The Disability Benefits Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Disability Benefits Plan, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Disability Benefits Plan.** To the extent that this Trust conflicts with any provision in the Disability Benefits Plan, the **Disability Benefits** Plan document shall control.

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Disability Benefits Plan it will furnish the Disability Benefits Trustees with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions further agrees that no amendment of the Disability Benefits Plan shall have the effect of changing the rights, duties and liabilities of the Disability Benefits Trustees without ~~their~~ **its** written consent. The Disability Benefits Trustees may rely on the latest Disability Benefits Plan documents furnished ~~them~~ as above provided without further inquiry or verification. ~~The Disability Benefits Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Disability Benefits Plan, including the responsibility to direct the Trustee as to disbursement of the Trust for purposes of the Disability Plan.~~

Sec. 1.05 Church Plan Trust. **The ELCA Board of Pensions intends by this document to have created a trust forming part of the Disability Benefits Plan which shall be exempt from federal income tax pursuant to Code section 501(a).** The Disability Benefits Trust and the Disability Benefits Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Disability Benefits Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.06 Certifications. The Secretary of the ELCA Board of Pensions or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions shall certify to the Disability Benefits Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Disability Benefits Trustees as to disbursements from the Disability Benefits Trust for purposes of the Disability Benefits Plan and the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to communicate with the Disability Benefits Trustees with respect to any other matter or matters relating to the Disability Benefits Trust, and shall provide the Disability Benefits Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Disability Benefits Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: DISABILITY BENEFITS TRUST

- Sec. 2.01 Composition. **The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interest in the Disability Benefits Plan, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the Disability Benefits Plan. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.** ~~All sums of money and all securities and other property acceptable to the Disability Benefits Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the Disability Benefits Trustees as the Disability Benefits Trust, in accordance with the terms and provisions hereof. The Disability Benefits Trust shall be held, administered, and disbursed by the Disability Benefits Trustees without distinction between principal and income.~~
- Sec. 2.02 Contributions. The Disability Benefits Trustees shall have no duty to require any contributions to be made to ~~it them~~, to determine that the contributions received ~~by them~~ comply with the provisions of the Disability Benefits Plan, or to collect any contributions payable to ~~them~~ pursuant to the Disability Benefits Plan. The responsibility of the Disability Benefits Trustees shall be limited to the sums of money, securities, and other property actually received ~~by them~~.
- Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Disability Benefits Plan, or required by law, the interests of ~~participants~~ **members** and their beneficiaries under the Disability Benefits Plan or this ~~Agreement~~ **Trust** may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.
- Sec. 2.04 No Diversion. The Disability Benefits Trust shall be for the exclusive purpose of providing benefits to ~~participants~~ **members** under the Disability Benefits Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Disability Benefits Plan. For purposes of this Disability Benefits Trust, the ~~ELCA Church Council intends that the~~ expenses of administering or operating the Disability Benefits Plan shall be paid from contributions made to the Disability Benefits Plan or from assets held in this Trust under the Disability Benefits Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of **the Disability Benefits** Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Disability Benefits Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Disability Benefits Plan). Such expenses may also include premiums for the bonding of officials of the Disability Benefits Plan as required by any applicable law. No part of the corpus or income of the

Disability Benefits Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Disability Benefits Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the Participating Employer.

ARTICLE III: TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Disability Benefits Trustees shall be as follows:

- (a) The Disability Benefits Trustees shall have exclusive authority and discretion to manage and control the assets of the Disability Benefits Plan held in the Disability Benefits Trust **subject to the provisions of Article IV.**
- (b) The Disability Benefits Trustees shall hold, administer, invest and reinvest, ~~and disburse~~ the principal and income of the Disability Benefits Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Disability Benefits Trustees shall disburse monies and other properties from the Disability Benefits Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Disability Benefits Plan to the payee or payees specified by the ELCA Board of Pensions in directions to the Disability Benefits Trustees in such form as the Disability Benefits Trustees may reasonably require. The Disability Benefits Trustees shall be under no liability for any distribution made by ~~them~~ **it** pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by ~~them~~ **it** pursuant to any such direction is made pursuant to the provisions of the Disability Benefits Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Disability Benefits Trustees.
- (d) The Disability Benefits Trustees shall have the responsibilities, if any, expressly allocated to ~~them~~ **it** by the Disability Benefits Plan **and the Trust.** Except as responsibilities may be expressly so allocated, the Disability Benefits Trustees in ~~their~~ **its** capacity as such shall have no responsibility or authority with respect to the operation and administration of the Disability Benefits Plan, and the rights, powers and duties of the Disability Benefits Trustees shall be governed solely by the terms of this ~~Trust Agreement without reference to~~ **provided, however, that to the extent this Trust conflicts with a provision in the Disability Benefits Plan, the provisions of the Disability Benefits Plan shall control.**
- (e) **The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.**

Sec. 3.02 Powers of the Disability Benefits Trustees. **As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions.**

The Disability Benefits Trustees ~~solely~~ shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the Disability Benefits Trust that may be necessary or advisable to discharge ~~their~~ its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Disability Benefits Trustees, the Disability Benefits Trustees shall have the following powers and authorities to be exercised in ~~their~~ its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Disability Benefits Trustees such securities and properties shall constantly be shown to be a part of the Disability Benefits Trust, and no such registration or holding by the Disability Benefits Trustees shall relieve ~~them~~ it from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Disability Benefits Trust at such prices and on such terms and in such manner as ~~they~~ it may deem proper, and for terms within or extending beyond the duration of the Disability Benefits Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it ~~them~~; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Disability Benefits Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~they~~ it may deem advisable in ~~their~~ its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~they~~ it may in ~~their~~ its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies in respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the Disability Benefits Trust any and all liens,

charges, or encumbrances upon the same, in ~~their~~ its absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Disability Benefits Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as ~~they~~ it may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Disability Benefits Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Disability Benefits Trust, and to pay, compromise, and discharge with the assets of the Disability Benefits Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Disability Benefits Plan from time to time and to deposit the same in ~~their~~ its name as Disability Benefits Trustees in such depositories as ~~they~~ it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Disability Benefits Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Disability Benefits Trust or the assets thereof, at the sole cost and expense of the Disability Benefits Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Disability Benefits Trust or of Disability Benefits Trustees; but the Disability Benefits Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless ~~they~~ it shall have been indemnified to ~~their~~ its satisfaction against any and all loss, cost, expense, and liability ~~they~~ it may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Disability Benefits Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Disability Benefits Trustees cannot delegate ~~their~~ its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as ~~they~~ it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Disability Benefits Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued

pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Disability Benefits Trust in the same manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Disability Benefits Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or the ELCA Board of Pensions) deemed by the Disability Benefits Trustees to be necessary or proper for the administration of the Disability Benefits Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustees under the terms of the Disability Benefits Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the Disability Benefits Trust from the Disability Benefits Trust. The Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~have~~ **has** exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the Disability Benefits Trust all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against the Disability Benefits Trust, without **need to seek** any approval or direction of the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Disability Benefits **Trustee's** opinion, ~~they~~ **it** shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Disability Benefits Trustees shall deem necessary for ~~their~~ **its** protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Disability Benefits Trustees but also in any other fiduciary capacity with respect to the Disability Benefits Plan pursuant to such agreements or practices as the Disability Benefits Trustees considers necessary or appropriate under the circumstances.

- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Disability Benefits Trustees.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation **or administration** of ~~this Agreement or the administration~~ of the Disability Benefits Trust.
- (s) **To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of ~~the~~**is** Disability Benefits Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections 501(c)(3) ~~and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03

Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the Disability Benefits Trust is situated in a state or states in which the Disability Benefits Trustees acting hereunder ~~are~~ **is** prohibited from holding real estate as trustee, or in a foreign country, the Disability Benefits Trustees ~~are~~ **is** hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Disability Benefits Trustees. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Disability Benefits Trustees, but shall exercise and discharge the same subject to such limitations or directions of the Disability Benefits Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Disability Benefits Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Disability Benefits Trust. The Disability Benefits Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Disability Benefits Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Disability Benefits Trustees hereunder, in the exercise of ~~their~~ **its** discretion, may deem appropriate and consistent with the provisions of this **Trust Agreement**.

Sec. 3.04

Expenses. The Disability Benefits Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~them~~ **it** in the performance of ~~their~~ **its** services as Disability Benefits Trustees or in any other capacity in connection with the Disability Benefits Plan as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Disability Benefits Trust

if not paid directly by **the ELCA Board of Pensions or** the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Disability Benefits Trust until paid.

Sec. 3.05 Records and Accountings. The Disability Benefits Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Disability Benefits Trust, and as soon as reasonably practicable after the resignation or removal of the Disability Benefits Trustees has become effective, the Disability Benefits Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~them~~ **it** during such year, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period, and the cost of each item thereof as carried on the books of the Disability Benefits Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the Disability Benefits Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Disability Benefits Trust is not available, when necessary for accounting or reporting purposes the fair value of the asset shall be determined in good faith by the Disability Benefits Trustees, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Disability Benefits Trustees and anyone as to any act or transaction reported in an accounting, the Disability Benefits Trustees shall have the right to have its account settled by a court of competent jurisdiction.

Sec. 3.06 Record Retention. The Disability Benefits Trustees shall retain the records relating to the Disability Benefits Trust as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Disability Benefits Plan. No member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Disability Benefits Plan or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Disability Benefits Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the Disability Benefits Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of the ELCA Board of Pensions' Investment Policy for the Disability Benefits Plan, the Disability

Benefits Trustees shall diversify the investments of the Disability Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Disability Benefits Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (i) The Disability Benefits Trustees may invest and reinvest principal and income of the Disability Benefits Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; ~~and~~ real estate leases and real estate partnerships; **and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IV.**
- (ii) The Disability Benefits Trustees may invest and reinvest the principal and income of the Disability Benefits Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii) The Disability Benefits Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Disability Benefits Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Disability Benefits Trustees may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.

Sec. 4.02

Investment Managers.

- (a) **The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the Disability Benefits Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.**
- (b) **If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant to Sec. 4.02(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be**

obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.

- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the Disability Benefits Plan which is subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.**

~~ARTICLE V: CO TRUSTEES~~

~~Sec. 5.01 Co trustees. Except as otherwise clearly indicated by the context when used in this Agreement, "Disability Benefits Trustees" shall include and refer to all co-trustees in office at the time.~~

~~Sec. 5.02 Title. Except as provided in Sec. 3.03 hereof or in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the Disability Benefits Trust shall vest jointly in all of the co-trustees.~~

~~Sec. 5.03 Responsibility With Respect to Co trustee. Each co trustee shall use reasonable care to prevent each other co trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement co trustees shall jointly manage and control the assets of the Disability Benefits Trust; provided, however, that by unanimous agreement the co trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the Disability Benefits Trust, responsibility with respect to custody of the assets of the Disability Benefits Trust, responsibility with respect to disbursement of the Disability Benefits Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co-trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.~~

~~Sec. 5.04 Exercise of Powers. If co trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec. 5.03 hereof, all actions of the co trustees shall be taken or authorized at a meeting by vote of a majority of the co trustees, or by written authorization of a majority of the co trustees. Written minutes of meetings shall be kept. The co trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the Disability Benefits Trustees or to perform any ministerial function of the Disability Benefits Trustees hereunder. No co trustee who at the time is a participant or beneficiary under the Disability Benefits Plan shall vote or otherwise participate in the consideration or determination of the Disability Benefits Trustees with respect to any matters solely concerning the rights or interests of such co trustee as participant or beneficiary under such Plan.~~

~~Sec. 5.05 Disability of Co trustee. If any co trustee acting hereunder is, in the opinion of the other co trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co trustees shall have full power and authority to exercise all powers, duties, authorities, and discretions granted such co trustee herein while such incapacity continues.~~

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1f

Page 18

Sec. 5.06 ~~— Bonding. Any individual appointed as a Disability Benefits Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the Disability Benefits Trust if not paid directly by the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Disability Benefits Trust until paid.~~

ARTICLE VI: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 56.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 56.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 56.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 56.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**
- Sec. 56.05 Failure to Appoint Successor Trustee(s). ~~If no appointment of a successor is made by the ELCA Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01~~

above within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec. **56.06** Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all-Trustee. If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust.** No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VII: MISCELLANEOUS

- Sec. 67.01 Incompetent Payee. If in the opinion of the ELCA Board of Pensions a person to whom the Disability Benefits Trustees are is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing to the ELCA Board of Pensions with satisfactory evidence of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then, in the opinion of the ELCA Board of Pensions, caring for or maintaining the person who is under the disability. The Disability Benefits Trustees shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Disability Benefits Trustees shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. 67.02 Evidence. Evidence required of anyone under this ~~Agreement~~ Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. 67.03 Dealings of Others With Disability Benefits Trustees. No person (corporate or individual) dealing with the Disability Benefits Trustees shall be required to see to the application of any money paid or property delivered to the Disability Benefits Trustees or to determine whether the Disability Benefits Trustees ~~are~~ is acting pursuant to any authority granted to ~~them~~ it under this Trust Agreement.
- Sec. 67.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Disability Benefits Trust, solely in the interests of the Members and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to ~~participants~~ members in the Disability Benefits Plan and their beneficiaries and defraying reasonable expenses of administering the Disability Benefits Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
 - (c) By diversifying the investments of the Disability Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
 - (d) In accordance with the provisions of this Disability Benefits Trust and the Disability Benefits Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering the Disability Benefits Trust, in accordance with the investment objectives and policies from time to time established for such Trust, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies as set forth in the Investment Policy for the Disability Benefits Trust.

- Sec. 67.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Disability Benefits Trust for the administrative services provided by the ELCA Board of Pensions to the Disability Benefits Plan and the Disability Benefits Trust, including a fee for informing the employees and employers of the availability of the Disability Benefits Plan. The fee charged to the Disability Benefits Trust shall constitute a lien upon the Disability Benefits Trust until paid.
- Sec. 67.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Disability Benefits Trustees that relate to the Disability Benefits Plan to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Disability Benefits Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Disability Benefits Trust, if not paid by the Participating Employers in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Disability Benefits Trust until paid.
- Sec. 67.07 Successors. The provisions of this Trust Agreement shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of a Participating Employer's assets is eligible to, and elects to, continue the Disability Benefits Plan, such successor or purchaser shall be substituted for the Participating Employer under this Trust Agreement.
- Sec. 67.08 Waiver of Notice. Any notice required under this Trust Agreement may be waived by the person entitled thereto.
- Sec. 67.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust Agreement, and shall not influence its construction.
- Sec. 67.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust Agreement unless the context clearly indicates otherwise.
- Sec. 67.11 Construed as a Whole. The provisions of this Trust Agreement shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.

- Sec. ~~67~~.12 Severability. In the event any provision of this Disability Benefits Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Disability Benefits Trust, but shall be fully severable, and the Disability Benefits Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Sec. ~~67~~.13 Counterparts. This ~~Trust Agreement~~ may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Sec. ~~67~~.14 Indemnification of Disability Benefits Trustees. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify ~~each of~~ the Disability Benefits Trustees for and to hold ~~each it~~ harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any the~~ Disability Benefits Trustee at any time by reason of the Disability Benefits Trustee's service under this ~~Trust Agreement~~ if the Disability Benefits Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful ~~or negligent~~ violation of the law or regulations under which such liability, loss, cost, or expense arises.
- Sec. ~~67~~.15 Internal Revenue Code of 1986. All references in this ~~Trust Agreement~~ to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this ~~Trust Agreement~~.
- Sec. ~~67~~.16 Applicable Law. This Disability Benefits Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.
- Sec. 6.17 Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.
- Sec. 6.18 Parties to the Trust. Any Participating Employer that contributes to the Disability Benefits Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Disability Benefits Plan and this Trust, as then in effect and as may thereafter be amended.
- Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Disability Benefits Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust, that portion of the Trust which,

pursuant to the determination of the ELCA Board of Pensions, is attributable to the participation in the Disability Benefits Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Sec. 6.19 Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE VIII: AMENDMENT AND TERMINATION

Sec. ~~78~~.01 Amendments. The Disability Benefits Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Disability Benefits Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ **members** under the Disability Benefits Plan and their beneficiaries, or reasonable expenses of administration of the Disability Benefits Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Agreement~~ **Trust** shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions to take such action and the Disability Benefits Trustees.

Sec. ~~78~~.02 Termination. The Disability Benefits Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. ~~8:01~~ **7.01**. Upon termination of the Disability Benefits Trust, any surplus property remaining after the payment of all benefits attributable to the Disability Benefits Plan, and all of the debts of the Disability Benefits Plan and Disability Benefits Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is, at that time, an organization described in said Section 501(c)(3) as the Disability Benefits Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Disability Benefits Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Disability Benefits Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

ARTICLE IX: INVESTMENTS COMMITTEE

Sec. 9.01 ~~Recommendations of the Investments Committee.~~ The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investments Committee. ~~This Investments Committee shall make appropriate recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions after consideration of the recommendations of the Investments Committee, shall have authority to direct the Disability Benefits Trustees as to the investment and reinvestment of all or a part of the Disability Benefits Trust. The investment of the Disability Benefits Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:~~

- (a) ~~The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~
- (b) ~~The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~
- (c) ~~The Investment Committee shall formulate a set of Investment Policy Documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investments Committee.~~
- (d) ~~The Investment Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this ~~Agreement~~ **Restated Trust** to be executed **as of the day and year written below.** ~~by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto.~~

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

Dated: _____, 2009

By _____
Robert H. Rydland, Vice President & General Counsel

IN WITNESS WHEREOF, the ELCA Board of Pensions accepts its appointment as corporate trustee of this Restated ELCA Disability Benefits Trust.

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009 By _____
John G. Kapanke, President & CEO

Dated: _____, 2009 By _____
Robert H. Rydland, Vice President & General Counsel

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ___ day of _____, 2009, before me personally appeared John G. Kapanke, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CEO of the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

Notary Public _____ County, _____
My commission expires _____, 20 ____

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ___ day of _____, 2009, before me personally appeared Robert H. Rydland, to me personally known, who, being by me duly sworn, did say that he is VICE PRESIDENT AND GENERAL COUNSEL of the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

Notary Public _____ County, _____
My commission expires _____, 20 ____

Summary of Amendments Restated ELCA Disability Benefits Trust

Trust effective 1/1/1988

1/01/1988

BoP-10/08/1988

Sec. 7.02, Incompetent Payee: to include 'physical' condition and remove 'age' to read: "If in the opinion of the ELCA BoP a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age...~~"

1/01/1990

BoP-6/24/1989; CC-8/22/1989

Sec. 3.02(I), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

1/01/1994

BoP-7/18/1993; CC-8/24/1993

Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

1/01/2003

BoP-11/03/2002; CC-11/17/2002

In the process of restating the merged retirement trusts, it became obvious that certain changes were necessary in order to make the five remaining trusts, created between 1988 and 1997, more accurately reflect the current operation of the BoP.

- (1) All "whereas" clauses to reflect the current trustees and the method by which the trusts may be amended.
- (2) ALCT to reflect that all of the medical continuation plans have been merged into the MDBT.
- (3) Article II was expanded by bringing in the sections relating to alienation and diversion (not changes, but simply reorganization of old provisions).
- (4) Article IV to more accurately reflect the current investment strategies of the BoP. Specifically, Sec. 4.01(c) to correctly reflect the BoP's utilization of futures, forwards and options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure, and to clarify that the trustees may not invest so as to leverage the size of the trusts.
- (5) Article VI to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees.
- (6) Article IX to more accurately reflect the operation of the Board of Trustees and its Investment Committee.

1/01/2006

BoP-11/06/2005; CC-11/13/2005

The "Purpose" section in each of the five trusts to coincide with the intent and purpose of the changes to

each plan document and to the change in Article II of BoP's Restated Articles of Incorporation which expand the BoP's ability to provide services and benefits to other organizations exclusively for religious purposes.

Upon approval-Church Council BoP-8/01/2009 & 10/30/2009; CC-11/15/2009
Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009

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Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1g
Page 1

~~Trust Document~~
Restated ELCA
Supplemental
Retirement Benefits Trust

November 2009 Draft

BOT 7/30/09 & 10/30/09 CC 11/13-15/09
~~BOT 08/3-5/05 † CC 11/11-13/05~~

January 1, 2010
~~January 1, 2006~~

RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
SUPPLEMENTAL RETIREMENT BENEFITS TRUST
(~~Preamble and Sec. 1.03 amended effective as of January 1, 2006~~)

PREAMBLE

This **Amendment and Restatement of the ELCA Supplemental Retirement Benefits Trust (“Trust”)** (the ~~“Supplemental Benefits Trust”~~), **is made and entered into** to be effective **January 1, 2010** ~~January 1, 2005~~, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation (the “ELCA Board of Pensions”), **in its capacity as the administrator of church supplemental retirement benefits plans, and the ELCA Board of Pensions in its capacity as the trustee of this Trust (the “Supplemental Benefits Trustee” or “Trustee”)** and ~~Charlotte E. Carlson, Jon B. Christianson, Emried D. Cole Jr., Bradley C. Engel, Louise P. Evenson, Nancy J. Haberstich, Rev. Jon R. Lee, Warren R. Luckner, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, James R. Penner, Mary S. Ranum, Rev. Kathleen O. Reed, Karen E. Southward, Joseph A. Swanson, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick, referred to collectively as the “Supplemental Benefits Trustees”;~~

WITNESSETH:

WHEREAS, The Evangelical Lutheran Church in America (the “ELCA”) maintains supplemental retirement benefits plans known as the ELCA Continuation of the ALC and LCA Minimum and Non-Contributory Pension Plans and the ELCA Supplemental Retirement Plan for Government Chaplains (the “Plans”) which are funded through assets set aside by the ELCA; and

WHEREAS, the American Lutheran Church (ALC), the Lutheran Church in America (LCA) and the Association of Evangelical Lutheran Churches (AELC) merged to form the Evangelical Lutheran Church in America (ELCA), effective as of January 1, 1988; and

WHEREAS:

- The American Lutheran Church and the Lutheran Church in America maintained separate minimum and non-contributory retirement plans;
- Effective January 1, 1991, the separate minimum and non-contributory retirement plans were merged to form the ELCA Continuation of the ALC and LCA Minimum and Non-Contributory Pension Plans;
- The ELCA Continuation of the ALC and LCA Minimum and Non-Contributory Pension Plans remain separate and distinct from the ELCA Retirement Plan; and

WHEREAS:

- The ELCA adopted the ELCA Pension Plan for Government Chaplains effective January 1, 1988, to provide supplemental retirement benefits for Eligible Chaplains with respect to service performed as a chaplain on or after January 1, 1988;
- With respect to any retirement benefits accrued for service as a chaplain under the American Lutheran Church Government Chaplaincy Program and the Lutheran Church in America Chaplaincy Plan, benefits will be paid by the ELCA in accordance with those respective plans under the ELCA Pension Plan for Government Chaplains;
- Effective January 1, 2004, the ELCA Pension Plan for Government Chaplains was amended and renamed the ELCA Supplemental Retirement Plan for Government Chaplains;
- The ELCA Supplemental Retirement Plan for Government Chaplains remains separate and distinct from the ELCA Retirement Plan; and

WHEREAS:

- The Minimum Pension Supplement under the Minimum Pension Plan of the American Lutheran Church and the Non-Contributory Pension under the Ministerial Pension and Death Benefit Plan of the Lutheran Church in America have plan assets in excess of the actuarial liability of the Plans;
- The Minimum Pension under the Ministerial Pension and Death Benefit Plan of the Lutheran Church in America has actuarial liabilities in excess of plan assets;
- The ELCA Supplemental Retirement Plan for Government Chaplains has utilized all previously contributed funds and therefore has actuarial liabilities in excess of plan assets;
- The governing documents of the Plans provided that they shall be funded by plan assets set aside for such purposes by the ELCA and thereafter from the general assets of the ELCA; and

WHEREAS:

- ~~The Supplemental **Retirement** Benefits Trust (“**Supplemental Benefits Trust**”) provides that it may be amended, among other methods, by the Board of Pensions initiating Amendments.~~

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Supplemental Retirement Benefits Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure; and

WHEREAS, the Trust provides that it may be amended as set forth in Article VII.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, **the Trust is amended and restated** ~~and for the purpose of providing a future funding vehicle for the Plans, the parties agree~~ as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known as the **Restated** ELCA Supplemental Retirement Benefits Trust (the “Supplemental Benefits Trust” **or “Trust”**).

Sec. 1.02 Acceptance of Trust Responsibilities. The Supplemental Benefits Trustees accept ~~their~~ **its** appointment as such, and agree ~~s~~ to hold, manage and disburse all the property received by ~~it them~~, pursuant to this Trust **and applicable law**.

Sec. 1.03 Purpose. The Supplemental Benefits Trust is formed exclusively for religious and charitable purposes, and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension and other benefits to individuals who are covered under the ELCA Continuation of the ALC and LCA Minimum and the Non-Contributory Pension Plans and the ELCA Supplemental Retirement Plan for Government Chaplains (the “Plans”).

The Supplemental Benefits Trust shall not afford pecuniary gain, incidentally or otherwise, to the Supplemental Benefits Trustees and no part of the net income or net earnings of the Supplemental Benefits Trust shall inure to the benefit of ~~any of~~ the Supplemental Benefits Trustees or any other individual and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including ~~the~~ a Supplemental Benefits Trustee, from receiving any benefit to which he or she may be entitled as a **member participant** of, or beneficiary in, the Plans, so long as the benefit is computed and paid on a basis which is consistent with the terms of the Plans as applied to all other **members participants** and beneficiaries. The Supplemental Benefits Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Part of the Plans. This Supplemental Benefits Trust will form a part of the Plans, and will be used to fund benefits thereunder. **The Plans provide that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Plans, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Plans.** To the extent that this Trust conflicts with any provision in the Plans, the Plan document shall control.

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Plans, it will furnish the Supplemental Benefits Trustees with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions further agrees that no amendment of the Plans shall have the effect of

changing the rights, duties, and liabilities of the Supplemental Benefits Trustees without ~~its their~~ written consent. The Supplemental Benefits Trustees may rely on the latest Plan documents furnished ~~them~~ as above provided without further inquiry or verification. ~~The Plans provide that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Plans, including the responsibility to direct the Supplemental Benefits Trustees as to disbursement of the Supplemental Benefits Trust for purposes of the Plans.~~

Sec. 1.05 Church Plan Trust. **The ELCA Board of Pensions intends by this document to have created a trust forming part of the Plans which shall be exempt from federal income tax pursuant to Code section 501(a).** The Supplemental Benefits Trust and the Plans are intended to qualify as church plans as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Plans, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.06 Certifications. The Secretary of the ELCA Board of Pensions or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions shall certify to the Supplemental Benefits Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Supplemental Benefits Trustees as to disbursements from the Supplemental Benefits Trust for purposes of the Plans and the name of the person or persons who have authority on behalf of the ELCA or the ELCA Board of Pensions to communicate with the Supplemental Benefits Trustees with respect to any other matter or matters relating to the Supplemental Benefits Trust, and shall provide the Supplemental Benefits Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Supplemental Benefits Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: SUPPLEMENTAL BENEFITS TRUST

Sec. 2.01 Composition. The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interests in the Plans, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the Plans. The assets with respect to the Trust shall be held by a custodian designated by the Trustee. All sums of money and all securities and other property acceptable to the Supplemental Benefits Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the Supplemental Benefits Trustees as the Supplemental Benefits Trust, in accordance with the terms and provisions hereof. The Supplemental Benefits Trust shall be held, administered, and disbursed by the Supplemental Benefits Trustees without distinction between principal and income.

Sec. 2.02 Contributions. The Supplemental Benefits Trustees shall have no duty to require any contributions to be made to ~~it them~~, to determine that the contributions received by ~~them~~ comply with the provisions of the Plans, or to collect any contributions payable to ~~them~~ pursuant to the Plans. The responsibility of the Supplemental Benefits Trustees shall be limited to the sums of money, securities, and other property actually received by ~~them~~.

~~The Supplemental Benefits Trustees shall have no duty to anyone to inquire why the ELCA Board of Pensions has directed funds to be disbursed from the ELCA Supplemental Benefits Trust to pay the contributions to one of the Plans in the ELCA Pension and Other Benefits Program and related trusts while not authorizing a similar disbursement with respect to another Plan in the ELCA Pension and Other Benefits Program. The Supplemental Benefits Trustees and the Board of Pensions shall have no obligation to inform the individuals entitled to participate in, or receive benefits from, the ELCA Pension and Other Benefits Program regarding the pattern of disbursement between the individual Plans in the ELCA Pension and Other Benefits Program or changes in such patterns.~~

Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Plans, or required by law, the interests of members ~~participants~~ and their beneficiaries under the Plans or this Trust may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Sec. 2.04 No Diversion. The Supplemental Benefits Trust shall be for the exclusive purpose of providing benefits to members ~~participants~~ under the Plans and their beneficiaries, and defraying reasonable expenses of administering or operating the Plans. For purposes of this Supplemental Benefits Trust, ~~the ELCA Church Council intends that the expenses of~~

administering or operating the Plans shall be paid from contributions made to the Plans or from assets held in this Trust under the Plans. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Plans (including the costs associated with a change in the persons or organizations from time to time providing services to the Plans). Such expenses may also include premiums for the bonding of officials of the Plans as required by any applicable law. No part of the corpus or income of the Supplemental Benefits Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by the ELCA by a mistake of fact, the Supplemental Benefits Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the ELCA.

ARTICLE III: TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Supplemental Benefits Trustees shall be as follows:

- (a) The Supplemental Benefits Trustees shall have exclusive authority and discretion to manage and control the assets of the Plans held in the Supplemental Benefits Trust **subject to the provisions of Article IV.**
- (b) The Supplemental Benefits Trustees shall hold, administer, invest and reinvest; ~~and disburse~~ the principal and income of the Supplemental Benefits Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Supplemental Benefits Trustees shall disburse monies and other properties from the Supplemental Benefits Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Plans to the payee or payees specified by the ELCA Board of Pensions in directions to the Supplemental Benefits Trustees in such form as the Supplemental Benefits Trustees may reasonably require. The Supplemental Benefits Trustees shall be under no liability for any distribution made by ~~it them~~ pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by ~~it them~~ pursuant to any such direction is made pursuant to the provisions of the Plans. The **payee's** receipt of the distributions shall constitute a full acquittance to the Supplemental Benefits Trustees.
- (d) The Supplemental Benefits Trustees shall have the responsibilities, if any, expressly allocated to ~~it them~~ by the Plans **and the Trust.** Except as responsibilities may be expressly so allocated, the Supplemental Benefits Trustees in ~~their~~ **its** capacity as such shall have no responsibility or authority with respect to the operation and administration of the Plans, and the rights, powers and duties of the Supplemental Benefits Trustees shall be governed solely by the terms of this ~~Trust Agreement without reference to~~ **provided, however, that to the extent this Trust conflicts with a provision in the Plans,** the provisions of the Plans **shall control.**
- (e) **The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.**

Sec. 3.02 Powers of the Supplemental Benefits Trustees. **As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not**

be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions. The Supplemental Benefits Trustees shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the Supplemental Benefits Trust that may be necessary or advisable to discharge ~~their~~ **its** responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Supplemental Benefits Trustees, the Supplemental Benefits Trustees shall have the following powers and authorities to be exercised in ~~their~~ **its** absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Supplemental Benefits Trustees such securities and properties shall constantly be shown to be a part of the Supplemental Benefits Trust, and no such registration or holding by the Supplemental Benefits Trustees shall relieve **it** ~~them~~ from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Supplemental Benefits Trust at such prices and on such terms and in such manner as ~~they~~ **it** may deem proper, and for terms within or extending beyond the duration of the Supplemental Benefits Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by **it** ~~them~~; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Supplemental Benefits Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~they~~ **it** may deem advisable in ~~their~~ **its** absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~they~~ **it** may in ~~their~~ **its** absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or

remedies in respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the Supplemental Benefits Trust any and all liens, charges, or encumbrances upon the same, in ~~their~~ **its** absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Supplemental Benefits Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as ~~they~~ **it** may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Supplemental Benefits Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Supplemental Benefits Trust, and to pay, compromise, and discharge with the assets of the Supplemental Benefits Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Plans from time to time and to deposit the same in ~~their~~ **its** name as Supplemental Benefits Trustees in such depositories as ~~they~~ **it** may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Supplemental Benefits Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Supplemental Benefits Trust or the assets thereof, at the sole cost and expense of the Supplemental Benefits Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Supplemental Benefits Trust or of Supplemental Benefits Trustees; but the Supplemental Benefits Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless **it** ~~they~~ shall have been indemnified to **its** ~~their~~ satisfaction against any and all loss, cost, expense, and liability **it** ~~they~~ may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Supplemental Benefits Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Supplemental Benefits Trustees cannot delegate **its** ~~their~~ right to vote any stocks pursuant to a proxy or power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as **it** ~~they~~ may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose,

consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Supplemental Benefits Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Supplemental Benefits Trust in the same manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Plans, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent the ELCA or the ELCA Board of Pensions) deemed by the Supplemental Benefits Trustees to be necessary or proper for the administration of the Supplemental Benefits Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Supplemental Benefits Trustees under the terms of the Supplemental Benefits Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the Supplemental Benefits Trust from the Supplemental Benefits Trust. The Supplemental Benefits Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~have~~ **has** exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the Supplemental Benefits Trust all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against the Supplemental Benefits Trust, without **the need to seek** any approval or direction of the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Supplemental Benefits Trustee's opinion, ~~they~~ **it** shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Supplemental Benefits Trustees shall deem necessary for **its** ~~their~~ protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.

- (p) To serve not only as Supplemental Benefits Trustees but also in any other fiduciary capacity with respect to the Plans pursuant to such agreements or practices as the Supplemental Benefits Trustees considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Supplemental Benefits Trustees.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation **or administration** of ~~this Agreement or the administration~~ of the Supplemental Benefits Trust.
- (s) To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of ~~the~~is Supplemental Benefits Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections 501(c)(3) ~~and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03

Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the Supplemental Benefits Trust is situated in a state or states in which the Supplemental Benefits Trustees acting hereunder ~~are~~ is prohibited from holding real estate as trustee, or in a foreign country, the Supplemental Benefits Trustees ~~are~~ is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Supplemental Benefits Trustees. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Supplemental Benefits Trustees, but shall exercise and discharge the same subject to such limitations or directions of the Supplemental Benefits Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Supplemental Benefits Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Supplemental Benefits Trust. The Supplemental Benefits Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Supplemental Benefits Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Supplemental Benefits Trustees hereunder, in the exercise of ~~their~~ its discretion, may deem appropriate and consistent with the provisions of this **Trust Agreement**.

Sec. 3.04 Expenses. The Supplemental Benefits Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~them~~ **it** in the performance of ~~their~~ **its** services as Supplemental Benefits Trustees or in any other capacity in connection with the Plans as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Supplemental Benefits Trust if not paid directly by the ELCA in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Supplemental Benefits Trust until paid.

Sec. 3.05 Records and Accountings. The Supplemental Benefits Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Supplemental Benefits Trust, and as soon as reasonably practicable after the resignation or removal of the Supplemental Benefits Trustees has become effective, the Supplemental Benefits Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~them~~ **it** during such year, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period, and the cost of each item thereof as carried on the books of the Supplemental Benefits Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the Supplemental Benefits Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Supplemental Benefits Trust is not available, when necessary for accounting or reporting purposes the fair value of the asset shall be determined in good faith by the Supplemental Benefits Trustees, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Supplemental Benefits Trustees and anyone as to any act or transaction reported in an accounting, the Supplemental Benefits Trustees shall have the right to have its account settled by a court of competent jurisdiction.

Sec. 3.06 Record Retention. The Supplemental Benefits Trustees shall retain the records relating to the Supplemental Benefits Trust as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Plans. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Plans or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Supplemental Benefits Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the Supplemental Benefits Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Consistent with the objectives of the

ELCA Board of Pensions' Investment Policy for the Supplemental Benefits Trust, the Supplemental Benefits Trustees shall diversify the investments of the Supplemental Benefits Trust so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so. The Supplemental Benefits Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (a ~~i~~) The Supplemental Benefits Trustees may invest and reinvest principal and income of the Supplemental Benefits Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured mortgages on real or personal property; conditional sales contracts; ~~and~~ real estate leases and real estate partnerships; **and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IV.**
- (b ~~ii~~) The Supplemental Benefits Trustees may invest and reinvest the principal and income of the Supplemental Benefits Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (c ~~iii~~) The Supplemental Benefits Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Supplemental Benefits Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Supplemental Benefits Trustees may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.

Sec. 4.02

Investment Managers.

- (a) **The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the supplemental Plans and this Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.**
- (b) **If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant**

to Sec. 4.02(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.

- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the supplemental Plans which are subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.

ARTICLE V: CO-TRUSTEES

~~Sec. 5.01~~ ~~Co-trustees.~~ Except as otherwise clearly indicated by the context when used in this Agreement, "Supplemental Benefits Trustees" shall include and refer to all co-trustees in office at the time.

~~Sec. 5.02~~ ~~Title.~~ Except as provided in Sec. 3.03 hereof or in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the Supplemental Benefits Trust shall vest jointly in all of the co-trustees.

~~Sec. 5.03~~ ~~Responsibility With Respect to Co-trustee.~~ Each co-trustee shall use reasonable care to prevent each other co-trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement co-trustees shall jointly manage and control the assets of the Supplemental Benefits Trust; provided, however, that by unanimous agreement the co-trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the Supplemental Benefits Trust, responsibility with respect to custody of the assets of the Supplemental Benefits Trust, responsibility with respect to disbursement of the Supplemental Benefits Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co-trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.

~~Sec. 5.04~~ ~~Exercise of Powers.~~ If co-trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co-trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec.5.03 hereof, all actions of the co-trustees shall be taken or authorized at a meeting by vote of a majority of the co-trustees, or by written authorization of a majority of the co-trustees. Written minutes of meetings shall be kept. The co-trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the Supplemental Benefits Trustees or to perform any ministerial function of the Supplemental Benefits Trustees hereunder. No co-trustee who at the time is a participant or beneficiary under the Plans shall vote or otherwise participate in the consideration or determination of the Supplemental Benefits Trustees with respect to any matters solely concerning the rights or interests of such co-trustee as participant or beneficiary under such Plan.

~~Sec. 5.05~~ ~~Disability of Co-trustee.~~ If any co-trustee acting hereunder is, in the opinion of the other co-trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co-trustees shall have full power and authority to exercise all powers, duties, authorities, and discretions granted such co-trustee herein while such incapacity continues.

Sec. 5.06 ~~— Bonding. Any individual appointed as a Supplemental Benefits Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the Supplemental Benefits Trust if not paid directly by the ELCA in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Supplemental Benefits Trust until paid.~~

ARTICLE VI: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. ~~56~~.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. ~~56~~.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. ~~56~~.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. ~~56~~.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. ~~56~~.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec. ~~56~~.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all-Trustee. If all Trustees are being replaced, such Trustees shall,~~ **Upon** the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VII: MISCELLANEOUS

- Sec. ~~67~~.01 Incompetent Payee. If in the opinion of the ELCA Board of Pensions a person to whom the Supplemental Benefits Trustees ~~are~~ is directed to make one or more payments is disabled from caring for her/his affairs because of a mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing the ELCA Board of Pensions with satisfactory evidence of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of the ELCA Board of Pensions caring for or maintaining the person who is under the disability. The Supplemental Benefits Trustees shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Supplemental Benefits Trustees shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. ~~67~~.02 Evidence. Evidence required of anyone under this ~~Agreement~~ Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. ~~67~~.03 Dealings of Others With Supplemental Benefits Trustees. No person (corporate or individual) dealing with the Supplemental Benefits Trustees shall be required to see to the application of any money paid or property delivered to the Supplemental Benefits Trustees or to determine whether the Supplemental Benefits Trustees ~~are~~ is acting pursuant to any authority granted to ~~them~~ it under this Trust Agreement.
- Sec. ~~67~~.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Supplemental Benefits Trust, solely in the interests of the members and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to members in the Plans ~~participants~~ and their beneficiaries ~~in the Plans~~ and defraying reasonable expenses of administering the Supplemental Benefits Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
 - (c) By diversifying the investments of the Supplemental Benefits Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and

- (d) In accordance with the provisions of this Supplemental Benefits Trust and the Plans.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering the Supplemental Benefits Trust, in accordance with the investment objectives and policies from time to time established for such Trust, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies as set forth in the Investment Policy for the Supplemental Benefits Trust.

- Sec. 67.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Supplemental Benefits Trust for the administrative services provided by the ELCA Board of Pensions to the Plans and the Supplemental Benefits Trust, including a fee for informing the employees and employers of the availability of the Plans. The fee charged to the Supplemental Benefits Trust shall constitute a lien upon the Supplemental Benefits Trust until paid.
- Sec. 67.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Supplemental Benefits Trustees that relate to the Plans to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Supplemental Benefits Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Supplemental Benefits Trust, if not paid by the ELCA in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Supplemental Benefits Trust until paid.
- Sec. 67.07 Successors. The provisions of this Trust Agreement shall be binding on the ELCA and its successors. If a successor to the ELCA is eligible to, and elects to continue the Plans, such successor shall be substituted for the ELCA under this Trust Agreement.
- Sec. 67.08 Waiver of Notice. Any notice required under this Trust Agreement may be waived by the person entitled thereto.
- Sec. 67.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust Agreement, and shall not influence its construction.
- Sec. 67.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust Agreement unless the context clearly indicates otherwise.
- Sec. 67.11 Construed as a Whole. The provisions of this Trust Agreement shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.

- Sec. ~~67~~.12 Severability. In the event any provision of this Supplemental Benefits Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Supplemental Benefits Trust, but shall be fully severable, and the Supplemental Benefits Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Sec. ~~67~~.13 Counterparts. This Trust Agreement may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Sec. ~~67~~.14 Indemnification of Supplemental Benefits Trustees. The ELCA and the ELCA Board of Pensions ~~jointly and severally~~ agrees, to the fullest extent permitted by law, to indemnify ~~each of the Supplemental Benefits Trustees for and to hold each~~ it harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any~~ the Supplemental Benefits Trustee at any time by reason of the Supplemental Benefits Trustee's service under this Trust Agreement if the Supplemental Benefits Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful ~~or negligent~~ violation of the law or regulations under which such liability, loss, cost, or expense arises.
- Sec. ~~67~~.15 Internal Revenue Code of 1986. All references in this Trust Agreement to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust Agreement.
- Sec. ~~67~~.16 Applicable Law. This Supplemental Benefits Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.
- Sec. 6.17 **Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.**

ARTICLE VIII: AMENDMENT AND TERMINATION

Sec. ~~78~~.01 Amendments. The Supplemental Benefits Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Supplemental Benefits Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ members under the Plans and their beneficiaries, or reasonable expenses of administration of the Plans:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Trust Agreement~~ shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ Board of Trustees of the ELCA Board of Pensions to take such action and the Supplemental Benefits Trustees.

Sec. ~~78~~.02 Termination. The Supplemental Benefits Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. ~~78~~.01. Upon termination of the Supplemental Benefits Trust, any surplus property remaining after the payment of all benefits attributable to the Plans, and all of the debts of the Plans and Supplemental Benefits Trust shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Supplemental Benefits Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Supplemental Benefits Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Supplemental Benefits Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

~~ARTICLE IX: INVESTMENTS COMMITTEE~~

~~Sec. 9.01 — Recommendations of the Investments Committee. The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investments Committee. This Investments Committee shall make appropriate recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions after consideration of the recommendations of the Investments Committee, shall have authority to direct the Supplemental Benefits Trustees as to the investment and reinvestment of all or a part of the Supplemental Benefits Trust. The investment of the Supplemental Benefits Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:~~

- ~~(a) — The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~
- ~~(b) — The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~
- ~~(c) — The Investment Committee shall formulate a set of Investment Policy Documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investments Committee.~~
- ~~(d) — The Investment Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this **Restated Trust Agreement** to be executed **as of the day and year written below** by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto:

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009 By _____
John G. Kapanke, President & CEO

Dated: _____, 2009 By _____
Robert H. Rydland, Vice President & General Counsel

IN WITNESS WHEREOF, the ELCA Board of Pensions accepts its appointment as corporate trustee of this Restated ELCA Supplemental Retirement Benefits Trust.

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009 By _____
John G. Kapanke, President & CEO

Dated: _____, 2009 By _____
Robert H. Rydland, Vice President & General Counsel

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ___ day of _____, 2009, before me personally appeared John G. Kapanke, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CEO of the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

Notary Public _____ County, _____
My commission expires _____, 20 ____

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ___ day of _____, 2009, before me personally appeared Robert H. Rydland, to me personally known, who, being by me duly sworn, did say that he is VICE PRESIDENT AND GENERAL COUNSEL of the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

Notary Public _____ County, _____
My commission expires _____, 20 ____

Summary of Amendments
Restated ELCA Supplemental Retirement Benefits Trust

Trust effective 1/1/2005

1/01/2005

BoP-11/7/2004; CC-11/15/2004

Created to hold the assets of the Continuation of the ALC and LCA Minimum and Non-Contributory Pension Plans which are funded through assets set aside by the ELCA and thereafter from the general funds of the ELCA.

1/01/2006

BoP-8/05/2005; CC-11/13/2005

Preamble and Sec. 1.03: to provide for benefits under the Supplemental Retirement Plan for Government Chaplains to be paid by this trust, as well as the benefits due under the three small predecessor church defined benefit plans.

Upon approval-Church Council BoP-8/01/2009 & 10/30/09; CC-11/15/2009

Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009



Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1h
Page 1

~~Trust Document~~

Restated ELCA Master
457(b) Deferred
Compensation Trust

November 2009 DRAFT

BOT 7/30/09 & 10/30/09 CC 11/13-15/09
~~BOT 11/02/03~~ † ~~CC 11/16/03~~

January 1, 2010
~~January 1, 2003~~
~~Signature Copy~~

RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
MASTER 457(b) DEFERRED COMPENSATION TRUST

Preamble

This **Amendment and Restatement of the ELCA Master 457(b) Deferred Compensation Trust Agreement (“Agreement Trust”)**, **is made and entered into** effective **January 1, 2010** ~~January 1, 2003, is made this 2nd day of November, 2003,~~ by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation, (the “ELCA Board of Pensions”) **in its capacity as administrator of a church deferred compensation plan under section 457(b) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and by the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “Trustee”)** and ~~Charlotte E. Carlson, Jon B. Christianson, Emried D. Cole, Jr., Bradley C. Engel, Louise P. Evenson, Nancy J. Haberstick, Rev. Jon R. Lee, Warren R. Luckner, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, James R. Penner, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick,~~ referred to collectively as the “TRUSTEES”;

WITNESSETH:

WHEREAS, **in 2003,** the ELCA Board of Pensions of the Evangelical Lutheran Church in America ~~has~~ established the ELCA 457(b) Deferred Compensation Plan (the “Plan”), which provides that more than one employer may become a participating employer by executing the appropriate adoption agreement, each of said employers being referred to as a “Participating Employer”; and

WHEREAS, by executing the appropriate adoption agreement (“Adoption Agreement”), each Participating Employer agrees to adopt the Plan; and

WHEREAS, each Participating Employer has incurred or expects to incur liability under the terms of such Plan with respect to the individuals participating in such Plan; and

WHEREAS, the Board of Pensions of the Evangelical Lutheran Church in America ~~wishes to~~ **established** a master trust (~~“Trust”~~) to hold the assets of all of the employers who have adopted the Plan and to appoint the Trustees as the Trustees of the Trust; and

WHEREAS, by executing the Adoption Agreement, each Participating Employer agrees to participate in this Trust and agrees to all the terms and conditions as set forth in this Trust ~~Agreement~~; and

WHEREAS, the Trustees intend that the assets of each Participating Employer participating in this Trust shall be maintained in a sub-trust (each such Participating Employer’s sub-trust to be referred to as “Sub-Trust” or collectively as “Sub-Trusts”), and that the assets in each Participating Employer’s Sub-Trust shall be held for the benefit of each such Participating Employer, with the Trustees separately accounting for the interest of each such Participating Employer in the Trust such that the Sub-Trust of

each Participating Employer shall be subject solely to the claims of the creditors of that Participating Employer in the event of its Insolvency, as defined in Sec. 3.01 herein; and

WHEREAS, it is the intention of the parties that this Trust shall constitute an unfunded arrangement and shall not affect the status of the Plan as a church plan which is not subject to the Employee Retirement Income Security Act of 1974, as amended (“ERISA”); and

WHEREAS, the it is the intention of each Participating Employer to make contributions to its respective Sub-Trust to be held in this Trust, with the intent that all assets in such Sub-Trust shall be used to provide itself with a source of funds to assist in meeting its liabilities under the Plan; **and**

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the Master 457(b) Deferred Compensation Trust; and

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts; and

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure; and

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee and then resign their positions as individual trustees; and

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure; and

WHEREAS, the Trust provides that it may be amended as set forth in Article XI.

~~NOW, THEREFORE, the parties do hereby establish the Trust and the Trustees accept their designation as the Trustees and the parties agree that the terms of the Trust are as follows:~~

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, the Trust is amended and restated as follows:

ARTICLE I: GENERAL

- Sec. 1.01 Name of Trust. This ~~Agreement and trust evidenced~~ shall be known as the **Restated** Evangelical Lutheran Church in America Master 457(b) Deferred Compensation Trust (the "Trust").
- Sec. 1.02 Definition of Plan. Except as otherwise clearly indicated by the context, the word "Plan" shall mean the Evangelical Lutheran Church in America 457(b) Deferred Compensation Plan. Any capitalized term used in this Trust has the same meaning as in the Plan.
- Sec. 1.03 Establishment of Trust. Each Participating Employer hereby deposits with the Trustees the contributions under the Plan, which shall become the principal of the Participating Employer's Sub-Trust in this Trust, to be held, administered and disposed of by the Trustees as provided in this Trust ~~Agreement~~. Except as otherwise provided in this Trust ~~Agreement~~, the Trustees shall be directed by an authorized Plan representative or by each Participating Employer; provided, however, that each Participating Employer shall have authority to direct the Trustees with respect to only that Participating Employer's Sub-Trust.
- Sec. 1.04 Irrevocability of Trust. The Trust hereby established is irrevocable and shall not be subject to revocation by either the ELCA Board of Pensions or by any Participating Employer.
- Sec. 1.05 Grantor Trust. Each Sub-Trust that is incorporated in this Trust is intended to be a grantor trust, of which the applicable Participating Employer is the grantor, within the meaning of subpart E, part 1, subchapter J, chapter 1, subtitle A of the Internal Revenue Code of 1986, as amended ("Code"), and shall be construed accordingly.
- Sec. 1.06 Trust Principal. The principal of each Participating Employer's Sub-Trust, and any earnings thereon, shall be held separate and apart from other funds of such Participating Employer and shall be used exclusively for the uses and purposes of Plan participants and general creditors of such Participating Employer as herein set forth. Plan participants and their beneficiaries shall have no preferred claim on, or any beneficial ownership interest in, any assets of the Trust. Any rights created under the Plan and this Trust ~~Agreement~~ shall be mere unsecured contractual rights of Plan participants and their beneficiaries against the Participating Employer. Any assets held by a Participating Employer's Sub-Trust will be subject to the claims of that Participating Employer's general creditors under federal and state law in the event of Insolvency, as defined in Section 3.01 herein.
- Sec. 1.07 Additional Deposits. To the extent required by the Plan, the Participating Employer shall make additional deposits of cash or other property in trust with the Trustees to augment the principal to be held, administered and disposed of by the Trustees as provided in this Trust ~~Agreement~~.

ARTICLE II: PAYMENTS TO PLAN PARTICIPANTS AND THEIR BENEFICIARIES

Sec. 2.01 Eligibility for Payment. Each Participating Employer shall promptly notify the Trustees when its participants experience a Severance from Employment. After receiving such notice, the Trustees shall determine the amount payable, the form in which such amount is to be paid (as provided for or available under the Plan), and the time of commencement for payment of such amount.

Sec. 2.02 Payments to Participants.

- (a) The entitlement of a Plan participant or his or her beneficiaries to benefits under the Plan shall be determined by the Trustees or such party as the **ELCA Board of Pensions Trustees** shall designate under the Plan, and any claim for such benefits shall be considered and reviewed under the procedures set forth in the Plan. Except as otherwise provided herein, the Trustees shall make payment in accordance with Plan terms. The Trustees shall make provision for the reporting and withholding of any federal taxes that may be required to be withheld with respect to the payment of benefits pursuant to the terms of the Plan and shall pay amounts withheld to the appropriate taxing authorities or determine that such amounts have been reported, withheld and paid by the Participating Employer.
- (b) A Participating Employer may make payment of benefits directly to Plan participants or their beneficiaries as they become due under the terms of the Plan. The Participating Employer shall notify the Trustees of its decision to make payment of benefits directly at least ninety (90) days before the time amounts are payable to participants or their beneficiaries. In addition, if the principal of the Participating Employer's Sub-Trust, and any earnings thereon, are not sufficient to make payments of benefits in accordance with the terms of the Plan, that Participating Employer shall make the balance of each such payment as it falls due. The Trustees shall notify the Participating Employer if principal and earnings in the Participating Employer's Sub-Trust are not sufficient to make such payments.
- (c) The assets in each Participating Employer's Sub-Trust and the earnings thereon shall only be used to make payments to any Plan participants and beneficiaries of that Participating Employer.

ARTICLE III: TRUSTEES RESPONSIBILITY REGARDING PAYMENTS TO TRUST BENEFICIARY WHEN PARTICIPATING EMPLOYER IS INSOLVENT

Sec. 3.01 Cessation of Payment of Benefits Upon Insolvency. The Trustees shall cease payment of benefits to Plan participants of a Participating Employer and their beneficiaries if that Participating Employer is Insolvent. A Participating Employer shall be considered “Insolvent” for purposes of this Trust ~~Agreement~~ if (a) the Participating Employer is unable to pay its debts as they become due, or (b) the Participating Employer is subject to a pending proceeding as a debtor under the United States Bankruptcy Code.

Sec. 3.02 Claims of General Creditors. At all times during the continuance of this Trust, as provided in Sec. 1.06 hereof, the principal and income of each Participating Employer’s Sub-Trust shall be subject to claims of general creditors of that Participating Employer under federal and state law as set forth below.

- (a) The Board of Directors and the Chief Executive Officer of the Participating Employer shall have the duty to inform the Trustees in writing within thirty (30) days of the Participating Employer’s Insolvency. If a person claiming to be a creditor of the Participating Employer alleges in writing to the Trustees that the Participating Employer has become Insolvent, the Trustees shall determine whether the Participating Employer is Insolvent and, pending such determination, the Trustees shall discontinue payment of benefits to Plan participants of that Participating Employer or its beneficiaries.
- (b) Unless the Trustees ~~have~~ **has** actual knowledge of a Participating Employer’s Insolvency, or ~~have~~ **has** received notice from a Participating Employer or a person claiming to be a creditor alleging that a Participating Employer is Insolvent, the Trustees shall have no duty to inquire whether a Participating Employer is Insolvent. The Trustees may in all events rely on such evidence concerning a Participating Employer’s solvency as may be furnished to the Trustees and that provides the Trustees with a reasonable basis for making a determination concerning a Participating Employer’s solvency.
- (c) If at any time the Trustees ~~have~~ **has** determined that a Participating Employer is Insolvent, the Trustees shall discontinue payments to Plan participants of that Participating Employer and its beneficiaries, and shall hold the assets of the Participating Employer’s Sub-Trust for the benefit of that Participating Employer’s general creditors. Nothing in this Trust ~~Agreement~~ shall in any way diminish any rights of Plan participants or their beneficiaries to pursue their rights as general creditors of the Participating Employer with respect to benefits due under the Plan or otherwise.
- (d) The Trustees shall resume the payment of benefits to Plan participants and their beneficiaries in accordance with Article II of this Trust ~~Agreement~~ only after the

Trustees ~~have~~ has determined that the Participating Employer is not Insolvent (or is no longer Insolvent).

Sec. 3.03

Resumption of Payment of Benefits. Provided that there are sufficient assets in the Participating Employer's Sub-Trust, if the Trustees discontinues the payment of benefits from the Trust pursuant to Sec. 3.02 hereof and subsequently resumes such payments, the first payment following such discontinuance shall include the aggregate amount of all payments due to Plan participants of that same Participating Employer or their beneficiaries under the terms of the Plan for the period of such discontinuance, less the aggregate amount of any payments made to these same Plan participants or their beneficiaries by the Participating Employer in lieu of the payments provided for hereunder during any such period of discontinuance.

ARTICLE IV: INVESTMENT AUTHORITY

Sec. 4.01 Investment Authority.

- (a) The Trustees shall have the power to invest and reinvest the assets of the Trust in any of the Investment Options available for investment under the Plan, in accordance with directions received from individual participants or beneficiaries or in accordance with the terms of the Plan regarding default investment options.

- (b) All rights associated with assets of the Trust shall be exercised by the Trustees or the person designated by the Trustees, and shall in no event be exercisable by or rest with Plan participants.

ARTICLE V: DISPOSITION OF INCOME

Sec. 5.01 Disposition of Income. During the term of this Trust, all income received by the Trust, net of expenses and taxes, shall be accumulated and reinvested.

ARTICLE VI: ACCOUNTING BY THE TRUSTEES

Sec. 6.01 Accounting. The Trustees shall keep accurate and detailed records of all investments, receipts, disbursements, and all other transactions required to be made with respect to the assets in each Participating Employer's Sub-Trust, including such specific records as shall be agreed upon in writing between each Participating Employer and the Trustees. As soon as reasonably practicable following the close of each calendar year or after the removal of ~~all of~~ the Trustees, the Trustees shall deliver to each Participating Employer a written account of ~~their~~ its administration of the applicable Participating Employer's Sub-Trust during such year or during the period from the close of the last preceding year to the date of such removal, setting forth all investments, receipts, disbursements and other transactions effected by them, including a description of all securities and investments purchased and sold with the cost or net proceeds of such purchases or sales (accrued interest paid or receivable being shown separately), and showing all cash, securities and other property held in the Sub-Trust at the end of such year or as of the date of such removal.

ARTICLE VII: RESPONSIBILITY OF THE TRUSTEES

Sec. 7.01 General Responsibilities. The Trustees shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; provided, however, that the Trustees shall incur no liability to any person for any action taken pursuant to a direction, request or approval given by a Participating Employer which is contemplated by and in conformity with the terms of the Plan or this Trust, and is given in writing to the Trustees by that Participating Employer. In the event of a dispute between a Participating Employer and any other party, the Trustees may apply to a court of competent jurisdiction to resolve the dispute.

Sec. 7.02 Legal Counsel and Other Consultants.

- (a) The Trustees may consult with legal counsel (who may also be counsel for any Participating Employer) with respect to any of ~~their~~ **its** duties or obligations hereunder.
- (b) The Trustees may hire agents, accountants, actuaries, investment advisors, financial consultants or other professionals to assist ~~them~~ **it** in performing any of ~~their~~ **its** duties or obligations hereunder.

Sec. 7.03 Powers of Trustees.

- (a) The Trustees shall have, without exclusion, all powers conferred on the Trustees by applicable law, unless expressly provided otherwise herein; provided, however, that if an insurance policy is held as an asset of the Trust, the Trustees shall have no power to name a beneficiary of the policy other than the Trust, to assign the policy (as distinct from conversion of the policy to a different form) other than to a successor Trustees, or to loan to any person the proceeds of any borrowing against such policy.
- (b) Notwithstanding any powers granted to the Trustees pursuant to this Trust ~~Agreement~~ or to applicable law, the Trustees shall not have any power that could give this Trust the objective of carrying on a business and dividing the gains therefrom, within the meaning of Section 301.7701-2 of the Procedure and Administrative Regulations promulgated pursuant to the Internal Revenue Code.

Sec. 7.04 Bonding and Liability of Trustees. The Trustees shall not be obligated to give any bond or other security for the performance of the Trustee's duties hereunder. The Trustees shall not be liable for any action taken or omitted in reliance in good faith upon the actions of, or the reports made to the Trustees by, any Participating Employer's officers, employees or agents, or the actions of or reports by any regulated investment company or other current or prior Trustees, provided that the Trustees acted in good faith in such action or omission and in such reliance.

ARTICLE VIII: PARTICIPATING EMPLOYER'S DUTIES

Sec. 8.01 Duties of Participating Employer. As a condition of the Trustee's performance hereunder, each Participating Employer shall remit to the Trustees, or to a party designated by the Trustees, in a timely manner and in a medium and format that have been agreed to between the Participating Employer and the Trustees, all information and contributions that are reasonably necessary for the Trustees to perform its ~~their~~ duties hereunder with respect to each such Participating Employer's Sub-Trust.

ARTICLE IX: COMPENSATION AND EXPENSES OF THE TRUSTEES

Sec. 9.01 Fees and Expenses. Each Participating Employer shall pay all administrative and Trustee's fees and expenses. If not so paid, the fees and expenses shall be paid from each Participating Employer's Sub-Trust.

ARTICLE X: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 10.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 10.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 10.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 10.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. 10.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(s) cease to be Trustee(s).

Sec.10.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all~~ Trustee. ~~If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE XI: AMENDMENT OR TERMINATION

Sec. 11.01 Amendment. This Trust ~~Agreement~~ may be amended at any time and from time to time pursuant to this Sec. 11.01, provided, however, that no such amendment shall conflict with the terms of the Plan or shall make the Trust revocable after it has become irrevocable in accordance with Sec. 1.04.

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This Trust ~~Agreement~~ shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by the Trustees and at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions to take such action.

Sec. 11.02 Termination. The Trust shall not terminate until the date on which Plan participants and their beneficiaries are no longer entitled to benefits pursuant to the terms of the Plan. Upon termination of the Trust, any assets remaining in each Participating Employer's Sub-Trust shall be returned to the respective Participating Employers.

Sec. 11.03 Termination by Participating Employer. In the event that a Participating Employer terminates participation in the Plan in accordance with the provisions in Article XV of the Plan, all assets in such Participating Employer's Sub-Trust shall be distributed in accordance with the provisions of the Plan as soon as administratively practicable.

ARTICLE XII: MISCELLANEOUS

- Sec. 12.01 Evidence. Evidence required of anyone under this ~~Trust Agreement~~ may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. 12.02 Dealings of Others With Trustees. No person (corporate or individual) dealing with the Trustees shall be required to see to the application of any money paid or property delivered to the Trustees or to determine whether the Trustees ~~are~~ is acting pursuant to any authority granted to ~~them~~ it under this ~~Trust Agreement~~.
- Sec. 12.03 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Trust for the administrative services provided by the ELCA Board of Pensions to the Plans and the Trust. The fee charged to the Trust shall constitute a lien upon the Trust until paid.
- Sec. 12.04 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Trustees that relate to the Plans to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Trustees shall make such books, records, and accounts available for such purpose at all reasonable times. The expense of such audit shall be paid from each Sub-Trust, if not paid by the Participating Employers, in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon each Sub-Trust until paid.
- Sec. 12.05 Waiver of Notice. Any notice required under this ~~Trust Agreement~~ may be waived by the person entitled thereto.
- Sec. 12.06 Headings. Headings at the beginning of articles and sections are for convenience of reference, and shall not be considered a part of this ~~Trust Agreement~~, and shall not influence its construction.
- Sec. 12.07 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire ~~Trust Agreement~~ unless the context clearly indicates otherwise.
- Sec. 12.08 Construed as a Whole. The provisions of this ~~Trust Agreement~~ shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed without relation to the context.
- Sec. 12.09 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this

Trust, but shall be fully severable, and the Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted herein.

- Sec. 12.10 Assignments. Except for a judgment, decree or order, including a property settlement agreement which relates to the provision of child support, alimony, maintenance payments or marital property rights to an alternate payee, as defined in Code section 414(p)(8), benefits payable to Plan participants and their beneficiaries under this Trust ~~Agreement~~ may not be anticipated, assigned (either at law or in equity), alienated, pledged, encumbered or subjected to attachment, garnishment, levy execution or other legal or equitable process.
- Sec. 12.11 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.
- Sec. 12.12 Indemnification. The Trustees ~~are~~ **is** entitled to rely on instructions provided by the Participating Employer or another authorized Plan representative and shall have no duty to inquire with respect to such instructions. Each Participating Employer shall hold harmless and indemnify the Trustees and ~~their~~ **its** successors and assigns from any claims arising from the actions or omissions of such Participating Employer, another authorized Plan representative or any predecessor or concurrent Trustee.
- Sec. 12.13 Release of Information. Where necessary to the proper administration of the Plan, the Trustees ~~may~~ release information to the Participating Employer or a governmental agency examining the Participating Employer's Plan.
- ~~Sec. 12.14 Effective Date. The effective date of this Trust Agreement shall be the effective date of the Plan.~~
- Sec. 12.14 Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.**
- Sec. 12.15 Parties to the Trust. Any Participating Employer that has adopted the Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer the Trust as a single fund for investment and accounting purposes, provided that at all times the interests of members and beneficiaries shall be accounted for separately.**
- Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any**

corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust that portion of the Trust which, pursuant to the determination of the ELCA Board of Pensions, is attributable to the participation in the Plan of the employees and their beneficiaries affected by such termination or by such transaction.

Sec. 12.16 Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 12.16 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this **Restated Trust Agreement** to be executed **as of the day and year written below.** ~~by its duly authorized officers, and the co-trustees have executed this Agreement by setting their hands hereto.~~

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009 By _____
John G. Kapanke, President & CEO

Dated: _____, 2009 By _____
Robert H. Rydland, Vice President & General Counsel

IN WITNESS WHEREOF, the ELCA Board of Pensions accepts its appointment as corporate trustee of this Restated ELCA Master 457(b) Deferred Compensation Trust.

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009 By _____
John G. Kapanke, President & CEO

Dated: _____, 2009 By _____
Robert H. Rydland, Vice President & General Counsel

Summary of Amendments
Restated ELCA Master 457(b) Deferred Compensation Trust

Trust effective 1/1/2003

Retro to 1/01/2003

BoP-11/02/2003; CC-11/16/2003

457(b) trust formed because participating institutions sponsored in ELCA plans requested that BoP establish a 457(b) deferred compensation plan.

Upon approval-Church Council BoP-8/01/2009 & 10/30/09; CC-11/15/2009

Restated Trusts – see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009



Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1i
Page 1

~~Trust Document~~
**Restated ELCA Benefits
Contribution Trust**

November 2009 Draft

BOT 7/30/09 & 10/30/09 CC 11/13-15/09
BOT 11/1-3/02 † CC 11/15-18/02

January 1, 2010
January 1, 2003
Signature Copy

**RESTATED EVANGELICAL LUTHERAN CHURCH IN AMERICA
BENEFITS CONTRIBUTION TRUST
(~~Amended effective as of January 1, 2003~~)**

PREAMBLE

This Amendment **and Restatement** of **the ELCA Benefits Contribution Trust Agreement** (“Trust”), **is made and entered into** effective **January 1, 2010** ~~January 1, 2003~~, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation, (the “ELCA Board of Pensions”), **in its capacity as the administrator of the ELCA Pension and Other Benefits Program and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “ELCA Benefits Contribution Trustee” or “Trustee”);** and ~~David Alvarez, Rev. James S. Aull, Kenneth G. Bash, Jon B. Christianson, Bradley C. Engel, Nancy J. Haberstick, Rev. Larry C. Kassebaum, Rev. Jon R. Lee, T. Van Matthews, Kenneth G. Mertz II, Harry C. Mueller, Sarah C. Murphy, Vivian Jenkins Nelsen, Mary S. Ranum, Karen E. Southward, Joseph A. Swanson, Barbara A. Swartling, Jane C. von Seggern, Yvonne Wells, and Rev. Lawrence W. Wick,~~ referred to collectively as the “ELCA BENEFITS CONTRIBUTION TRUSTEES”;

WITNESSETH:

History of the Trust:

WHEREAS, The American Lutheran Church (the “ALC”) maintained a medical-dental benefits plan known as “The American Lutheran Church Major Medical-Dental and Disability Plan” (the “Old Plan”) which was funded through a trust known as “The American Lutheran Church Major Medical-Dental and Disability Fund”;

WHEREAS, the ALC was merged with the Lutheran Church in America (the “LCA”) and The Association of Evangelical Lutheran Churches (the “AELC”) to form the Evangelical Lutheran Church in America (the “ELCA”) in 1988;

WHEREAS, in connection with the merger:

- **The disability benefits portion of the Old Plan was merged into the ELCA Disability Benefits Plan, accompanied by a corresponding transfer of assets from the Trust to the ELCA Disability Benefits Trust.**
- **The medical benefits portion of the Old Plan was amended to provide coverage only to retired employees of the ALC and its affiliates and their dependents. The active employees were immediately picked up under the ELCA Medical and Dental Benefits Plan.**

- The name of the Old Plan was changed to the “ELCA Continuation of The ALC Medical-Dental Plan for Retired Participants.”
- The name of the Trust was changed to the “ELCA Continuation of the ALC Major Medical-Dental Trust for Retired Participants.”
- The then existing trustees of the Trust resigned and the then current members of the ELCA Board of Pensions were appointed as trustees.

WHEREAS, the Trust has since been administered in the same manner as the ELCA Medical and Dental Benefits Trust and the trustees of the two trusts have since been the same persons;

WHEREAS, the ELCA Continuation of the ALC Medical-Dental Plan for Retired Participants and the ELCA Continuation of the LCA Ministerial Health Benefits Plan for Retired Members were merged with the ELCA Medical and Dental Benefits Plan effective January 1, 1997;

WHEREAS, the ELCA Medical and Dental Benefits Plan contains provisions providing for subsidies for certain retired members based on the predecessor ALC subsidy schedule and the predecessor LCA subsidy schedule set forth in the plan;

WHEREAS, the assets used to fund the ALC subsidy schedule are held by the ELCA Continuation of the ALC Major Medical-Dental Trust for Retired Participants;

WHEREAS, the assets used to fund the LCA subsidy schedule are held in the ELCA Benefits Contribution Trust, and both trusts are designed to fund substantially the same types of obligations, the ALC subsidy schedule and the LCA subsidy schedule;

WHEREAS, it has been determined that in order to simplify the operation of the two trusts, it is desirable to merge the ELCA Continuation of the ALC Major Medical-Dental Trust for Retired Participants into the ELCA Benefits Contribution Trust, with a simultaneous transfer of assets and obligations to fund the combined subsidy schedule;

WHEREAS, the ELCA Board of Pensions is the administrator of certain plans to which the ~~Evangelical Lutheran Church in America (“ELCA”)~~ makes contributions for the purpose of providing benefits to specified classes of individuals set out in those plans. Such plans are referred to herein as the “ELCA Pension and Other Benefits Program” ~~and “Plans” and consist of the following: ELCA Retirement Plan; ELCA Medical and Dental Benefits Plan; ELCA Survivor Benefits Plan; and ELCA Disability Benefits Plan;~~

WHEREAS, the ELCA Board of Pensions ~~wishes to~~ provides a trust fund to which the ELCA may contribute funds from time-to-time and from which the ELCA may from time-to-time designate payments to the respective trusts established as the funding vehicles for the ELCA Pension and Other Benefits Program for the purpose of paying the contributions to one or more of the Plans that the ELCA is obligated to pay for the purpose of providing benefits to those specified classes of individuals identified

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1i
Page 4
in such Plans;

~~WHEREAS, the ELCA Benefits Contribution Trust provides that it may be amended, among other methods, by the Board of Pensions initiating Amendments. The Amendments shall be executed by two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and executed by the ELCA Benefits Contribution Trustees and then submitted to the ELCA Church Council for final action;~~

~~WHEREAS, the ELCA had on deposit with the ELCA Board of Pensions a sum of money that it authorized to be transferred to the ELCA Benefits Contribution Trust on January 1, 1997; and~~

~~WHEREAS, the Board of Pensions and the above named individuals desire to continue a trust fund in accordance with the request of the ELCA.~~

WHEREAS, historically, the individuals elected by the ELCA Churchwide Assembly to serve as trustees of the ELCA Board of Pensions have also served as individual trustees of the benefits trusts maintained by the ELCA Board of Pensions, including the ELCA Benefits Contribution Trust;

WHEREAS, during the 2009 legislative session, section 317A.909 of the Minnesota Statutes was amended to clarify that a church benefits board such as the ELCA Board of Pensions may act as corporate trustee of its trusts;

WHEREAS, it has been determined that having a corporate trustee and naming the ELCA Board of Pensions, a Minnesota non-profit corporation, as a corporate trustee of this Trust provides a better trust structure;

WHEREAS, to accomplish this goal, the individual trustees of the Trust wish to appoint the ELCA Board of Pensions as corporate trustee of the Trust, transfer and deliver the Trust assets to the ELCA Board of Pensions as corporate trustee in accordance with the provisions of Sec. 5.06 herein, and then resign their positions as individual trustees;

WHEREAS, provisions of the Trust must be amended to reflect the new trustee structure;

WHEREAS, the Trust provides that it may be amended as set forth in Article VII.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, the parties agree the Trust is amended and restated as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Trust. This ~~Agreement and the trust hereby evidenced~~ shall be known as the “**Restated** Evangelical Lutheran Church in America Benefits Contribution Trust” (the “ELCA Benefits Contribution Trust” **or “Trust”**).

Sec. 1.02 Acceptance of Trust Responsibilities. The ELCA Benefits Contribution Trustees accepts ~~its their~~ appointment as such, and agrees to hold, manage and disburse all the property received by ~~it them~~, pursuant to this ELCA Benefits Contribution Trust **and applicable law**.

Sec. 1.03 Purpose. The ELCA Benefits Contribution Trust is formed exclusively for religious and charitable purposes, and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by paying on behalf of the ELCA, contributions otherwise payable by the ELCA to the ELCA Pension and Other Benefits Program and related trusts.

The ELCA Benefits Contribution Trust shall not afford pecuniary gain, incidentally or otherwise, to the ELCA Benefits Contribution Trustees and no part of the net income or net earnings of the ELCA Benefits Contribution Trust shall inure to the benefit of ~~any of~~ the ELCA Benefits Contribution Trustees or any other individual and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including ~~an~~ **the** ELCA Benefits Contribution Trustee, from receiving any benefit to which he or she may be entitled as a ~~participant~~ **member** of, or beneficiary in, any of the ELCA Pension and Other Benefits Program, so long as the benefit is computed and paid on a basis which is consistent with the terms of the respective Pension and Welfare Benefits Plan as applied to all other ~~participants~~ **members** and beneficiaries. The ELCA Benefits Contribution Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Church Plan Trust. **The ELCA Board of Pensions intends by this Trust document to have created a trust forming part of the ELCA Pension and Other Benefits Program which shall be exempt from federal income tax.** The ELCA Benefits Contribution Trust and the ELCA Pension and Other Benefits Program are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the ELCA Pension and Other Benefits Program, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009

Exhibit P, Part 1i

Page 6

Sec. 1.05

Certifications. The Secretary of the ELCA Board of Pensions or such other corporate officer as is designated by the ~~governing board~~ **Board of Trustees** of the ELCA Board of Pensions shall certify to the ELCA Benefits Contribution Trustees the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the ELCA Benefits Contribution Trustees as to disbursements from the ELCA Benefits Contribution Trust and the name of the person or persons who have authority on behalf of the ELCA or the ELCA Board of Pensions to communicate with the ELCA Benefits Contribution Trustees with respect to any other matter or matters relating to the ELCA Benefits Contribution Trust, and shall provide the ELCA Benefits Contribution Trustees with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The ELCA Benefits Contribution Trustees may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: ELCA BENEFITS CONTRIBUTION TRUST

Sec. 2.01 Composition. **The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee, including assets transferred from the ELCA Continuation of the ALC Major Medical-Dental Trust for Retired Participants upon its merger into this Trust, or which otherwise represent the Trust's interests, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the ELCA Pension and Other Benefits Program. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.** All sums of money and all securities and other property acceptable to the ELCA Benefits Contribution Trustees and received by them to be held in trust hereunder, as evidenced by their receipts, from whatever source received, together with all investments made therewith, the proceeds thereof, and all earnings and accumulations thereon, and the part thereof from time to time remaining, shall be held and administered by the ELCA Benefits Contribution Trustees as the ELCA Benefits Contribution Trust, in accordance with the terms and provisions hereof. The ELCA Benefits Contribution Trust shall be held, administered, and disbursed by the ELCA Benefits Contribution Trustees without distinction between principal and income.

Sec. 2.02 Contributions. The ELCA Benefits Contribution Trustees shall have no duty to require any contributions to be made to ~~it them~~, to determine that the contributions received by ~~them~~ comply with the provisions of the ELCA Pension and Other Benefits Program, or to collect any funds payable to ~~them~~ by the ELCA. The responsibility of the ELCA Benefits Contribution Trustees shall be limited to the sums of money, securities, and other property actually received by ~~them~~.

~~The ELCA Benefits Contribution Trustees and the ELCA Board of Pensions shall have no duty to anyone to inquire why the ELCA has directed funds to be disbursed from the ELCA Benefits Contribution Trust to pay the contributions to one of the Plans in the ELCA Pension and Other Benefits Program and related trusts while not authorizing a similar disbursement with respect to another Plan in the ELCA Pension and Other Benefits Program. The ELCA Benefits Contribution Trustees and the Board of Pensions shall have no obligation to inform the individuals entitled to participate in, or receive benefits from, the ELCA Pension and Other Benefits Program regarding the pattern of disbursement between the individual Plans in the ELCA Pension and Other Benefits Program or changes in such patterns.~~

Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the ELCA Pension and Other Benefits Program, or required by law, the interests of **members** ~~participants~~ and their beneficiaries under the ELCA Pension and Other Benefits Program or this **Agreement Trust** may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Sec. 2.04 No Diversion. The ELCA Benefits Contribution Trust shall be for the exclusive purpose of providing benefits to ~~participants~~ **members** under the ELCA Pension and Other Benefits Program and their beneficiaries, and defraying reasonable expenses of administering or operating the ELCA Pension and Other Benefits Program. For purposes of this ELCA Benefits Contribution Trust, ~~the ELCA Church Council intends that~~ the expenses of administering or operating the ELCA Pension and Other Benefits Program shall be paid from contributions made to the ELCA Pension and Other Benefits Program or from assets held in this Trust under the ELCA Pension and Other Benefits Program. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of **pension and welfare benefits** Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the ELCA Pension and Other Benefits Program (including the costs associated with a change in the persons or organizations from time to time providing services to the ELCA Pension and Other Benefits Program). Such expenses may also include premiums for the bonding of officials of the ELCA Pension and Other Benefits Program as required by any applicable law. No part of the corpus or income of the ELCA Benefits Contribution Trust may be used for, or diverted to, purposes other than for the exclusive benefit of ~~participants~~ **members** or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by the ELCA by mistake of fact, the ELCA Benefits Contribution Trustees shall, upon written request of the ELCA Board of Pensions, return such contribution to the ELCA.

ARTICLE III: TRUSTEES

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the ELCA Benefits Contribution Trustees shall be as follows:

- (a) The ELCA Benefits Contribution Trustees shall have exclusive authority and discretion to manage and control the assets of the ELCA Pension and Other Benefits Program held in the ELCA Benefits Contribution Trust **subject to the provisions of Article IV.**
- (b) The ELCA Benefits Contribution Trustees shall hold, administer, invest and reinvest, ~~and disburse~~ **the** principal and income of the ELCA Benefits Contribution Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The ELCA Benefits Contribution Trustees shall disburse monies and other properties from the ELCA Benefits Contribution Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the ELCA Pension and Other Benefits Program that require contributions to be paid to any of such Plans; provided that the ELCA Board of Pensions has been directed by the ELCA to pay such contributions to any such Plan and in such form as the ELCA Benefits Contribution Trustees may reasonably require. The ELCA Benefits Contribution Trustees shall be under no liability for any distribution made by ~~them~~ **it** pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by **it** ~~them~~ pursuant to any such direction is made pursuant to the provisions of any of the ELCA Pension and Other Benefits Program or pursuant to authority given to the ELCA Board of Pensions by the ELCA. The payee's receipt of the distributions of the ELCA Pension and Other Benefits Program shall constitute a full acquittance to the ELCA Benefits Contribution Trustees.
- (d) The ELCA Benefits Contribution Trustees in ~~their~~ **its** capacity as such shall have no responsibility or authority with respect to the operation and administration of the ELCA Pension and Other Benefits Program, and the rights, powers and duties of the ELCA Benefits Contribution Trustees shall be governed solely by the terms of this **Trust Agreement** ~~without reference to~~ **provided, however, that to the extent this Trust conflicts with a provision in the ELCA Pension and Other Benefits Program,** the provisions of the ELCA Pension and Other Benefits Program **shall control.**
- (e) **The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the**

commingled assets.

Sec. 3.02 Powers of the ELCA Benefits Contribution Trustees. **As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions.** The ELCA Benefits Contribution Trustees shall have the right, power, and authority to take any action and to enter into and carry out every agreement with respect to the ELCA Benefits Contribution Trust that may be necessary or advisable to discharge ~~their~~ **its** responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the ELCA Benefits Contribution Trustees, the ELCA Benefits Contribution Trustees shall have the following powers and authorities to be exercised in ~~their~~ **its** absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the ELCA Benefits Contribution Trustees such securities and properties shall constantly be shown to be a part of the ELCA Benefits Contribution Trust, and no such registration or holding by the ELCA Benefits Contribution Trustees shall relieve ~~them~~ **it** from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the ELCA Benefits Contribution Trust at such prices and on such terms and in such manner as **it** ~~they~~ may deem proper, and for terms within or extending beyond the duration of the ELCA Benefits Contribution Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by **it** ~~them~~; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the ELCA Benefits Contribution Trustees may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that ~~they~~ **it** may deem advisable in ~~their~~ **its** absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other

evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as ~~they~~ **it** may in ~~their~~ **its** absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies in respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the ELCA Benefits Contribution Trust any and all liens, charges, or encumbrances upon the same, in ~~their~~ **its** absolute discretion, and to make, execute, and deliver any and all instruments, contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the ELCA Benefits Contribution Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as ~~they~~ **it** may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the ELCA Benefits Contribution Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the ELCA Benefits Contribution Trust, and to pay, compromise, and discharge with the assets of the ELCA Benefits Contribution Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the ELCA **Benefits Contribution Trust Pension and Other Benefits Program** from time to time and to deposit the same in ~~their~~ **its** name as ~~ELCA Benefits Contribution Trustees~~ in such depositories as **it** ~~they~~ may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the ELCA Benefits Contribution Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the ELCA Benefits Contribution Trust or the assets thereof, at the sole cost and expense of the ELCA Benefits Contribution Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the ELCA Benefits Contribution Trust or of ELCA Benefits Contribution Trustees; but the ELCA Benefits Contribution Trustees shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless ~~they~~ **it** shall have been indemnified to **its** ~~their~~ satisfaction against any and all loss, cost, expense, and liability **it** ~~they~~ may sustain or anticipate by reason thereof.

- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the ELCA Benefits Contribution Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the ELCA Benefits Contribution Trustees cannot delegate ~~its~~ ~~their~~ right to vote any stocks pursuant to a proxy or power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as ~~they~~ it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the ELCA Benefits Contribution Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the ELCA Benefits Contribution Trust in the same manner and to the same extent as any individual owner and holder thereof might do.
- (k) To make application for any contract issued by an insurance company to be purchased for the ELCA Benefits Contribution Trust, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent the ELCA Board of Pensions or the ELCA) deemed by the ELCA Benefits Contribution Trustees to be necessary or proper for the administration of the ELCA Benefits Contribution Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the ELCA Benefits Contribution Trustees under the terms of the ELCA Benefits Contribution Trust; and to pay ~~their~~ reasonable expenses and compensation for services to the ELCA Benefits Contribution Trust from the ELCA Benefits Contribution Trust. The ELCA Benefits Contribution Trustees shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustees ~~have~~ has exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the ELCA Benefits Contribution Trust all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against the ELCA Benefits Contribution Trust, without the need to seek any approval or direction of the ELCA Board of Pensions.

- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the ELCA Benefits Contribution Continuation Medical Trustee's opinion, ~~they~~ it shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the ~~Continuation Medical~~ ELCA Benefits Contribution Trustees shall deem necessary for ~~their~~ its protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as ELCA Benefits Contribution Trustees but also in any other fiduciary capacity with respect to any of the ELCA Pension and Other Benefits Program and related trusts pursuant to such agreements or practices as the ELCA Benefits Contribution Trustees considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the ELCA Benefits Contribution Trustees.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation or administration of ~~this Agreement or the administration of~~ the ELCA Benefits Contribution Trust.
- (s) To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements, and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.**

All of the powers of ~~theis~~ the ELCA Benefits Contribution Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Sections 501(c)(3) ~~and 509(a)(3)~~ of the Internal Revenue Code of 1986.

Sec. 3.03

Appointment of Ancillary Trustees. In the event that any property which is or may become a part of the ELCA Benefits Contribution Trust is situated in a state or states in which the ELCA Benefits Contribution Trust Trustees acting hereunder ~~are~~ is prohibited from holding real estate as trustee, or in a foreign country, the ELCA Benefits Contribution Trustees ~~is are~~ is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the ELCA Benefits Contribution Trustees. Any ancillary trustee so

appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the ELCA Benefits Contribution Trustees, but shall exercise and discharge the same subject to such limitations or directions of the ELCA Benefits Contribution Trustees as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the ELCA Benefits Contribution Trustees for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the ELCA Benefits Contribution Trust. The ELCA Benefits Contribution Trustees may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the ELCA Benefits Contribution Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the ELCA Benefits Contribution Trustees hereunder, in the exercise of ~~their~~ **its** discretion, may deem appropriate and consistent with the provisions of this Trust Agreement.

Sec. 3.04 Expenses. The ELCA Benefits Contribution Trustees shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by ~~them~~ **it** in the performance of ~~their~~ **its** services as ELCA Benefits Contribution Trustees or in any other capacity in connection with the ELCA Pension and Other Benefits Program as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the ELCA Benefits Contribution Trust as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the ELCA Benefits Contribution Trust until paid.

Sec. 3.05 Records and Accountings. The ELCA Benefits Contribution Trustees shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the ELCA Benefits Contribution Trust, and as soon as reasonably practicable after the resignation or removal of the ELCA Benefits Contribution Trustees has become effective, the ELCA Benefits Contribution Trustees shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by ~~them~~ **it** during such year, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period, and the cost of each item thereof as carried on the books of the ELCA Benefits Contribution Trustees. The accounting shall also furnish the ELCA Board of Pensions such other information as the ELCA Benefits Contribution Trustees may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the ELCA Benefits Contribution Trust is not available, when necessary for accounting or reporting purposes the fair value of the asset shall be

determined in good faith by the ELCA Benefits Contribution Trustees, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the ELCA Benefits Contribution Trustees and anyone as to any act or transaction reported in an accounting, the ELCA Benefits Contribution Trustees shall have the right to have its account settled by a court of competent jurisdiction.

Sec. 3.06 Record Retention. The ELCA Benefits Contribution Trustees shall retain the records relating to the ELCA Benefits Contribution Trust as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV: ARTICLE IV: INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the ELCA Pension and Other Benefits Program. No member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the ELCA Pension and Other Benefits Program or as required by law or directed by a court of competent jurisdiction.

- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.

- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.

- (d) Except as otherwise expressly provided herein, the ELCA Benefits Contribution Trustees shall have exclusive authority and discretion to invest and reinvest the principal and income of the ELCA Benefits Contribution Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise

of a like character and with like aims. Consistent with the objectives of the ELCA Board of Pensions' Investment Policy for the ELCA Pension and Other Benefits Program, the ELCA Benefits Contribution Trustees shall diversify the investments of the ELCA Benefits Contribution Trust so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so. The ELCA Benefits Contribution Trustees shall not be limited by the laws of any state proscribing or limiting the investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (~~a~~i) The ELCA Benefits Contribution Trustees may invest and reinvest principal and income of the ELCA Benefits Contribution Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured mortgages on real or personal property; conditional sales contracts; ~~and~~ real estate leases and real estate partnerships; **and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IV.**
- (~~b~~ii) The ELCA Benefits Contribution Trustees may invest and reinvest the principal and income of the ELCA Benefits Contribution Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (~~c~~iii) The ELCA Benefits Contribution Trustees may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the ELCA Benefits Contribution Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The ELCA Benefits Contribution Trustees may not sell uncovered call options or sell put options or invest so as to leverage the size of the Trust.

Sec. 4.02

Investment Managers.

- (a) **The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of this Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.**

- (b) If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant to Sec. 4.02(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.**
- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of this Trust which are subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.**

~~ARTICLE V: CO-TRUSTEES~~

~~Sec. 5.01 — Co trustees. Except as otherwise clearly indicated by the context the words "Trustees" or ELCA Benefits Contribution Trustees", when used in this Agreement, shall include and refer to all co trustees in office at the time.~~

~~Sec. 5.02 — Title. Except as provided in Sec. 3.03 hereof or in an agreement entered into pursuant to Sec. 5.03 hereof, title to all assets of the ELCA Benefits Contribution Trust shall vest jointly in all of the co trustees.~~

~~Sec. 5.03 — Responsibility With Respect to Co trustee. Each co trustee shall use reasonable care to prevent each other co trustee from committing a breach of fiduciary responsibility. Except as otherwise expressly provided in this Agreement co trustees shall jointly manage and control the assets of the ELCA Benefits Contribution Trust; provided, however, that by unanimous agreement the co trustees may allocate specific responsibilities, obligations, or duties among themselves. Such allocation may be made with respect to responsibility for investing the assets of the ELCA Benefits Contribution Trust, responsibility with respect to custody of the assets of the ELCA Benefits Contribution Trust, responsibility with respect to disbursement of the ELCA Benefits Contribution Trust, responsibility with respect to the keeping of records, record maintenance and the preparation of accountings, and responsibility with respect to the exercise of any of the powers set forth in Sec. 3.02 hereof. The co trustees shall give the ELCA Board of Pensions prompt written notification of any such allocation and of the revocation thereof.~~

~~Sec. 5.04 — Exercise of Powers. If co trustees are acting hereunder, they shall hold such meetings, upon such notice, at such places, and at such times as they may determine. A majority of the co trustees at any time acting shall constitute a quorum. Except with respect to specific responsibilities, obligations, or duties allocated pursuant to agreement under Sec. 5.03 hereof, all actions of the co trustees shall be taken or authorized at a meeting by vote of a majority of the co trustees, or by written authorization of a majority of the co trustees. Written minutes of meetings shall be kept. The co trustees may authorize any one or more of their number to execute or deliver any receipt or other instrument on behalf of the ELCA Benefits Contribution Trustees or to perform any ministerial function of the ELCA Benefits Contribution Trustees hereunder. No co trustee who at the time is a participant or beneficiary under any of the ELCA Pension and Other Benefits Program shall vote or otherwise participate in the consideration or determination of the ELCA Benefits Contribution Trustees with respect to any matters solely concerning the rights or interests of such co trustee as participant or beneficiary under such Plan.~~

~~Sec. 5.05 — Disability of Co trustee. If any co trustee acting hereunder is, in the opinion of the other co trustees then acting, mentally or physically incapacitated from performing the duties of the trusteeship, such other co trustees shall have full power and authority to exercise all powers, duties, authorities, and discretions granted such co trustee herein while such~~

~~incapacity continues.~~

~~Sec. 5.06 — Bonding. Any individual appointed as an ELCA Benefits Contribution Trustee hereunder shall give such fidelity bond for the faithful performance of duty hereunder as the ELCA Board of Pensions shall require. The premium therefor shall be paid from the ELCA Benefits Contribution Trust, and shall constitute a lien upon the ELCA Benefits Contribution Trust until paid.~~

ARTICLE VI: APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 56.01 Appointment of Trustees. ~~Each member of the Board of Trustees of the ELCA Board of Pensions shall automatically be appointed as Trustee of this Trust upon being elected to the ELCA Board of Pensions in the manner and for the term specified in the Constitution, Bylaws and Continuing Resolutions of the ELCA. Only members of the Board of Trustees of the ELCA Board of Pensions shall be eligible to be a Trustee of this Trust.~~ **The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.**
- Sec. 56.02 Resignation. ~~If any Trustee of this Trust resigns her/his office on the Board of Trustees of the ELCA Board of Pensions, such resignation shall be considered as a resignation as Trustee of this Trust.~~ **The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).**
- Sec. 56.03 Removal. ~~If, pursuant to the Bylaws of the ELCA Board of Pensions, a member of the Board of Trustees of the ELCA Board of Pensions is removed from office, such action shall remove such member as Trustee of this Trust.~~ **A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of the Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or the ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.**
- Sec. 56.04 Successor. ~~In the event of the resignation or removal of a Trustee of this Trust, the ELCA Church Council shall, following consultation with the Board of Trustees of the ELCA Board of Pensions, elect a successor trustee.~~ **Upon the resignation or removal of the Trustee, one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.**

Sec. ~~56~~.05 Failure to Appoint Successor Trustee(s). If no appointment of a successor is made by the ELCA **Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above** within a reasonable time after resignation or removal of ~~all of~~ the Trustee, any court of competent jurisdiction may appoint a successor **Trustee**, after notice, to the ELCA **Board of Pensions or the ELCA Church Council** and to the retiring Trustee(s), as such court may deem proper and suitable. The retiring Trustees shall be furnished with written notice from the **ELCA** Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee(~~s~~) cease to be Trustee(~~s~~).

Sec. ~~56~~.06 Duties on Succession. No predecessor Trustee shall have any right, title, or interest in the Trust except as hereinafter provided in the case of the replacement of ~~the all~~ Trustee. ~~If all Trustees are being replaced, such Trustees shall,~~ Upon the appointment and acceptance of a successor Trustee, **the predecessor Trustee shall** transfer and deliver the assets of ~~theis~~ Trust to the successor, after reserving such reasonable amount as such Trustees shall deem necessary to provide for fees and expenses and any sums chargeable against the Trust for which such Trustees may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this ~~Agreement~~ **Trust** shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustees hereunder, **subject to the right of amendment of the Trust**. No person **or entity** becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to ~~such person's~~ acceptance of the trusteeship, nor shall such person **or entity** have any duty to examine the administration of the Trust prior to such acceptance.

ARTICLE VII: MISCELLANEOUS

Sec. 67.01 Evidence. Evidence required of anyone under this ~~Trust Agreement~~ may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.

Sec. 67.02 Dealings of Others With ELCA Benefits Contribution Trustees. No person (corporate or individual) dealing with the ELCA Benefits Contribution Trustees shall be required to see to the application of any money paid or property delivered to the ELCA Benefits Contribution Trustees or to determine whether the ELCA Benefits Contribution Trustees ~~are~~ is acting pursuant to any authority granted to ~~them~~ it under this ~~Agreement~~ Trust.

Sec. 67.03 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the ELCA Benefits Contribution Trust, solely in the interests of the ~~members~~ beneficiaries and in accordance with the following requirements:

- (a) For the exclusive purpose of providing benefits to ~~members~~ participants in the ELCA Pension and Other Benefits Program and their beneficiaries and defraying reasonable expenses of administering the ELCA Benefits Contribution Trust,
- (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
- (c) By diversifying the investments of the ELCA Benefits Contribution Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
- (d) In accordance with the provisions of this ELCA Benefits Contribution Trust and the ELCA Pension and Other Benefits Program.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering the ELCA Benefits Contribution Trust, in accordance with the investment objectives and policies from time to time established for such Trust, and the fiduciaries shall not be liable to any Member or other person solely by reason of their adherence to such investment objectives and policies as set forth in the Investment Policy for the ELCA Benefits Contribution Trust.

Sec. 67.04 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the ELCA Benefits Contribution Trust for the

administrative services provided by the ELCA Board of Pensions to the ELCA Benefits Contribution Trust, including a fee for informing the individuals of the availability of the ELCA Pension and Other Benefits Program. The fee charged to the ELCA Benefits Contribution Trust shall constitute a lien upon the ELCA Benefits Contribution Trust until paid.

- Sec. ~~67~~.05 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the ELCA Benefits Contribution Trustees **that relate to the ELCA Pension and Other Benefits Program** to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the ELCA Benefits Contribution Trustees shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the ELCA Benefits Contribution Trust, and shall constitute a lien upon the ELCA Benefits Contribution Trust until paid.
- Sec. ~~67~~.06 Successors. The provisions of this ~~Agreement~~ **Trust** shall be binding on the ELCA and the ELCA Board of Pensions.
- Sec. ~~6~~.07 Waiver of Notice. Any notice required under this ~~Agreement~~ **Trust** may be waived by the person entitled thereto.
- Sec. ~~6~~.08 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this ~~Trust Agreement~~, and shall not influence its construction.
- Sec. ~~67~~.09 Use of Compounds of Word “Here”. Use of the words “hereof”, “herein”, “hereunder”, or similar compounds of the word “here” shall mean and refer to the entire ~~Trust Agreement~~ unless the context clearly indicates otherwise.
- Sec. ~~67~~.10 Construed as a Whole. The provisions of this ~~Trust Agreement~~ shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Sec. ~~67~~.11 Severability. In the event any provision of this ELCA Benefits Contribution Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this ELCA Benefits Contribution Trust, but shall be fully severable, and the ELCA Benefits Contribution Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.
- Sec. ~~67~~.12 Counterparts. This ~~Agreement~~ **Trust** may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Sec. ~~67~~.13 Indemnification of ELCA Benefits Contribution Trustees. The ELCA **and the ELCA Board of Pensions** agrees, to the fullest extent permitted by law, to indemnify ~~each of~~ the ELCA Benefits Contribution Trustees for and to hold ~~each~~ **it** harmless against any

and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against ~~any~~ the ELCA Benefits Contribution Trustee at any time by reason of the ELCA Benefits Contribution Trustee's service under this Trust Agreement if the ELCA Benefits Contribution Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful ~~or negligent~~ violation of the law or regulations under which such liability, loss, cost, or expense arises.

Sec. ~~67~~.14 Internal Revenue Code of 1986. All references in this Trust Agreement to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust Agreement.

Sec. ~~67~~.15 Applicable Law. This ELCA Benefits Contribution Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.

Sec. 6.16 Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.

ARTICLE VIII: AMENDMENT AND TERMINATION

Sec. ~~78~~-01 Amendments. The ELCA Benefits Contribution Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the ELCA Benefits Contribution Trust to be diverted to purposes other than the payment of benefits to ~~participants~~ members under the ELCA Pension and Other Benefits Program and their beneficiaries, or reasonable expenses of administration of the ELCA Pension and Other Benefits Program:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This ~~Agreement~~ Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the ~~governing board~~ Board of Trustees of the ELCA Board of Pensions to take such action and the ELCA Benefits Contribution Trustees.

Sec. ~~78~~-02 Termination. The ELCA Benefits Contribution Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. ~~8-04~~ 7.01. Upon termination of the Trust, any surplus property remaining after the payment of all benefits of the Trust attributable to the ELCA ~~Retirement Trust~~ Pension and Other Benefits Program, and all of the debts of the Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the ELCA Benefits Contribution Trustees shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this ELCA Benefits Contribution Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the ELCA Benefits Contribution Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

ARTICLE IX: INVESTMENT COMMITTEE

Sec. 9.01 ~~Recommendations of the Investment Committee.~~ The ELCA Board of Pensions shall designate the number of individuals it deems appropriate to serve as members of the Investment Committee. This Investment Committee shall make appropriate recommendations to the ELCA Board of Pensions. The ELCA Board of Pensions after consideration of the recommendations of the Investment Committee, shall have authority to direct the ELCA Benefits Contribution Trustees as to the investment and reinvestment of all or a part of the ELCA Benefits Contribution Trust. The investment of the ELCA Benefits Contribution Trust pursuant to such directions shall be subject to the following, notwithstanding any provisions of this Agreement to the contrary:

- (a) ~~The Board of Trustees of the Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Statement of Investment Responsibilities and Authorities for the Board of Trustees, the Investment Committee and Staff, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.~~
- (b) ~~The Investment Committee shall make regular reports to the ELCA Board of Pensions.~~
- (c) ~~The Investment Committee shall formulate a set of Investment Policy documents and other policy regulations governing investment practices, which shall be referred to the ELCA Board of Pensions for approval and adoption. These Documents shall be reviewed periodically by the Investment Committee.~~
- (d) ~~The Investment Committee shall receive advice and counsel from the Advisory Committee on Corporate Social Responsibility formed by the ELCA Division for Church in Society and within the context of fiduciary responsibility make appropriate recommendations to the ELCA Board of Pensions.~~

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this **Restated Trust Agreement** to be executed **as of the day and year written below** by its duly authorized officers, and the co-trustees have executed this Agreement in counterparts by setting their hands hereto.

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

Dated: _____, 2009

By _____
Robert H. Rydland, Vice President &
General Counsel

IN WITNESS WHEREOF, the ELCA Board of Pensions accepts its appointment as corporate trustee of this Restated ELCA Benefits Contribution Trust.

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009 By _____
John G. Kapanke, President & CEO

Dated: _____, 2009 By _____
Robert H. Rydland, Vice President & General Counsel

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ___ day of _____, 2009, before me personally appeared John G. Kapanke, to me personally known, who, being by me duly sworn, did say that he is PRESIDENT AND CEO of the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

Notary Public _____ County, _____
My commission expires _____, 20 ____

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ___ day of _____, 2009, before me personally appeared Robert H. Rydland, to me personally known, who, being by me duly sworn, did say that he is VICE PRESIDENT AND GENERAL COUNSEL of the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, the Minnesota nonprofit corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Trustees, and he acknowledged said instrument to be the free act and deed of said corporation.

Notary Public _____ County, _____
My commission expires _____, 20 ____

Summary of Amendments Restated ELCA Benefits Contribution Trust

Trust effective 1/1/1997

1/01/1997

BoP-8/02/1996; CC-11/11/1996

Created to hold advance contributions paid to BoP by the ELCA for (1) medical contribution subsidies for former LCA/AELC retirees, and (2) the ELCA's regular contributions for active participants in the ELCA Pension and Other Benefits Program.

1/01/2003

BoP-11/03/2002; CC-11/17/2002

In the process of restating the merged retirement trusts, it became obvious that certain changes were necessary in order to make the five remaining trusts, created between 1988 and 1997, more accurately reflect the current operation of the BoP.

- (1) All "whereas" clauses to reflect the current trustees and the method by which the trusts may be amended.
- (2) ALCT to reflect that all of the medical continuation plans have been merged into the MDBT.
- (3) Article II was expanded by bringing in the sections relating to alienation and diversion (not changes, but simply reorganization of old provisions).
- (4) Article IV to more accurately reflect the current investment strategies of the BoP. Specifically, Sec. 4.01(c) to correctly reflect the BoP's utilization of futures, forwards and options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure, and to clarify that the trustees may not invest so as to leverage the size of the trusts.
- (5) Article VI to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees.
- (6) Article IX to more accurately reflect the operation of the Board of Trustees and its Investment Committee.

Upon approval-Church Council BoP-8/01/2009; CC-11/15/2009

Restated Trusts – See Bob Rydland memo dated July 23, 2009

Amendments from ALC Major Medical and Dental Benefits Trust for Retired Participants (merged into Benefits Contribution Trust 1/1/2010)

Trust effective 1/1/1988?

Retro to 10/16/1993

BoP-10/16/1993; CC-12/06/1993

Recitals changed to reflect history of ALCT prior to restatement effective Oct 16, 1993; a number of references to ALC changed to ELCA (to conform to law); eliminated boiler plate provisions allowing for the holding of insurance contracts; expressly imposed trustees' fiduciary duties already imposed under the

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL

November 13-15, 2009

Exhibit P, Part 1i

Page 30

related ALCP; and substituted the ALC amendment structure with the ELCA amendment process. Prior to restatement, the trust document retained the ALC amendment process, and under ALC polity, the trust was amended by agreement between individuals who served as trustees and the ALC. Because of that, it was proposed that the restatement take on the form of an agreement between individual trustees and the ELCA, and then be approved by ELCA Church Council officers.

Because the ALCT had to be restated prior to making substantive amendments, it was proposed that following the restatement, a series of substantive amendments were incorporated of the same type that had been made in past years in the MDBT. Additionally, an amendment provided that ELCA BoP would be paid a fee for its services and not just expense reimbursement. This was made to all other plan and trust documents as well, which became effective Jan 1, 1994. Past MDBT amendments were: a provision added to allow ELCA BoP to delegate discretionary powers to agents and other persons, and a provision removed which would have allowed ELCA BoP to determine that a participant is incompetent based solely upon age (and therefore pay benefits to her/his representative). Signed by each trustee as "Continuation Medical Trustee"

Retro to 10/16/1993

BoP-10/16/1993; CC-12/06/1993

Sec. 3.02(l), trustee powers and indemnification: to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the trustees, and the trustees shall not be liable for any act or omission of any such agent, expert, counsel, etc.

Retro to 10/16/1993

BoP-10/16/1993; CC-12/06/1993

Sec. 7.02, Incompetent Payee: to include 'physical' condition and remove 'age' to read: "If in the opinion of the ELCA BoP a person to whom the trustees are directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, ~~or age~~..."

1/01/1994

BoP-10/16/1993; CC-12/06/1993

Sec. 7.06, "Administrative Fee Paid to ELCA Board of Pensions." To provide for a reasonable fee paid to BoP for administrative services provided to the plans and trusts.

1/01/1997

BoP-2/11/1996; CC-4/14/1996

The ELCA Continuation of the ALC Medical-Dental Plan for Retired Participants and the ELCA Continuation of the LCA Ministerial Health Benefits Plan for Retired Members were merged into the ELCA Medical and Dental Benefits Plan. Therefore, the ALCT had to be amended to bring it into compliance with the operations of the BoP.

1/01/2003

BoP-11/03/2002; CC-11/17/2002

In the process of restating the merged retirement trusts, it became obvious that certain changes were necessary in order to make the five remaining trusts, created between 1988 and 1997, more accurately reflect the current operation of the BoP.

(1) All "whereas" clauses to reflect the current trustees and the method by which the trusts may be amended.

- (2) ALCT to reflect that all of the medical continuation plans have been merged into the MDBT.
- (3) Article II was expanded by bringing in the sections relating to alienation and diversion (not changes, but simply reorganization of old provisions).
- (4) Article IV to more accurately reflect the current investment strategies of the BoP. Specifically, Sec. 4.01(c) to correctly reflect the BoP's utilization of futures, forwards and options for purposes of maintaining market exposure, targeted duration exposure and targeted currency exposure, and to clarify that the trustees may not invest so as to leverage the size of the trusts.
- (5) Article VI to more accurately reflect the method by which trustees are elected and how the Board of Trustees deals with the resignation, removal and election of successor trustees.
- (6) Article IX to more accurately reflect the operation of the Board of Trustees and its Investment Committee.

Upon approval-Church Council BoP-8/01/2009 & 10/30/09; CC-11/15/2009. ALCT merged into BCT.
Restated Trusts - see Robert H. Rydland memorandums dated July 23, 2009 and October 30, 2009.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1i
Page 32

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Board of Pensions
Evangelical Lutheran Church in America
God's work. Our hands.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1j
Page 1

ELCA Participating Annuity Trust

November 2009 DRAFT

**EVANGELICAL LUTHERAN CHURCH IN AMERICA
PARTICIPATING ANNUITY TRUST**

Preamble

This ELCA Participating Annuity Trust (“Trust”), is made and entered into effective January 1, 2010, by and between the BOARD OF PENSIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, a Minnesota nonprofit corporation, (the “ELCA Board of Pensions”), in its capacity as the administrator of a church retirement income account plan under section 403(b)(9) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations issued pursuant thereto, and the ELCA Board of Pensions in its capacity as the corporate trustee of this Trust (the “Trustee”);

WITNESSETH:

WHEREAS, the Restated Evangelical Lutheran Church in America Retirement Trust holds assets of the ELCA Retirement Plan, including those assets invested in the ELCA Participating Annuity Fund and the ELCA Participating Annuity Bridge Fund; and

WHEREAS, such Retirement Plan assets and the ELCA Participating Annuity Fund and the ELCA Participating Annuity Bridge Fund are separately accounted for by investment fund by the ELCA Board of Pensions and the Trustee of the ELCA Retirement Trust; and

WHEREAS, the ELCA Board of Pensions desires to create a new trust called the ELCA Participating Annuity Trust to hold the assets of the ELCA Participating Annuity Fund, including assets in the ELCA Participating Annuity Bridge Fund, separate and apart from the remainder of the assets of the ELCA Retirement Trust; and

WHEREAS, the ELCA Board of Pensions shall be corporate trustee of this Trust; and

WHEREAS, the ELCA Board of Pensions directs that Retirement Trust assets representing the ELCA Participating Annuity Fund and the ELCA Participating Annuity Bridge Fund be transferred, along with associated liabilities, to the ELCA Participating Annuity Trust.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, the Trust is as follows:

ARTICLE I: GENERAL

Sec. 1.01 Name of Trust. This Trust shall be known as the “Evangelical Lutheran Church in America Participating Annuity Trust” (the “Trust”). This Trust contains ELCA Participating Annuity Fund and ELCA Participating Annuity Bridge Fund assets.

Sec. 1.02 Acceptance of Trust Responsibilities. The Trustee accepts its appointment as such, and agrees to hold, manage and disburse all the property received by it, pursuant to this Trust and applicable law.

Sec. 1.03 Purpose. The Trust is formed exclusively for religious and charitable purposes and in connection therewith exclusively for the benefit of, and to assist in carrying out the purposes of, the Evangelical Lutheran Church in America (the “ELCA”), an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, by providing pension benefits to employees of the ELCA and other organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, that are affiliated with the ELCA (including its member congregations, colleges, schools, nursing homes, hospitals, and social service organizations), ordained ministers on the ELCA roster, ELCA rostered laypersons, other eligible employees, and to other 501(c)(3) organizations operated exclusively for religious purposes.

The Trust shall not afford pecuniary gain, incidentally or otherwise, to the Trustee, and no part of the net income or net earnings of the Trust shall inure to the benefit of the Trustee or any other individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this Sec. 1.03 shall preclude any individual, including the Trustee, from receiving any benefit to which he or she may be entitled as a member of, or beneficiary in, the Retirement Plan so long as the benefit is computed and paid on a basis which is consistent with the terms of the Retirement Plan, as applied to all other members and beneficiaries. The Trust shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.

Sec. 1.04 Part of Retirement Plan. This Trust will form a part of the ELCA Retirement Plan (the “Retirement Plan”) and will be used to fund participating annuity benefits thereunder. The Retirement Plan provides that the ELCA Board of Pensions has certain duties, authorities, and responsibilities in connection with the Retirement Plan, including the responsibility to direct the Trustee as to disbursement of the Trust assets for purposes of the Retirement Plan. To the extent that this Trust conflicts with any provision in the Retirement Plan, the Retirement Plan document shall control.

The ELCA Board of Pensions agrees that promptly upon the adoption of any amendment to the Retirement Plan it will furnish the Trustee with a copy of the amendment and with an appropriate certificate evidencing its due adoption. The ELCA Board of Pensions

further agrees that no amendment of the Retirement Plan shall have the effect of changing the rights, duties, and liabilities of the Trustee without its written consent. The Trustee may rely on the latest Retirement Plan documents furnished as above provided without further inquiry or verification.

Sec. 1.05 Church Plan Trust. The ELCA Board of Pensions intends by this Trust to have created a trust forming part of the Retirement Plan which shall be exempt from federal income tax pursuant to Code section 501(a) as provided for in section 1.403(b)-9(a)(7) of the Treasury Regulations issued under Code section 403(b)(9). The Trust and the Retirement Plan are intended to qualify as a church plan as defined in Section 414(e) of the Internal Revenue Code of 1986 and Section 3(33) of the Employee Retirement Income Security Act of 1974. In the event of any ambiguity or uncertainty as to any provision of this Trust or the Retirement Plan, they shall be interpreted and administered in such fashion as to meet the requirements applicable to a church plan.

Sec. 1.06 Certifications. The Secretary of the ELCA Board of Pensions, or such other corporate officer as is designated by the Board of Trustees of the ELCA Board of Pensions, shall certify to the Trustee the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to direct the Trustee as to disbursements from the Trust for purposes of the Retirement Plan and the name of the person or persons who have authority on behalf of the ELCA Board of Pensions to communicate with the Trustee with respect to any other matter or matters relating to the Trust, and shall provide the Trustee with a specimen signature of each of the persons referred to above. Action by the Church Council or by the ELCA Churchwide Assembly will be certified by the Secretary of the ELCA. The Trustee may rely on the latest relevant certificate without further inquiry or verification.

ARTICLE II: PARTICIPATING ANNUITY TRUST

Sec. 2.01 Composition. The Trust shall consist of such sums of money, property or other assets as shall from time to time be paid or delivered to the Trustee or which otherwise represent the Trust's interest in Retirement Plan assets invested in the ELCA Participating Annuity Fund and ELCA Participating Annuity Bridge Fund, plus all income and gains, less losses, distributions and expenses credited or chargeable thereto. The Trust shall be administered in accordance with the provisions of this Trust document and the Retirement Plan. The assets with respect to the Trust shall be held by a custodian designated by the Trustee.

Sec. 2.02 Contributions. The Trustee shall have no duty to require any contributions to be made to it, to determine that the contributions received comply with the provisions of the Retirement Plan, or to collect any contributions payable pursuant to the Retirement Plan. The responsibility of the Trustee shall be limited to the sums of money, securities, and other property actually received.

Sec. 2.03 Benefits May Not Be Assigned or Alienated. Except as otherwise expressly permitted by the Retirement Plan, or required by law, the interests of members and their beneficiaries under the Retirement Plan or this Trust may not in any manner whatsoever be assigned or alienated, whether voluntarily or involuntarily, directly or indirectly.

Sec. 2.04 No Diversion. The Trust shall be for the exclusive purpose of providing benefits to members under the Retirement Plan and their beneficiaries, and defraying reasonable expenses of administering or operating the Retirement Plan. For purposes of this Trust, the expenses of administering or operating the Retirement Plan shall be paid from contributions made to the Retirement Plan or from assets held in this Trust under the Retirement Plan. Such expenses shall include, without in any way limiting the generality of the foregoing, any and all expenses relating to the preparation of Retirement Plan amendments (whether required by law or otherwise), and any costs relating to the design, maintenance or termination of the Retirement Plan (including the costs associated with a change in the persons or organizations from time to time providing services to the Retirement Plan). Such expenses may also include premiums for the bonding of officials of the Retirement Plan as required by any applicable law. No part of the corpus or income of the Trust may be used for, or diverted to, purposes other than for the exclusive benefit of members or their beneficiaries.

Notwithstanding the foregoing, if any contribution or portion thereof is made by a Participating Employer by a mistake of fact, the Trustee shall, upon written request of the ELCA Board of Pensions, return such contribution to the Participating Employer.

ARTICLE III. TRUSTEE

Sec. 3.01 General Responsibility. Except as expressly otherwise provided, the general responsibilities of the Trustee shall be as follows:

- (a) The Trustee shall have exclusive authority and discretion to manage and control the assets of the Retirement Plan held in the Trust subject to the provisions of Article IV.
- (b) The Trustee shall hold, administer, invest and reinvest the principal and income of the Trust in accordance with the powers and subject to the restrictions stated herein.
- (c) The Trustee shall disburse monies and other properties from the Trust on direction of the ELCA Board of Pensions pursuant to the provisions of the Retirement Plan to the payee or payees specified by the ELCA Board of Pensions in directions to the Trustee in such form as the Trustee may reasonably require. The Trustee shall be under no liability for any distribution made by it pursuant to such directions and shall be under no duty to make inquiry as to whether any distribution made by it pursuant to any such direction is made pursuant to the provisions of the Retirement Plan. The payee's receipt of the distributions shall constitute a full acquittance to the Trustee.
- (c) The Trustee shall have the responsibilities, if any, expressly allocated to it by the Retirement Plan and the Trust. Except as responsibilities may be expressly so allocated, the Trustee in its capacity as such shall have no responsibility or authority with respect to the operation and administration of the Retirement Plan, and the rights, powers and duties of the Trustee shall be governed solely by the terms of this Trust provided, however, that to the extent this Trust conflicts with a provision in the Retirement Plan, the provisions of the Retirement Plan shall control.
- (e) The Trustee may commingle for investment purposes the assets of the Trust with any other assets devoted exclusively to church purposes; provided, however, that at all times such commingling occurs, the Trustee shall maintain separate accounts to reflect the interests of the Trust in the commingled assets.

Sec. 3.02 Powers of the Trustee. As provided in Sec. 4.01(b) hereof, it is the intention of the ELCA Board of Pensions in establishing the Trust that the Trustee be, at all times, a directed trustee of the Trust, so that the Trustee shall not be deemed to exercise any discretion with respect to the investment or distribution of the Trust assets unless such discretion is delegated by the ELCA Board of Pensions. The Trustee shall have the right,

power, and authority to take any action and to enter into and carry out every agreement with respect to the Trust that may be necessary or advisable to discharge its responsibilities hereunder. Without limiting the generality of the foregoing and in addition to all other powers and authorities herein elsewhere specifically granted to the Trustee, the Trustee shall have the following powers and authorities to be exercised in its absolute discretion, except as otherwise expressly provided herein:

- (a) To hold securities and other properties in bearer form or in the name of a nominee or nominees without disclosing any fiduciary relationship; provided, however, that on the books and records of the Trustee such securities and properties shall constantly be shown to be a part of the appropriate investment funds selected by the ELCA Board of Pensions, and no such registration or holding by the Trustee shall relieve it from liability for the safe custody and proper disposition of such securities and properties in accordance with the terms and provisions hereof.
- (b) To sell, grant options to buy, transfer, assign, convey, exchange, mortgage, pledge, lease or otherwise dispose of any of the properties comprising the Trust at such prices and on such terms and in such manner as it may deem proper, and for terms within or extending beyond the duration of the Trust.
- (c) To manage, administer, operate, lease for any number of years, regardless of any restrictions on leases made by fiduciaries, develop, improve, repair, alter, demolish, mortgage, pledge, grant options with respect to, or otherwise deal with any real property or interest therein at any time held by it; and to cause to be formed a corporation or trust to hold title to any such real property with the aforesaid powers, all upon such terms and conditions as the Trustee may deem advisable.
- (d) To renew or extend or participate in the renewal or extension of any note, bond or other evidence of indebtedness, or any other contract or lease, or to exchange the same, or to agree to a change in the rate of interest or rent thereon or to any other modification or change in the terms thereof, or of the security therefor, or any guaranty thereof, in any manner and to any extent that it may deem advisable in its absolute discretion; to waive any default, whether in the performance of any covenant or condition of any such note, bond or other evidence of indebtedness, or any other contract or lease, or of the security therefor, and to carry the same past due or to enforce any such default as it may in its absolute discretion deem advisable; to exercise and enforce any and all rights to foreclose, to bid in property on foreclosure; to exercise and enforce in any action, suit, or proceeding at law or in equity any rights or remedies with respect to any such note, bond or other evidence of indebtedness, or any other contract or lease, or the security therefor; to pay, compromise, and discharge with the funds of the appropriate investment fund any and all liens, charges, or encumbrances upon the same, in its absolute discretion, and to make, execute, and deliver any and all instruments,

contracts, or agreements necessary or proper for the accomplishment of any of the foregoing powers.

- (e) To borrow such sums of money for the benefit of the Trust from any lender upon such terms, for such period of time, at such rates of interest, and upon giving such collateral as it may determine; to secure any loan so made by pledge or mortgage of the trust property; and to renew existing loans.
- (f) To use the assets of the Trust, whether principal or income, for the purpose of improving, maintaining, or protecting property acquired by the Trust, and to pay, compromise, and discharge with the assets of the Trust any and all liens, charges, or encumbrances at any time upon the same.
- (g) To hold uninvested such cash funds as may appear reasonably necessary to meet the anticipated cash requirements of the Retirement Plan from time to time and to deposit the same in its name as Trustee in such depositories as it may select.
- (h) To receive, collect, and give receipts for every item of income or principal of the Trust.
- (i) To institute, prosecute, maintain, or defend any proceeding at law or in equity concerning the Trust or the assets thereof, at the sole cost and expense of the Trust, and to compromise, settle, and adjust any claims and liabilities asserted against or in favor of the Trust or of the Trustee; but the Trustee shall be under no duty or obligation to institute, maintain, or defend any action, suit, or other legal proceeding unless it shall have been indemnified to its satisfaction against any and all loss, cost, expense, and liability it may sustain or anticipate by reason thereof.
- (j) To vote all stocks and to exercise all rights incident to the ownership of stocks, bonds, or other securities or properties held in the Trust, to issue proxies to vote such stocks, and to give general or special proxies or powers of attorney, with or without substitution; provided, however, that the Trustee cannot delegate its right to vote any stocks pursuant to a proxy or a power of attorney without limiting such right to specific instructions; to enter into voting trusts for such period and upon such terms as it may determine; to sell or exercise any and all subscription rights and conversion privileges; to sell or retain any and all stock dividends; to oppose, consent to, or join in any plan of reorganization, readjustment, merger, or consolidation in respect to any corporation whose stocks, bonds, or other securities are a part of the Trust, including becoming a member of any stockholders' or bondholders' committee; to accept and hold any new securities issued pursuant to any plan of reorganization, readjustment, merger, consolidation, or liquidation; to pay any assessments on stocks or securities or to relinquish the same; and to otherwise exercise any and all rights and powers to deal in and with the securities and properties held in the Trust in the same

manner and to the same extent as any individual owner and holder thereof might do.

- (k) To make application for any contract issued by an insurance company to be purchased under the Retirement Plan, to accept and hold any such contract, and to assign and deliver any such contract.
- (l) To employ such agents, experts, counsel, and other persons (any of whom may also be employed by or represent a Participating Employer or the ELCA Board of Pensions) deemed by the Trustee to be necessary or proper for the administration of the Trust; to rely and act on information and advice furnished by such agents, experts, counsel, and other persons; to delegate to agents, experts, counsel or other persons any or all of the discretionary powers granted to the Trustee under the terms of the Trust; and to pay reasonable expenses and compensation for services to the Trust from the Trust. The Trustee shall not be liable for any act or omission of any such agent, expert, counsel or other persons, including an agent, expert, counsel or other person having delegated authority to exercise discretionary powers, provided that the Trustee has exercised due care in the selection of such agent, expert, counsel or other person.
- (m) To pay out of the appropriate investment fund all real and personal property taxes, income taxes, and other taxes of any and all kinds levied or assessed under existing or future laws against such investment fund, without need to seek any approval or direction from the ELCA Board of Pensions.
- (n) To pay any estate, inheritance, income, or other tax, charge, or assessment attributable to any benefit which, in the Trustee's opinion, it shall be or may be required to pay out of such benefit; and to require, before making any payment, such release or other document from any taxing authority and such indemnity from the intended payee as the Trustee shall deem necessary for its protection.
- (o) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (p) To serve not only as Trustee but also in any other fiduciary capacity with respect to the Retirement Plan pursuant to such agreements or practices as the Trustee considers necessary or appropriate under the circumstances.
- (q) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted to the Trustee.
- (r) To bring action before any court of competent jurisdiction for instructions with respect to any matter pertaining to the interpretation or administration of the Trust.

- (s) To take into account the investment objectives, policies, fiduciary responsibilities and restrictions of the ELCA Board of Pensions in a manner consistent with the ELCA social statements and the religious, moral and ethical posture of the ELCA and the ELCA Board of Pensions with respect to the investment of the Trust assets.

All of the powers of this Trust shall be exercised only so that its operations shall be exclusively within the contemplation of Section 501(c)(3) of the Internal Revenue Code of 1986.

Sec. 3.03 Appointment of Ancillary Trustee. In the event that any property which is or may become a part of the Trust is situated in a state or states in which the Trustee acting hereunder is prohibited from holding real estate as trustee, or in a foreign country, the Trustee is hereby empowered to name an individual or corporate trustee qualified to act in any such state or foreign country in connection with the property situated therein as ancillary trustee of such property and require such security as may be designated by the Trustee. Any ancillary trustee so appointed shall have such rights, powers, discretions, responsibilities, and duties as are delegated to it by the Trustee, but shall exercise and discharge the same subject to such limitations or directions of the Trustee as shall be specified in the instrument evidencing the appointment. Any such ancillary trustee shall be answerable to the Trustee for all monies, assets, or other property entrusted to it or received by it in connection with the administration of the Trust. The Trustee may remove any such ancillary trustee and may appoint a successor at any time or from time to time as to any or all of the assets. Any instrument designating an ancillary trustee may contain such provisions with respect to payment of income and principal to the Trust, payment of expenses with respect to ancillary trust property, termination of the ancillary trust, and administrative powers of the ancillary trustee as the Trustee hereunder, in the exercise of its discretion, may deem appropriate and consistent with the provisions of this Trust.

Sec. 3.04 Expenses. The Trustee shall be entitled to reimbursement for all reasonable and necessary costs, expenses, and disbursements incurred by it in the performance of its services as Trustee or in any other capacity in connection with the Retirement Plan as may be agreed upon with the ELCA Board of Pensions. Such reimbursements shall be paid from the Trust if not paid directly by the ELCA Board of Pensions or the Participating Employers in such proportions as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.

Sec. 3.05 Records and Accountings. The Trustee shall keep accurate and detailed records and accounts of all investments, receipts, and disbursements, and other transactions hereunder, and all records, books, and accounts relating thereto shall be open to inspection by any person designated by the ELCA Board of Pensions at all reasonable times.

As soon as reasonably practicable following the close of each annual accounting period of the Trust, and as soon as reasonably practicable after the resignation or removal of the Trustee has become effective, the Trustee shall determine the fair market value of the Trust, such determination to be made at least annually. At the same time, the Trustee shall file with the ELCA Board of Pensions a written accounting setting forth all investments, receipts, disbursements, and other transactions effected by it during such year for each investment fund, or during the part of the year to the date the resignation or removal is effective, as the case may be, and containing a description of all securities purchased and sold, the cost or net proceeds of sale, the securities and investments held at market value at the end of such period in each investment fund, and the cost of each item thereof as carried on the books of the Trustee. The accounting shall also furnish the ELCA Board of Pensions such other information as the Trustee may possess and as may be necessary for the ELCA Board of Pensions to comply with the reporting requirements of applicable law. If the fair market value of an asset in the Trust is not available, when necessary for accounting or reporting purposes the fair value of such asset shall be determined in good faith by the Trustee, assuming an orderly liquidation at the time of such determination. If there is a disagreement between the Trustee and anyone as to any act or transaction reported in an accounting, the Trustee shall have the right to have the Trust's account settled by a court of competent jurisdiction.

Sec. 3.06 Record Retention. The Trustee shall retain the records relating to the Trust including records relating to each investment fund, as long as necessary for the proper administration thereof and at least for any period required by any applicable law.

ARTICLE IV. INVESTMENTS

Sec. 4.01 General.

- (a) The Trustee is vested with title to all assets of the Trust and shall have full power and authority to do all acts necessary to carry out the duties hereunder. Members and beneficiaries shall not have any right or interest in the Trust except as provided in the Retirement Plan. Prior to the time of distribution, no member or beneficiary (or legal representative of a member or beneficiary) shall have any right to assign, encumber, or in any manner dispose of any interest in the Trust except as permitted under the Retirement Plan or as required by law or directed by a court of competent jurisdiction.
- (b) The ELCA Board of Pensions shall direct the Trustee as to the investment of the assets of the Trust. Except for those Trust assets that are under the investment control of an investment manager, the Trustee shall exercise exclusive investment direction and control of Trust assets subject to the direction of the ELCA Board of Pensions. Accordingly, the ELCA Board of Pensions shall have the full power and authority to direct the Trustee as to the investment, acquisition, management, or disposition of assets of the Trust, and the Trustee shall not have any duty to question any direction, to review any acquisition or disposition of securities or other property, or to make any suggestions in connection therewith. Consistent with applicable law, the Trustee shall promptly comply with any direction given by the ELCA Board of Pensions. The Trustee will not be liable in any manner or for any reason for any loss or other unfavorable investment results arising from compliance with such direction, and will not be liable for failing to invest any of the assets of the Trust under the management and control of the ELCA Board of Pensions in the absence of investment directions regarding such assets.
- (c) The ELCA Board of Pensions may delegate responsibility for the investment of Trust assets in accordance with the Investment Committee Charter, consistent with the Constitution, Bylaws and Continuing Resolutions of the ELCA and the Articles of Incorporation and Bylaws of the Board of Pensions of the ELCA.
- (d) Except as otherwise expressly provided herein, the Trustee shall have exclusive authority and discretion to invest and reinvest the principal and income of the Trust in real or personal property of any kind and shall do so with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Trustee shall diversify the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The Trustee shall not be limited by the laws of any state proscribing or limiting the

investment of trust funds by corporate or individual trustees in or to certain kinds, types, or classes of investments or limiting the value or proportion of the trust assets that may be invested in any one property or kind, type, or class of investment. Investments and reinvestments shall be subject to the above standard, and without limiting the generality of the foregoing, shall also be subject to the following:

- (i) The Trustee may invest and reinvest principal and income of the Trust in common, preferred, and other stocks of any corporation; private equity; voting trust certificates; interests in investment trusts; bonds, notes, and debentures, secured or unsecured; mortgages on real or personal property; conditional sales contracts; real estate, leases and real estate partnerships; and other asset classes approved by the ELCA Board of Pensions in accordance with this Article IV.
- (ii) The Trustee may invest and reinvest the principal and income of the Trust by investing in an annuity contract or contracts (including any agreement or agreements supplemental thereto) issued by an insurance company.
- (iii) The Trustee may utilize financial futures, forwards and options to assist in controlling risk and enhancing portfolio values in a manner that is prudent and intended to further the purposes of the Trust. Specifically, financial futures and options may be used to help maintain market exposure, targeted duration exposure and targeted currency exposure. The Trustee may not sell uncovered call options or sell put options nor invest so as to leverage the size of the Trust.

Sec. 4.02 Investment Managers.

- (a) The ELCA Board of Pensions has the power and authority to appoint one or more investment managers. Each investment manager so appointed will have the power and authority to invest, acquire, manage or dispose of the assets of the Trust under its management in accordance with the provisions of the Retirement Plan and Trust and to direct the Trustee with respect to the investment, reinvestment and sale of such assets.
- (b) If the ELCA Board of Pensions elects to delegate investment authority for all or any portion of the assets of the Trust to an investment manager pursuant to Sec. 4.02(a), the ELCA Board of Pensions will inform the Trustee in writing of such designation and such written notice shall describe the portion of the Trust affected. Upon receipt of such notice, the Trustee will be obligated to follow the investment directions of the investment manager with respect to the assets of the specified portion of the Trust until the Trustee receives written notice that such investment manager has resigned or has been removed or replaced by the ELCA Board of Pensions.

- (c) The Trustee shall have no duty to supervise any investment manager to whom investment authority has been delegated, and the Trustee shall not be subject to or otherwise manage any assets of the Retirement Plan which is subject to management of such investment manager. The Trustee will not be liable for any acts or omissions of such investment manager or for acting or failing to act at the direction or absence of direction from the investment manager, unless the Trustee knows that acting or failing to act constitutes participation in a breach of fiduciary duty by such investment manager. The fees and expenses of an investment manager shall be paid by the Trust, except to the extent paid by any Participating Employer or by the ELCA Board of Pensions.

ARTICLE V. APPOINTMENT AND CHANGE IN TRUSTEE

- Sec. 5.01 Appointment of Trustee. The ELCA Church Council or the ELCA Board of Pensions may initiate an amendment appointing the Trustee of this Trust which shall be submitted to the ELCA Church Council for final action in accordance with Sec. 7.01. If necessary, the ELCA Church Council Executive Committee may agree to such amendment subject to ratification by the ELCA Church Council.
- Sec. 5.02 Resignation. The Trustee may resign at any time by delivering to the ELCA Church Council and the ELCA Board of Pensions (or if the ELCA Board of Pensions is resigning as Trustee, to the ELCA Church Council) a written notice of resignation, to take effect not less than sixty (60) days after delivery, unless such time period is waived by the ELCA Board of Pensions (or by the ELCA Church Council if the ELCA Board of Pensions is resigning as Trustee).
- Sec. 5.03 Removal. A Trustee may be removed by amendment of this Trust appointing a new Trustee as set forth above. If there is an immediate need for removal, the ELCA Church Council or the ELCA Board of Pensions may remove the Trustee at any time by delivering to the Trustee a written notice of removal and initiating an amendment appointing a new Trustee of this Trust in accordance with Sec. 5.01 above. Before removing a Trustee, the ELCA Board of Pensions shall consult with the ELCA Church Council or ELCA Church Council Executive Committee. Similarly, if there is removal by the ELCA Church Council or the ELCA Church Council Executive Committee, it shall first consult with the ELCA Board of Pensions. Such removal will take effect no less than thirty (30) days after delivery of such notice to the Trustee, unless such time period is waived by the Trustee.
- Sec. 5.04 Successor. Upon the resignation or removal of the Trustee, ~~the ELCA Church Council or the ELCA Board of Pensions may appoint~~ one or more successor Trustees may be appointed in accordance with Sec. 5.01 above and subject to each successor Trustee's acceptance of such appointment and execution of this Trust.
- Sec. 5.05 Failure to Appoint Successor Trustee. If no appointment of a successor is made by the ELCA Board of Pensions or the ELCA Church Council in accordance with Sec. 5.01 above within a reasonable time after resignation or removal of the Trustee, any court of competent jurisdiction may appoint a successor Trustee, after notice, to the ELCA Board of Pensions and the ELCA Church Council and to the retiring Trustee, as such court may deem proper and suitable. The retiring Trustee shall be furnished with written notice from the ELCA Board of Pensions or the court, as the case may be, of the appointment of the successor, and shall also be furnished with written evidence of the successor's acceptance of the trusteeship. Only then shall the retiring Trustee cease to be Trustee.

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009

Exhibit P, Part 1j

Page 16

Sec. 5.06

Duties on Succession. No predecessor Trustee shall have any right, title, or interest in this Trust except as hereinafter provided in the case of the replacement of the Trustee. Upon the appointment and acceptance of a successor Trustee, the predecessor Trustee shall transfer and deliver the assets of this Trust to the successor, after reserving such reasonable amount as such Trustee shall deem necessary to provide for fees and expenses and any sums chargeable against this Trust for which such Trustee may be liable. Any predecessor Trustee shall do all acts necessary to vest title of record in the successor Trustee.

Every successor Trustee accepting a trusteeship under this Trust shall have all the rights, titles, powers, duties, exemptions, and limitations of the predecessor Trustee hereunder, subject to the right of amendment of this Trust. No person or entity becoming a Trustee hereunder shall be in any way liable or responsible for anything done or omitted to be done by any Trustee prior to acceptance of the trusteeship, nor shall such person or entity have any duty to examine the administration of this Trust prior to such acceptance.

ARTICLE VI. MISCELLANEOUS

- Sec. 6.01 Incompetent Payee. If, in the opinion of the ELCA Board of Pensions, a person to whom the Trustee is directed to make one or more payments is disabled from caring for her/his affairs because of mental or physical condition, payment due such person may be made to such person's guardian, conservator, or other legal personal representative upon furnishing the ELCA Board of Pensions with evidence satisfactory to the ELCA Board of Pensions of such status. Prior to the furnishing of such evidence, the ELCA Board of Pensions may cause payments for the person under disability to be made, for such person's use and benefit, to any person or institution then in the opinion of the ELCA Board of Pensions caring for or maintaining the person who is under the disability. The Trustee shall have no liability with respect to payments made to an individual designated by the ELCA Board of Pensions. The Trustee shall have no duty to make inquiry as to the competence of any person to whom it is directed to make payment.
- Sec. 6.02 Evidence. Evidence required of anyone under this Trust may be by certificate, affidavit, document, or other instrument which the person acting in reliance thereon considers to be pertinent and reliable, and to be signed, made, or presented by the proper party.
- Sec. 6.03 Dealings of Others With Trustee. No person (corporate or individual) dealing with the Trustee shall be required to see to the application of any money paid or property delivered to the Trustee or to determine whether the Trustee is acting pursuant to any authority granted to it under this Trust.
- Sec. 6.04 Fiduciary Standards. Each fiduciary shall discharge her/his duties with respect to the Trust, solely in the interests of the members and in accordance with the following requirements:
- (a) For the exclusive purpose of providing benefits to members in the Retirement Plan and their beneficiaries and defraying reasonable expenses of administering the Trust,
 - (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims,
 - (c) By diversifying the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and
 - (d) In accordance with the provisions of this Trust and the Retirement Plan.

Nothing herein shall be construed or applied to restrict or prohibit the fiduciaries from administering any investment fund, in accordance with the investment objectives and

policies from time to time established for such investment fund, and the fiduciaries shall not be liable to any member or other person solely by reason of their adherence to such investment objectives and policies.

- Sec. 6.05 Administrative Fee Paid to the ELCA Board of Pensions. The ELCA Board of Pensions shall be paid a reasonable fee by the Trust for the administrative services provided by the ELCA Board of Pensions to the Retirement Plan and the Trust, including a fee for informing the employees and employers of the availability of the Retirement Plan. The fee charged to the Trust shall constitute a lien upon the Trust until paid.
- Sec. 6.06 Audits. The ELCA Board of Pensions shall have the right to cause the books, records, and accounts of the Trustee that relate to the Retirement Plan to be examined and audited by independent auditors designated by the ELCA Board of Pensions at such times as the ELCA Board of Pensions may determine, and the Trustee shall make such books, records, and accounts available for such purposes at all reasonable times. The expense of such audit shall be paid from the Trust, if not paid by the Participating Employers, in such proportion as the ELCA Board of Pensions shall determine, and shall constitute a lien upon the Trust until paid.
- Sec. 6.07 Successors. The provisions of this Trust shall be binding on each Participating Employer and its successors. If a successor to a Participating Employer or a purchaser of all or substantially all of and Participating Employer's assets is eligible to, and elects to, continue participation in the Retirement Plan, such successor or purchaser shall be substituted for the Participating Employer under this Trust.
- Sec. 6.08 Waiver of Notice. Any notice required under this Trust may be waived by the person entitled thereto.
- Sec. 6.09 Headings. Headings at the beginning of articles and sections are for convenience of reference, shall not be considered a part of this Trust, and shall not influence its construction.
- Sec. 6.10 Use of Compounds of Word "Here". Use of the words "hereof", "herein", "hereunder", or similar compounds of the word "here" shall mean and refer to the entire Trust unless the context clearly indicates otherwise.
- Sec. 6.11 Construed as a Whole. The provisions of this Trust shall be construed as a whole in such manner as to carry out the provisions thereof and shall not be construed separately without relation to the context.
- Sec. 6.12 Severability. In the event any provision of this Trust shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Trust, but shall be fully severable, and the Trust shall be construed and enforced as if said illegal or invalid provisions had never been inserted therein.

- Sec. 6.13 Counterparts. This Trust may be executed in any number of counterparts, each of which shall be deemed an original. Such counterparts shall constitute but one and the same instrument, which may be sufficiently evidenced by any one counterpart.
- Sec. 6.14 Indemnification of Trustee. The Participating Employers jointly and severally agree, to the fullest extent permitted by law, to indemnify the Trustee for and to hold it harmless against any and all liabilities, losses, costs, or expenses (including legal fees and expenses) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Trustee at any time by reason of the Trustee's service under this Trust if the Trustee did not have reasonable grounds to believe the conduct was unlawful or act in willful violation of the law or regulations under which such liability, loss, cost, or expense arises.
- Sec. 6.15 Internal Revenue Code of 1986. All references in this Trust to sections of the Internal Revenue Code of 1986 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future internal revenue codes to the extent such provisions are applicable to this Trust.
- Sec. 6.16 Applicable Law. This Trust shall be deemed a Minnesota trust and shall be controlled and construed in accordance with the laws of the State of Minnesota.
- Sec. 6.17 Deemed Compliance With Terms of Trust. If, at any time, the ELCA Board of Pensions serves as the Trustee hereunder, then any requirement in this Trust that either the ELCA Board of Pensions or the Trustee must provide the other party with a notification, certification, report, accounting, written direction, waiver or other similar document or communication shall be deemed to be satisfied without the actual provision of the same.
- Sec. 6.18 Parties to the Trust. Any Participating Employer that contributes to the Retirement Plan in accordance with the terms thereof shall become a party to this Trust and shall be bound by all terms and conditions of the Retirement Plan and this Trust, as then in effect and as may thereafter be amended. The Trustee shall invest and administer the Trust as a single fund for investment and accounting purposes, provided that at all times the interests of members and beneficiaries shall be accounted for separately.
- Any corporation or other participating entity, other than the ELCA Board of Pensions, shall cease to be a party to this Trust upon delivering to the Trustee or to the ELCA Board of Pensions a certified copy of a resolution terminating its participation in the Retirement Plan. In such event, or in the event of the merger, consolidation, sale of property or stock, separation, reorganization or liquidation of any corporation that is a party to this Trust, the Trustee, until directed otherwise by the ELCA Board of Pensions, shall continue to hold, in accordance with the provisions of this Trust, that portion of the Trust which, pursuant to the determination of the ELCA Board of Pensions, is attributable to the participation in the Retirement Plan of the employees and their beneficiaries affected by such termination or by such transaction.
- Sec. 6.19 Necessary Parties to Legal Actions. Only the ELCA Board of Pensions and the Trustee will be considered necessary parties in any legal action or proceeding with respect to the

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1j
Page 20

Trust, and no member, beneficiary or other person having an interest in the Trust will be entitled to notice. Any judgment entered on any such action or proceeding will be binding on all persons making a claim against the Trustee. Nothing in this Sec. 6.19 is intended to preclude a member or beneficiary from enforcing his or her legal rights.

ARTICLE VII. AMENDMENTS AND TERMINATION

Sec. 7.01 Amendments. The Trust may be amended at any time and from time to time as follows; provided, however, that no such amendment shall cause any part of the corpus or income of the Trust to be diverted to purposes other than the payment of benefits to members under the Retirement Plan and their beneficiaries, or reasonable expenses of administration of the Retirement Plan:

- (a) The ELCA Churchwide Assembly may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council, or
- (b) The ELCA Church Council may initiate amendments which shall be submitted to the ELCA Board of Pensions for recommendation before final action by the ELCA Church Council.
- (c) The ELCA Board of Pensions may initiate amendments which shall be submitted to the ELCA Church Council for final action.

When the ELCA Church Council, in its sole discretion, deems it appropriate, proposed amendments shall be submitted to the ELCA Churchwide Assembly for final action.

This Trust shall be amended in accordance with the final action taken by the ELCA Church Council or the ELCA Churchwide Assembly by written agreement executed by at least two corporate officers of the ELCA Board of Pensions who are authorized by the Board of Trustees of the ELCA Board of Pensions to take such action and the Trustee.

Sec. 7.02 Termination. The Trust may be terminated at any time in accordance with the amendment procedure set forth in Sec. 7.01. Upon termination of the Trust, any surplus property remaining after the payment of all benefits of the Trust attributable to the Retirement Plan, and all of the debts of the Retirement Plan and Trust, shall be disposed of by transfer to the ELCA, to be held and used for exclusively religious and charitable purposes; provided that the ELCA is at that time an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and, if not, the surplus property shall be distributed to such other entity that is at that time an organization described in said Section 501(c)(3) as the Trustee shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this Trust upon specific trust or other condition, or subject to an executory or special limitation, and such other property, upon dissolution of the Trust, shall be transferred in accordance with the specific trust, condition, or limitation imposed with respect to it.

IN WITNESS WHEREOF, the ELCA Board of Pensions has caused this Trust to be executed as of the day and year written below.

BOARD OF PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

By _____
Robert H. Rydland, Vice President & General Counsel

IN WITNESS WHEREOF, the ELCA Board of Pensions accepts its appointment as corporate trustee of this ELCA Participating Annuity Trust.

BOARD OF PENSIONS OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA

Dated: _____, 2009

By _____
John G. Kapanke, President & CEO

By _____
Robert H. Rydland, Vice President & General Counsel

EVANGELICAL LUTHERAN CHURCH IN AMERICA
CHURCH COUNCIL
November 13-15, 2009
Exhibit P, Part 1j
Page 24

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**Proposed Amendment to
ELCA Retirement Plan**

~~(To be effective retroactive to April 3, 2009, upon approval by Church Council, Nov. 2009)~~

Section 9.07 of Article IX and Section 10.06 of Article X of the ELCA Retirement Plan are amended as follows:

ARTICLE IX: WITHDRAWALS AND DISTRIBUTIONS

Sec. 9.07 Payment of Annuity Benefits Upon Retirement. ~~Effective April 3, 2009, a~~ A Sponsored Member with an accumulation in the ELCA Participating Annuity Bridge Fund may elect a distribution in the form of an annuity administered by the ELCA Board of Pensions, for which the terms and conditions are described in Article X. ~~Such annuity election shall be limited to accumulations in the ELCA Participating Annuity Bridge Fund as of April 3, 2009.~~ The annuity distribution may commence upon her/his Retirement or upon attainment of age 60 following Separation from Service. Surviving Spouses, Designated Beneficiaries and Alternate Payees who have accumulations in the ELCA Participating Annuity Bridge Fund ~~as of April 3, 2009~~ may also elect a distribution in the form of an annuity administered by the ELCA Board of Pensions. ~~Such annuity elections shall also be limited to accumulations in the ELCA Participating Annuity Bridge Fund as of April 3, 2009.~~ All annuity distributions shall be subject to the following:

- (a) Payment shall be made in one of the following forms:
 - (i) Payment of an annuity administered by the ELCA Board of Pensions in accordance with the provisions of Article X.
 - (ii) Purchase of a non-transferrable annuity contract from a commercial life insurance company providing “substantially non-increasing” period payments, the terms and conditions which shall be set by such commercial life insurance company, if the ELCA Board of Pensions, in its sole discretion, determines to make this payment option available under the Retirement Plan.
- (b) Annuity benefits may not commence if the Member is entitled to a monthly disability benefit under the ELCA Disability Benefits Plan.
- (c) A Member must elect an annuity form of benefit under this Sec. 9.07(a)(i) prior to the later of attainment of age 80 or Separation from Service.
- (d) A Member who has elected to transfer some or all of her/his Account to the ELCA Participating Annuity Bridge Fund in accordance with the provisions of Sec. 10.05, must begin to receive annuity benefits based on the amounts so transferred by April 1 of the year following the later of the date the Member retires or the date the Member attains age 70½.

ARTICLE X: MONTHLY ANNUITY BENEFITS ADMINISTERED BY THE ELCA BOARD OF PENSIONS

Sec. 10.06 Valuation Adjustment of ELCA Participating Annuity Bridge Fund Accounts. ~~The A~~ **Member's** ELCA Participating Annuity Bridge Fund **account** shall be ~~credited with~~ interest **increased or decreased** at a rate(s) declared from time to time by the Board of Trustees of the ELCA Board of Pensions.

Explanation: These amendments are further clarification of the annuity fund closing amendments made in August 2009.

Cost Impact: These two amendments have no cost impact on the Plan.

Legal counsel has reviewed this amendment.

Approval level: Board of Trustees of the ELCA Board of Pensions and ELCA Church Council.

**Proposed Amendment to
ELCA Master Institutional Retirement Plan**

~~(To be effective retroactive to April 3, 2009, upon approval by Church Council, Nov. 2009)~~

Sections 8.07 and 8.08 of Article VIII of the ELCA Master Institutional Retirement Plan are added as follows:

ARTICLE VIII: WITHDRAWALS AND DISTRIBUTIONS

Sec. 8.07 Payment of Annuity Benefits Upon Retirement. ~~A~~ **Before April 3, 2009, a** Member may **could** elect to have some or all of her/his vested Accounts distributed in the form of an annuity upon her/his Retirement or upon attainment of age sixty (60) following a Separation from Service. Payment of benefits under this Sec. 8.07 ~~shall be~~ **were** made in one of the following forms:

- (a) Payment under one of the forms of annuity **administered by the ELCA Board of Pensions** available under the ELCA Retirement Plan through a transfer of all or a portion of the Member's vested Account balance to the ELCA Retirement Plan.
- (b) Purchase of a non-transferrable annuity contract from a commercial life insurance company providing "substantially non-increasing" periodic payments, if the ELCA Board of Pensions, in its sole discretion, determines to make this payment option available under the Plan.

Sec. 8.08 Distributions After Death of Member.

- (a) If the Member dies after reaching her/his "required beginning date" as defined in Code § 401(a)(9)(C), the remaining payments shall be made to her/his Designated Beneficiary at least as rapidly as under the method of distribution selected by the Member. The Designated Beneficiary may elect to receive any payment earlier than the date on which it otherwise would have been paid; provided, however, to the extent that a transfer to the ELCA Retirement Plan has been made pursuant to Sec. 8.07(a), payment to the Designated Beneficiary will be made in accordance with the rules and procedures applicable to such plan.
- (b) If the Member dies before reaching her/his "required beginning date" as defined in Code § 401(a)(9)(C), the Member's Account shall be distributed to her/his Designated Beneficiary as follows:
 - (i) If the Designated Beneficiary is the Surviving Spouse, distributions may be made in accordance with the provisions of Secs. 8.06 and 8.07; provided, however, that in the event that the Surviving Spouse elects **sed** an annuity form of benefit under Sec. 8.07(a), such benefit shall be in the form of a single life annuity under the ELCA Retirement Plan through a transfer of the Member's entire Account balance to the ELCA Retirement Plan. The fifteen-year term certain shall not be available to a

Surviving Spouse who has attained age 70½ at the time such payments must begin. Payments under this Sec. 8.08(b)(i) must begin by the later of the end of the calendar year following the year of the Member's death or the end of the year in which the Member would have reached age 70½. If the Surviving Spouse dies before distributions to her/him begin, this Sec. 8.08 shall be applied as if the Surviving Spouse were the Member.

- (ii) If the Designated Beneficiary is not the Surviving Spouse, distributions may be made in accordance with the provisions of Secs. 8.06 and 8.07; provided, however, that in the event that the Designated Beneficiary elects sed an annuity form of benefit under Sec. 8.07(a), such benefit shall be in the form of a single life annuity under the ELCA Retirement Plan through a transfer of the Member's entire Account balance to such plan. The single life annuity form of benefit shall not be available to a Designated Beneficiary who has attained age 70½ at the time such payments must begin, nor to a Designated Beneficiary that is an estate or other entity. Payments under this Sec. 8.08(b)(ii) must begin not later than the end of the calendar year following the year of the Member's death, or any later date specified in regulations of the Secretary of the Treasury.

Explanation: This amendment reflects the annuity fund's closing to new entrants effective April 3, 2009.

Cost Impact: Closing the fund could cause an increase in account balances leaving the Plan.

Legal counsel has reviewed this amendment.

Approval Level: Board of Trustees of the ELCA Board of Pensions and ELCA Church Council.

**Proposed Amendment to
ELCA Retirement Plan for
The Evangelical Lutheran Good Samaritan Society**

~~(To be effective retroactive to April 3, 2009, upon approval by Church Council, Nov. 2009)~~

Sections 8.07 and 8.08 of Article VIII of the ELCA Retirement Plan for The Evangelical Lutheran Good Samaritan Society are amended as follows:

ARTICLE VIII: WITHDRAWALS AND DISTRIBUTIONS

Sec. 8.07 Payment of Annuity Benefits Upon Retirement. ~~A~~ **Before April 3, 2009, a** Member may **could** elect to have some or all of her/his vested Accounts distributed in the form of an annuity upon her/his Retirement or upon attainment of age sixty (60) following a Separation from Service. Payment of benefits under this Sec. 8.07 ~~shall be~~ **were** made in one of the following forms:

- (a) Payment under one of the forms of annuity **administered by the ELCA Board of Pensions** available under the ELCA Retirement Plan through a transfer of all or a portion of the Member's vested Account balance to the ELCA Retirement Plan.
- (b) Purchase of a non-transferrable annuity contract from a commercial life insurance company providing "substantially non-increasing" periodic payments, if the ELCA Board of Pensions, in its sole discretion, determines to make this payment option available under the Plan.

Sec. 8.08 Distributions After Death of Member.

- (a) If the Member dies after reaching her/his "required beginning date" as defined in Code § 401(a)(9)(C), the remaining payments shall be made to her/his Designated Beneficiary at least as rapidly as under the method of distribution selected by the Member. The Designated Beneficiary may elect to receive any payment earlier than the date on which it otherwise would have been paid; provided, however, to the extent that a transfer to the ELCA Retirement Plan has been made pursuant to Sec. 8.07(a), payment to the Designated Beneficiary will be made in accordance with the rules and procedures applicable to such plan.
- (b) If the Member dies before reaching her/his "required beginning date" as defined in Code § 401(a)(9)(C), the Member's Account shall be distributed to her/his Designated Beneficiary as follows:
 - (i) If the Designated Beneficiary is the Surviving Spouse, distributions may be made in accordance with the provisions of Secs. 8.06 and 8.07; provided, however, that in the event that the Surviving Spouse ~~elects~~ **electsed** an annuity form of benefit under Sec. 8.07(a), such benefit shall be in the form of a single life annuity under the ELCA Retirement Plan through a transfer of the Member's entire Account balance to the ELCA

Retirement Plan. The fifteen-year term certain shall not be available to a Surviving Spouse who has attained age 70½ at the time such payments must begin. Payments under this Sec. 8.08(b)(i) must begin by the later of the end of the calendar year following the year of the Member's death or the end of the year in which the Member would have reached age 70½. If the Surviving Spouse dies before distributions to her/him begin, this Sec. 8.08 shall be applied as if the Surviving Spouse were the Member.

- (ii) If the Designated Beneficiary is not the Surviving Spouse, distributions may be made in accordance with the provisions of Secs. 8.06 and 8.07; provided, however, that in the event that the Designated Beneficiary elects sed an annuity form of benefit under Sec. 8.07(a), such benefit shall be in the form of a single life annuity under the ELCA Retirement Plan through a transfer of the Member's entire Account balance to such plan. The single life annuity form of benefit shall not be available to a Designated Beneficiary who has attained age 70½ at the time such payments must begin, nor to a Designated Beneficiary that is an estate or other entity. Payments under this Sec. 8.08(b)(ii) must begin not later than the end of the calendar year following the year of the Member's death, or any later date specified in regulations of the Secretary of the Treasury.

Explanation: This amendment reflects the annuity fund's closing to new entrants effective April 3, 2009.

Cost Impact: None.

Legal counsel has reviewed this amendment.

Approval Level: Board of Trustees of the ELCA Board of Pensions and ELCA Church Council.

**Primer in Responding to Media or Correspondence,
and Meeting with Synod Councils**

Guidelines for Responding to Media

- If contacted by news media, be polite, but know you are not obligated to respond.
- Churchwide staff does not seek to limit your access to the media or prevent your response to media inquiries. We do, however, stand ready to offer advice on how to respond.
- **OUR BEST ADVICE:** Refer media calls to the ELCA News Service staff in the Communication Services unit at 800-638-3522:

John Brooks	ext. 2958
Frank Imhoff	ext. 2955
Melissa Ramirez Cooper	ext. 2956
- According to policy, the ELCA News Service staff determines what response is made. If response is needed from a member of the Church Council, the ELCA News Services staff coordinates the response, which is normally made by the vice president.

If you choose to respond to a news media inquiry, here are some things to consider:

- You should make clear that you are responding as an individual member of the ELCA Church Council, and that your response is not necessarily an official response.
- Assume any reporter who contacts you is aware that you are a council member, and any comment you make may be reported.
- Report any news media contact to the ELCA News Service staff, whether or not you choose to respond.
- You may not be the best person to comment on a particular subject. The ELCA News Service staff can help by asking others in the churchwide organization to respond to news media requests.
- Your response to one reporter's questions could result in more calls from other news organizations. It won't be easy to say no to other reporters if you have responded to one.
- The ELCA churchwide organization comments only on ELCA matters, not on internal matters involving other church bodies (i.e. internal controversies of The Episcopal Church, theological differences with the Lutheran Church–Missouri Synod).
- Personnel matters are highly sensitive. Avoid comment on these questions. Refer them instead to the ELCA News Service staff.
- Be aware that your name and mailing address (but not phone number or e-mail address) are printed in the ELCA Yearbook, a public document that many reporters have, and your name appears on the Web site of the Office of the Secretary. The ELCA News Service does not provide news media with your phone number or e-mail address unless a News Service staff person has talked with you first, and you agree that your contact information should be provided.

Again, the best advice is that you refer news media inquiries to the ELCA News Service staff. The staff is happy to respond on your behalf.

Guidelines for Responding to Correspondence

- If you are copied on a letter sent to the entire Church Council, you do not need to do anything: Secretary Swartling will respond on behalf of the entire Council.
- If you are uncertain about who received the letter in addition to yourself, call the Office of the Secretary (x2800) or the Office of the Presiding Bishop (x2600) to determine if others have received it.
- If you are the only person to receive a letter because of your role on Church Council, you are not obligated to respond. You may forward the letter to the Office of the Secretary.
- If you do wish to respond, you should do so as an individual member and not on behalf of the Church Council.
- If you have questions about any correspondence you receive, please contact OS or OB for assistance.
- It is not appropriate for members of the Church Council to respond to correspondence dealing with personnel or roster-related matters. It is appropriate, however, for the Council in plenary session to ask the broader questions concerning churchwide structures and policies and their effectiveness in serving our commitments and organizational principles.

Guidelines for Meeting with Synod Councils

- When you meet with a synod council because of your role as a member of the Church Council, you represent the entire Church Council. Care must be exercised with regard to expressing personal opinion on discussions and voting that took place during the Council meeting.

Executive Summary of the 2009 ELCA Churchwide Assembly Evaluations
Research and Evaluation
October 2009

Notes: Only valid percentages from those identified as voting members in 2009 and 2007 are included. Differences, unless noted, are significant at the 0.05 level

- In August 2009, the Minneapolis Area and Saint Paul Area synods hosted the eleventh biennial Churchwide Assembly (“CWA”) of the Evangelical Lutheran Church in America. Voting members, advisory members, congregational observers, assembly staff, and volunteers were given an optional evaluation to complete. Of the 1,045 voting members at the 2009 Churchwide Assembly, 738 (71 percent) completed and returned an evaluation. Of the 1,071 voting members at the 2007 Churchwide Assembly, 851 (79 percent) returned an evaluation. (See Appendix A for a list of frequencies.)
- Eighty-six percent of 2009 respondents considered the Pre-Assembly Report “Program” “helpful” compared to 71 percent of 2007 respondents. A majority of respondents in both years considered the “Order of Business” section helpful; a higher percentage did so in 2009 (85 percent) than in 2007 (64 percent). The “Report of the Officers” was considered helpful by a higher percentage of 2007 respondents (70 percent) than 2009 respondents (64 percent). A majority of respondents in both 2009 and 2007 considered the “Recommendations” section helpful, but a higher percentage did so in 2009 (87 percent) than in 2007 (84 percent). The “Memorials Committee” section was considered helpful by 81 percent of 2009 respondents and 85 percent of 2007 respondents.
- A higher percentage of respondents indicated they were prepared to fulfill their role on the first day of the assembly in 2009 (68 percent) than in 2007 (62 percent.)
- The respondents gave higher ratings to registration and accommodation in 2009 compared to 2007:
 - on-site registration was rated “excellent” by 92 percent of respondents in 2009 (73 percent in 2007);
 - hotel accommodations were rated “excellent” by 86 percent of respondents in 2009 (67 percent in 2007);
 - 56 percent of respondents considered the cost of meals “excellent” in 2009 (32 percent in 2007);
 - 81 percent of 2009 respondents thought the quality of meals was “excellent” in 2009 (66 percent in 2007); and
 - 79 percent of 2009 respondents thought the variety of the meals was “excellent” in 2009 (62 percent in 2007).
 - Fewer respondents attended the Middle East strategy hearing in 2009 (N=119) than in 2007 (N=170) and a lower percentage thought it was “helpful” in 2009 (61 percent) than in 2007 (77 percent).
- 23 percent of 2009 respondents spoke at the microphone compared to 18 percent of 2007 respondents.

- 57 percent of 2009 respondents “always” agreed with the Memorials Committee recommended responses compared to 50 percent of 2007 respondents.
- The liturgy and use of space was considered “excellent” by a higher percentage of respondents in 2009 (79 percent and 86 percent, respectively) than in 2007 (75 percent and 70 percent, respectively).
- A higher percentage of respondents considered dedicated prayer space “very” important in 2009 (70 percent) than in 2007 (57 percent) and a higher percentage used it (26 percent compared to 14 percent).
- 86 percent of 2009 respondents considered Holy Communion “very” important (81 percent did so in 2007). 84 percent of respondents considered worship leaders “excellent” in 2009 (78 percent did so in 2007).
- Half of 2009 respondents thought the Assembly pace was “excellent” (40 percent did so in 2007); 81 percent of 2009 respondents thought the meeting space was “excellent” (39 percent did so in 2007).
- The daily sheets were considered “very” helpful by 43 percent of 2009 respondents (64 percent of 2007 respondents).
- 57 percent of respondents were first-time voting members at the 2009 assembly compared to 28 percent of 2007 respondents.
- Of the 408 respondents who were first-time voting members, 25 percent came from Region 3 and three percent came from Region 1.
- Comparing 2009 Churchwide Assembly evaluation results to the previous assembly shows marked improvement in some areas including registration, meals, accommodations, and the use of plenary space.

Appendix A: Comparison of 2009 Churchwide Assembly Voting Members Responses to 2007 Churchwide Assembly Voting Members Responses
Research and Evaluation
 October 2009
 2009 N=738 & 2007 N=851

*Notes: Only valid percentages from those identified as voting members are included. If more than five percent of respondents did not answer a specific question, the number of respondents to a question is indicated. Generally when comparable data exists, only the highest two anchor values and mean scores are reported. **Highlighted text indicates statistically significant differences at the 0.05 level.***

Assembly Materials and Preparation

1. Did the pre-assembly materials arrive in the mail early enough for adequate review?

	<u>2009</u>	<u>2007</u>
Yes, in plenty of time.	63.7%	71.8%
Yes, but earlier would have been better.	29.1%	20.8%
No, I did not have enough time.	7.1%	5.2%

2. Which statement best describes your opinion about the quality of materials received?

	<u>2009</u>	<u>2007</u>
I felt overwhelmed by the amount of materials.	40.9%	40.9%
I felt the amount of materials was reasonable.	56.5%	57.5%
I felt there should have been more materials.	0.7%	0.4%
Not sure	1.9%	1.3%

3. How many of the mailed materials were you able to review before the assembly began?

	<u>2009</u>	<u>2007</u>
Most of all of them	50.1%	48.5%
Only some of them	37.9%	40.5%
Very few of them	10.8%	9.5%
None of them	1.1%	1.4%

4. How helpful was having the assembly materials available on the Web site prior to coming to the assembly? Rate only the material you used. [No comparable 2007 data.]

	<u>Not - 1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Very - 7</u>	<u>Mean</u>
Orientation video	6.1%	2.1%	3.7%	8.3%	12.0%	20.3%	47.5%	5.7
Parliamentary Procedure video	6.2%	3.6%	4.0%	11.6%	16.3%	20.0%	38.3%	5.4
Pre-Assembly Report materials	5.0%	3.4%	3.5%	10.6%	16.9%	21.9%	38.6%	5.5
Other (Please specify below)	11.1%	2.2%	2.2%	10.0%	11.1%	17.8%	45.6%	5.4

5. How helpful were each of the sections of the 2009 Pre-Assembly Report? [“Helpful” represents “6” or “7”.]

	2009	2009	2007	2007
	<u>“Helpful” Mean</u>		<u>“Helpful” Mean</u>	
a. Program (2009 N=686 & 2007 N=757)	86.2%	4.4	71.3%	3.9
b. Order of Business (2009 N=688 & 2007 N=771)	85.4%	4.4	64.3%	3.8
c. General Information (2009 N=682 & 2007 N=760)	83.0%	4.3	80.6%	4.1
d. Reports of the Officers (2009 N=671 & 2007 N=754)	64.2%	3.8	70.1%	3.9
e. Reports of the Churchwide Units (2009 N=663 & 2007 N=758)	61.4%	3.7	63.9%	3.8
f. Recommendations (2009 N=684 & 2007 N=768)	87.4%	4.4	83.6%	4.2
g. Other Documents (2009 N=594 & 2007 N=716)	60.6%	3.8	57.0%	3.6
h. Memorials Committee (2009 N=672 & 2007 N=774)	80.7%	4.2	85.3%	4.3
I. Nominating Committee (2009 N=730 & 2007 N=765)	78.5%	4.2	81.5%	4.2

j. Reference and Counsel (2009 N=691 & 2007 N=712)	63.0%	3.7	60.9%	3.6
k. Report of the Church Council (2009 N=713 & 2007 N=744)	61.5%	3.7	65.8%	3.8
l. Governing Documents (2009 N=712 & 2007 N=745)	61.4%	3.7	64.9%	3.8

6. The current policy about contact with voting members allows only postal addresses to be released and then only to a voting member or to an organization composed solely of voting members of congregations of the ELCA. Would you favor making e-mail addresses public as well? [*No comparable 2007 data.*]
 No 81.1%
 Yes 18.9%

[*No comparable 2007 data.*]

	<u>Yes</u>	<u>No</u>
7a. Did you participate in the 50 Days of Prayer with a prayer partner?	40.1%	59.9%
7b. Was having a prayer partner good preparation for the assembly and a beneficial experience?	50.7%	49.3%

8. What would have helped you become better prepared?

9. **Looking back on your first day at the Churchwide Assembly, how prepared were you to fulfill your role?**
 ["Prepared" represents "6" or "7".]

	<u>"Prepared"</u>	<u>Mean</u>
2009	67.8%	5.7
2007	61.6%	5.5

Registration and Accommodations

10. On a scale of 1 to 7, with "1" as "poor," please rate the...

	2009 <u>"6 or 7"</u>	2009 <u>Mean</u>	2007 <u>"Excellent"</u>	2007 <u>Mean</u>
a. registration process prior to the assembly	85.4%	6.3	xx	xx
b. the e-mail updates prior to the registration	79.2%	6.2	xx	xx
c. on-site registration process	92.2%	6.6	73.1%	5.9
d. hotel accommodations	85.7%	6.4	66.9%	5.9
e. the cost of the meals	55.6%	5.3	32.1%	5.9
f. the quality of the meals	80.5%	6.2	65.6%	5.7
g. the variety of the meals	79.4%	6.1	61.6%	5.6

Please provide any comments about the Registration and Accommodations.

Hearings

11. On Tuesday, there were opportunities to attend two hearings. Please indicate below which hearings you attended by filling in the corresponding circle on the left. Also, for each hearing you attended indicate on the scale to the right how helpful the discussion was in clarifying your point of view on the issue? (Consider “1” as “Not at all” and “7” as “Very”.)

<u>Attended</u>	<u>Not at All - 1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Very - 7</u>	<u>Mean</u>
N=35 2009 2010-2011 Budget Proposal	5.7%	0.0%	5.7%	5.7%	25.7%	25.7%	31.4%	5.5
N=35 2007 2008-2009 Budget Proposal	2.9%	5.7%	2.9%	2.9%	28.6%	28.6%	28.6%	5.5
N=123 2009 Book of Faith	0.0%	7.3%	2.4%	13.8%	17.9%	31.7%	26.8%	5.5
N=300 2007 Book of Faith	2.0%	5.3%	6.0%	10.3%	25.0%	26.7%	24.7%	5.3
N=162 Evangelizing Congregations	0.0%	2.5%	6.2%	7.4%	26.5%	27.8%	29.6%	5.6
N=55 Lutheran Malaria Initiative	1.8%	1.8%	0.0%	9.1%	14.5%	36.4%	36.4%	5.9
N=119 2009 Middle East Strategy	0.8%	2.5%	4.2%	14.3%	16.8%	32.8%	28.6%	5.6
N=170 2007 Middle East Strategy	0.0%	0.6%	2.9%	7.1%	12.9%	35.9%	40.6%	6.0
N=188 Recommendation on Ministry Policies	2.1%	4.3%	5.9%	10.6%	25.0%	33.5%	18.6%	5.3
N=138 Social Statement on Human Sexuality	2.9%	4.3%	7.2%	15.2%	24.6%	23.2%	22.5%	5.1
N=171 UMC Full Communion Agreement	1.8%	0.0%	0.0%	7.0%	15.8%	35.7%	39.8%	6.0
N=38 Board of Pensions Update	2.6%	0.0%	5.3%	21.1%	15.8%	28.9%	26.3%	5.4
N=50 2009 HIV & AIDS Strategy	2.0%	2.0%	0.0%	16.0%	20.0%	30.0%	30.0%	5.6
N=101 2007 HIV & AIDS Strategy	1.0%	3.0%	5.0%	10.0%	16.8%	31.7%	31.7%	5.6
N=54 2009 World Hunger Appeal/Disaster Appeal	0.0%	5.6%	9.3%	13.0%	20.4%	25.9%	25.9%	5.3
N=76 2007 World Hunger Appeal/Disaster Appeal	0.0%	0.0%	6.7%	11.1%	17.8%	40.0%	24.4%	5.6

Comments about the Hearings:

Process for Discussion and Action

12. The process used for consideration of the following topics was developed to provide a better understanding of the issues. How helpful was this process? [*No comparable 2007 data.*]

	<u>Not at all Helpful - 1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Very Helpful - 7</u>	<u>Mean</u>
Election of the Vice President	1.0%	1.3%	2.4%	5.9%	17.8%	35.8%	35.7%	5.9
Full Communion with United Methodist Church	0.4%	1.5%	1.5%	6.4%	16.8%	33.6%	39.9%	6.0
Funding of the HIV & AIDS Strategy	0.4%	0.7%	2.2%	6.1%	17.6%	34.3%	38.6%	6.0
Lutheran Malaria Initiative	0.6%	0.6%	2.1%	4.9%	14.3%	34.1%	43.4%	6.1
“Human Sexuality: Gift and Trust”	2.1%	3.2%	4.1%	5.7%	11.0%	27.0%	46.8%	5.9
Implementing Resolutions for the Social Statement	2.5%	4.2%	3.9%	7.6%	13.3%	26.6%	41.9%	5.7
Ministry Policies	2.6%	4.1%	3.5%	7.0%	12.3%	26.9%	43.7%	5.8
Social Statement on Justice for Women	1.2%	2.1%	4.5%	13.0%	16.6%	32.1%	30.5%	5.6
Amendments to the ELCA <i>Constitutions, Bylaws and Continuing Resolutions</i>	1.5%	2.4%	5.1%	13.0%	21.4%	31.3%	25.4%	5.5
2010-2011 Budget Proposal	0.5%	2.1%	4.2%	11.9%	17.8%	33.5%	30.1%	5.7

13. Did you speak at a microphone to address the assembly?

	<u>2009</u>	<u>2007</u>
Yes	23.4%	17.7%
No	76.0%	81.7%

Does not apply 0.6% 0.5%

14. Please rate the facilitation of debate. ["Excellent" represents "6" or "7".]

	<u>"Excellent"</u>	<u>Mean</u>
2009	74.1%	6.0
2007	74.4%	5.9

15. Did you feel adequately informed about... [No comparable 2007 data.]

	<u>Yes</u>	<u>No</u>
a. procedures for debate?	97.4%	2.6%
b. the subject of each vote?	97.0%	3.0%

16. How helpful were the quasi committee of the whole sessions to the decision-making process? [No comparable 2007 data.]

	<u>Not at</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Very</u>	<u>Mean</u>
	<u>All Helpful -1</u>						<u>Helpful - 7</u>	
	1.7%	2.8%	3.6%	7.9	16.8%	25.4%	41.9%	5.8

Memorials

17. How helpful for your decision making process were the background information and rationales provided in the Memorials Committee report? [No comparable 2007 data.]

	<u>1 - Not at</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7 - Very</u>	<u>Mean</u>
	<u>All Helpful</u>						<u>Helpful</u>	
	0.8%	3.2%	3.2%	10.1%	21.7%	35.9%	25.1%	5.6

18. How often did you agree with the Memorials Committee's recommended responses? ["Always" represents "6" or "7".]

	<u>Always</u>	<u>Mean</u>
2009	56.8%	5.4
2007	49.6%	5.2

19. In general, how satisfied are you with the work of the Memorials Committee? ["Very" represents "6" or "7".]

	<u>"Very"</u>	<u>Mean</u>
2009	66.1%	5.7
2007	65.4%	5.6

Nominations and Elections

20. How clear were the instructions for nominating individuals to churchwide boards and committees?

["Very" represents "6" or "7".]

	<u>"Very"</u>	<u>Mean</u>
2009	70.6%	5.9
2007	71.7%	5.8

21. How effective was the report of the Nominations Committee in conveying information about nominees?

["Very" represents "6" or "7".]

	<u>"Very"</u>	<u>Mean</u>
2009	75.1	6.0
2007	73.5	5.9

22. How satisfied were you with the process for electing members of the Church Council and churchwide boards and committees? ["Very" represents "6" or "7".]

	<u>"Very"</u>	<u>Mean</u>
2009	65.3	5.6
2007	68.8	5.7

34. How important is it to receive electronic copies of the...									
a. Preliminary Minutes shortly after the assembly?	4.9%	5.2%	5.2%	9.7%	15.5%	26.0%	33.6%	5.4	
b. Report and Records: Assembly Minutes following the assembly?	3.2%	3.7%	4.4%	9.0%	15.3%	26.0%	38.4%	5.6	

Comments about Minutes:

	<u>2009</u>	<u>2007</u>
Attendee Profile		
35. Are you a:		
voting member	100.0%	100.0%
Advisory member	0.0	0.0
Congregational Observer	0.0	0.0
Assembly staff or volunteer	0.0	0.0

36. If you're a voting member, is this your first time serving at a churchwide Assembly?

	<u>2009</u>	<u>2007</u>
Yes	56.9%	27.9%
No	43.1%	71.7%
Does not apply	0.0%	0.5%

37. What is your gender?

	<u>2009</u>	<u>2007</u>
Female	51.4%	70.8%
Male	48.6%	29.2%

38. Are you:

	<u>2009</u>	<u>2007</u>
Lay member	57.9%	61.0%
Rostered Lay	4.9%	3.3%
Clergy	36.4%	35.7%
Other	0.8%	xx

39. In what type of community do you live?

	<u>2009</u>	<u>2007</u>
rural or open country	15.5%	14.0%
small town (under 10,000)	19.8%	19.4%
small city (10,000 to 50,000)	20.6%	22.6%
medium size city or its suburb (50,000 to 250,000) ...	20.8%	19.9%
large city (250,001 or more)	13.6%	12.6%
suburb of a large city	9.6%	11.5%

40. In what year were you born?

	<u>2009</u>	<u>2007</u>
Mode	1953	1949
Mean	1954	1954

Church Council Member Biographical Information



Pr. David P. Anderson (2011)

Synod 6E Northeastern Ohio

- 1) St. Matthew Evangelical Lutheran Church, Medina, OH
- 2) Synodical and regional committees; mediated in roughly 70 congregational conflicts; parish pastor and assistant to former Bishop Marcus Miller
- 3) Candidacy Committee of Ohio - 9 years; Global Mission and Companion Synod Committees (6E); Church in Society Committee (6E)
- 4) B.B.A., Kent State University; M.Div., Trinity Lutheran Seminary (Hamma)
- 5) Team Pastor; St. Matthew Evangelical Lutheran Church
- 6) Southwest General Hospital Institutional Review Committee; Disaster Response Team - Southwest General Hospital; Co-chair of the Brandt School District Levy Committee
- 7) 1950
- 8) English

Comments: In my spare time I enjoy casual reading, vigorous exercise, vacationing, and watching my “beloved” Cleveland sports teams. A group of twenty (including many pastors) have had season tickets to the Cleveland Indians for 14 years. We enjoy vacationing to Hilton Head Island and to our lake home in Ashtabula county, Ohio. My wife is Joanna Pretz-Anderson. She is an Associate in Ministry (Church Music). One adult daughter served as a Young Adult in Global Mission with a tour in India. She now lives in Chicago and works for the Interfaith Commission of Workers’ Rights, and, attorney David Lee. The other daughter is a school teacher in Northeastern Ohio.



Ms. Judith Barlow-Roberts (2015)

Synod 7B New England

- 1) Christ the King, Windsor, CT
- 2) Highly creative, resourceful, outgoing and energetic individual; Social Justice activist; Strong group facilitation skills.
- 3) New England Synod Assembly Delegate 2008; Current Christ the King Council member; Women of the ELCA spring gathering speaker 2008
- 4) B.S., Springfield College; Masters pending, University of Mississippi
- 5) Director, Adult Programs, National Conference for Community & Justice (NCCJ)
- 6) Community parental involvement program of Windsor, CT; Interfaith Council of Western, Massachusetts; Community volunteer, Healthcare for All of CT
- 7) 1966
- 8) English

Comments: I grew up in Windsor, Conn. but have deep family ties to Mississippi, where I attended graduate school at the Center for Southern Studies at the University of Mississippi. I produced a short documentary film about the work of my grandfather, civil rights activist C.C. Bryant, of McComb, Miss. During my time at the University of Mississippi, I worked for the William Winter Institute for Racial Reconciliation. My current employer, NCCJ, is a human relations organization dedicated to fighting bias, bigotry, and racism. I reside in Windsor, CT with my husband Christopher and son Julian.



Mr. Baron Blanchard (2011)

Synod 3A Western North Dakota

- 1) Lutheran Church of the Cross; Bismarck, ND
- 2) LCC Church Council Member, Huddle Coach Horizon FCA Huddle
- 3) Volunteer with Confirmation events; Council liaison with LCC Outreach committee; Stewardship Drive presenter
- 4) B.S in Elementary Education; Minor in coaching; Attaining M.S in Technology Education
- 5) 7th Grade Geography Teacher
- 6) FCA Huddle Coach; Middle School Wrestling Coach; Volunteer High School Wrestling coach
- 7) 1981
- 8) English

Comments: I like to hunt and fish. My wife, Kylie, and I recently purchased a canoe for Missouri river adventures after taking the FCA Huddle on an overnight canoe trip. The trip was plagued by a early spring snow storm at about 2:00 am. Not a pleasurable experience at the end, but a great story for the kids to tell.



Ms. Rebecca Jo "Becky" Brakke (2013)

Synod 4D Northern Texas-Northern Louisiana

- 1) King of Glory Lutheran Church, Dallas, TX
- 2) Member of board of Regents/Trustees at Augustana Col., Sioux Falls, SD, 12 yrs.; Meeting Planner for Northern Texas-Northern Louisiana Synod-responsible for Synod Assembly Planning-11 yrs.; Local Arrangements Mgr., 1991 Youth Gathering-recruited 1,000 volunteers
- 3) Congregation Council president; Co-moderator of Forum Sunday School Class-20 yrs.; Member of Church in Society Committee
- 4) B.A., Augustana College, Sioux Falls
- 5) Meeting Planner and Antique Business Owner, Northern Texas-Northern Louisiana Synod
- 6) Member of medical ethics research review board at Medical City Hospital, 10 yrs.; Past V.P. of League of Women Voters of Dallas; President of local neighborhood association
- 7) 1943
- 8) English

Comments: I am a Midwestern transplant (S.D. Augie grad) who has lived in Dallas, Texas since 1968. After the birth of our daughters I have been involved in a wide array of volunteer activities at King of Glory Lutheran Church, the NTNLS Synod (Meeting Planner), and my community (currently president of a large neighborhood association and member of the IRB at a Dallas hospital). I have served 12 years on the Board of Regents at Augustana College. I find myself involved in the planning process of many interesting events and for relief I escape to a flea market or an antique mall.



Ms. Rebecca D. Carlson (2015)

Synod 5H Northwest Synod of Wisconsin

- 1) Augustana Lutheran Church, Cumberland, WI
- 2) Previous Synod LYO experience; representative to companion synods in Brazil and Tanzania; voting delegate to 2005 Churchwide Assembly
- 3) Counselor and Program Assistant at Luther Point Bible Camp; served on Youth/Christian Education committees
- 4) B.A. Gustavus Adolphus College
- 5) Retreat and Volunteer Coordinator, Luther Point Bible Camp, Grantsburg, Wisconsin
- 6) Relay for Life, various tutoring and mentoring programs
- 7) 1987
- 8) English

Comments: I graduated from Gustavus Adolphus College with a degree in Psychology and currently work at Luther Point Bible Camp as the Retreat and Volunteer Coordinator. In my free time, I enjoy long walks and enjoying the beautiful natural surroundings of Northwest Wisconsin, and when the weather forces me inside, I enjoy scrapbooking, quilting, baking, cooking, and curling up with a good book. I am very excited and honored to be able to bring a perspective of young adults to Church Council.



Ms. Deborah L. Chenoweth (2013)

Synod 1E Oregon

- 1) Our Redeemer Lutheran Church, Hood River, OR
- 2) 33 yrs. experience in public administration, 15 yrs. as senior level executive; Held church leadership positions in every community I have lived in Ohio, Nebraska, and Oregon; Board member of Soul Café in Hood River since its inception
- 3) Our Redeemer Lutheran Church; past Congregation Council; current Mutual Ministry; Current Oregon Synod Council and Executive Committee; Current Oregon Synod Outreach Committee, Oregon Synod Finance Committee
- 4) B.S., University of Michigan; Graduate course, Portland State University
- 5) Chief of Operations, U.S. Army Corps of Engineers
- 6) Friends of Hood River Library; Nature Conservancy; Habitat for Humanity
- 7) 1951
- 8) English

Comments:



Pr. Rachel L. Connelly (2013)

Synod 9B North Carolina

- 1) Water of Life Lutheran Church, Wilmington, NC
- 2) ELCA mission developer 2000-2004 (member of the College of Developers); ELCA Churchwide Assembly voting member 1995, 1997, 1999
- 3) North Carolina Synod Evangelism Committee 1991-1996 (two years as chairperson); Agape+Kure Beach Camp board of directors 2000-2005
- 4) B.S., Newberry College; M.Div., Lutheran Theological Southern Seminary
- 5) Pastor, Water of Life Lutheran Church
- 6) Goldsboro Area AIDS Interfaith Network, board member 1995-1999; First Fruits Ministry volunteer, homeless feeding 2001-2006; Habitat for Humanity volunteer 2005-2006
- 7) 1963
- 8) English

Comments: In my very blessed and often stressed life, I am wife to Mike who is a High School Science teacher and a coach, mother to Jacob: 14, Jesse: 11, and Faith: 8 and full-time pastor in a new congregation where I served as the developer. I am most passionate about visiting with old friends, meeting new people, and sharing faith stories over coffee or a walk in the park. Although with the "fullness" of my life these days, I yearn to answer the call of Henry David Thoreau to spend more time in the woods where I love to hike and enjoy the tranquil sounds of mountain creeks and the wind blowing in the trees!



Mr. John R. Emery (2013)

Synod 5I East-Central Synod of Wisconsin

- 1) Ascension Lutheran Church, Fond du Lac, WI
- 2) Service on numerous church and community boards and committees.; Extensive involvement in congregational, synodical, and churchwide expressions; Legal training and professional background
- 3) Synod Council 1989-1995, 2005; V.P. 2005; Congregation Council member and officer 1990-1994; Churchwide Assembly voting member 1999, 2005, 2007
- 4) B.S., University of Wisconsin; J.D., University of Wisconsin
- 5) Arbitrator/Mediator/Hearing Examiner, Wisconsin Employment Relations Committee
- 6) Relay for Life team captain; Habitat for Humanity board of directors; Boy Scout leader
- 7) 1956
- 8) English

Comments:



Pr. Amsalu T. Geleta (2015)

Synod 8G Metropolitan Washington D.C.

- 1) St Mark, Springfield, VA
- 2)
- 3) Pastor, St Mark;
Member of Metro DC Synod Associate pastors and Fairfax Conference;
Served on the synod council and churchwide executive committee in Ethiopia
- 4) BTH, Mekane Yesus Theological Seminary; MPHIL, The Norwegian Lutheran School of Theology; MTH, Virginia Theological Seminary
- 5) Associate Pastor and Youth Director; St Mark
- 6) Board member of Fairfax County Early Childhood and Head Start Policy Council;
Board member Northern VA LCM; Board member for Michael
- 7) 1971
- 8) Oromo

Comments:

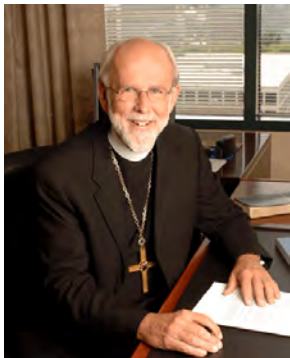


Ms. Karin Graddy (2013)

Synod 5B Northern Illinois

- 1) Salem Evangelical Lutheran Church, Sycamore, IL
- 2) Completion of ELCA candidacy process of preparation as an associate in ministry;
Eleven yrs. of ministry experience with Christian education and family ministry; Five yrs. of experience on Synod staff serving as communication director
- 3) Northern Illinois Synod Professional Leaders Conf. Planning Com., 1999-present;
Northern Illinois Synod Congregational Life Com., 2002-present; ELCA Region 5 Lay Ministers Gathering Planning Com., 2003-2005
- 4) B.A. cum laude, Northern Illinois University; LSTC and SELECT video courses; Cert. Youth Min., Center for Youth Ministries
- 5) Communication Director, Northern Illinois Synod
- 6) Served as Program and Marketing Committee member for LOMC; Guest reader for local elementary school; Started a community play group for moms and toddlers
- 7) 1968
- 8) English

Comments: My husband, Michael, and I have been happily married since 1990. We have three awesome children, Kelan, 13, Malena, 9, and Merrick, 6. I enjoy web design, photography and videography. I run a website devoted to providing visual products to enhance worship. I am honored to serve on the Church Council and serve as Council liaison to the Justice for Women Consultation Committee.



Bp. Mark S. Hanson (2013)

Synod 5A Metropolitan Chicago Synod

- 1) Resurrection, Chicago
- 3) Parish Pastor, 1973-95; Bishop, Saint Paul Area Synod, 1995-2001; Vice Chair, ELCA Conference of Bishops; NCCCUSA Emergency Ministries; Augsburg College Board of Regents; Save the Children Churchwide Initiative; Executive Council, Executive Board, NCCCUSA
- 4) B.A., Augsburg College; M.Div., Union Theological Seminary; Merrill Fellow, Harvard Divinity School
- 5) Presiding Bishop, ELCA, 2001-; President, Lutheran World Federation, 2003-
- 6) President, MN Council of Churches, 1988-2000; Common Board Communities-Archdiocese Housing Corp.
- 7) 1946
- 8) English

Comments: Presiding bishop of the Evangelical Lutheran Church in America and president of the Lutheran World Federation, I am married to Ione Agrimson Hanson. We are the parents of six children and the grandparents of two, Naomi and Kingston.



Mr. Mark S. Helmke (2011)

Synod 4E Southwestern Texas

- 1) MacArthur Park, San Antonio, TX
- 2) Life-long Lutheran with a deep commitment to this church and its mission; Knowledge of structure of ELCA and the issues facing it; Variety of leadership positions over more than 16 years
- 3) Synod Vice President; Churchwide Discipline Committee; Voting member, seven Churchwide Assemblies
- 4) B.A., University of Illinois; J.D., University of Texas School of Law
- 5) Vice President & General Counsel, Tower Life Insurance Co.
- 6) Board of Directors, Lutheran Health Ministries; ELCA Attorneys' Association; Various bar associations
- 7) 1954
- 8) English

Comments: I grew up in Illinois but have been in Texas since I came here for law school in the late '70s. I work for a life and health insurance company in San Antonio in the Legal and Compliance area. My wife, Kathy, and I have been married since June 2008, and our blended family includes four daughters and one son, and one remarkable grandson, with another grandbaby due in December. Two of my passions are Texas Longhorns football and San Antonio Spurs basketball.



Ms. Louise A. Hemstead (2015)

Synod 5L LaCrosse Area

- 1) Bethany Lutheran Church (Sandhill), Cashton, WI
- 2) I am an the C.O.O.,CROPP Cooperative/Organic Valley which is a national organic agricultural cooperative.;
World Business Leadership Forum Attendee - NYC - 2008;
Published Author - on organic agricultural methods - 1998
- 3) Lutheran Campus Ministry Board (Secretary) -LaCrosse Area Synod;
LCM - Building committee Chair (LaCrosse Area Synod);
Bethany Lutheran Church Council - President, Secretary, Financial Secretary
Cashton 3 point Handbell Choir Director
- 4) BS University of Wisconsin - Madison
- 5) Chief Operating Officer; Organic Valley/CROPP Cooperative
- 6) Past-President, School District of LaFarge - School Board;
Member, Wisconsin Specialty Cheese Institute - Board;
Past-Member, Kickapoo Reserve Management Board - Land Committee
Member, Institute of Food Technologists
- 7) 1960
- 8) English

Comments: I am an adopted Lutheran since my marriage in 1985. My husband and I reside on a 160-acre dairy farm in Vernon County Wisconsin and are members at Bethany Lutheran (Sandhill) which is part of the Cashton 3 point parish. We have two children - Kristina & Justin and a wonderful grandson Jenner. As a farmer owner and employee of Organic Valley/CROPP Cooperative, I work to secure a fair wage for organic dairy farmers in the United States. My hobby is to help my husband on our dairy farm, and enjoy first hand the fruits of God's creation.



Mr. William B. Horne II (2015)

Synod 9E Florida-Bahamas

- 1) St. Paul's Lutheran Church, Clearwater, FL
- 2) Served as president of two ELCA congregations;
Synod leadership role as Vice President and Council member;
ELCA Region 9 role as Secretary
- 3) President and Council member, St. Paul's, Clearwater, FL 2003-2005;
Florida-Bahamas Synod Council Member, 2002-2005;
Vice President Florida-Bahamas, 2005-2009;
Consultation Committee, Florida-Bahamas Synod, 2002-2006
- 4) B.S., University of Tulsa; M.A., Pepperdine University;
M.A., Auburn University in Montgomery
- 5) City Manager; City of Clearwater
- 6) Rotary Club of Clearwater, 2001-present;
Morton Plant Mease Health Care Systems, Board of Directors, 2006-12;
United Way of Tampa Bay, Board of Directors, 2004-10
- 7) 1949
- 8) English

Comments:



Pr. Keith A. Hunsinger (2011)

Synod 6D Northwestern Ohio

- 1) St. John Evangelical Lutheran Church, Oak Harbor, OH
- 2) Voting member, three Churchwide Assemblies; Reinartz Scholar, LTSS; Intern Supervisor, Trinity Seminary
- 3) Past Synod Executive Committee; Past Synod Council; Dean, three conferences in two synods
- 4) B.A., University of South Florida; M.Div., Lutheran Theological Southern Seminary
- 5) Senior Pastor; St. John Evangelical Lutheran Church
- 6) Past emergency chaplain, clergy association president, four towns in two synods
- 7) 1952
- 8) English

Comments: Being a member of the Church Council is the extension of a gift of being called to serve as the Spirit sees fit.



Ms. Christina Jackson-Skelton

Synod 5A Metropolitan Chicago Synod

- 1) Joy!, Gurnee, IL
- 2) 12 years with Division for Global Mission, Accountant for Overseas Operations, Assistant Finance Director, Director for Finance
- 3) Member, Assimilation Committee; Children's Ministry Teacher; Worship assistance
- 4) B.A., Concordia College; M.B.A., Thunderbird Graduate School of International Management
- 5) ELCA Treasurer and MIF President
- 7) 1965
- 8) English

Comments: I have served as the treasurer of the ELCA and president of the Mission Investment Fund since 2002. My family and I are members of Joy! Lutheran Church, in Gurnee, Illinois.



Mr. Mark E. Johnson (2013)

Synod 1B Northwest Washington

- 1) Magnolia Lutheran Church, Seattle, WA
- 2) Attorney who listens well, cogently summarizes key points/ identifies possibilities; Actively involved in the worship life of the Church for 40 yrs.; Active in the community, serving on boards of two nonprofit corporations
- 3) Delegate to the Constituting Convention of the Luther League of The ALC; Member of Synod Council, 2002-present, recently re-elected to second term; President of Congregation Council; mbr. of Congregation Council, two terms
- 4) B.A., Trinity College; J.D., University of Oregon School of Law
- 5) Attorney/Partner, Lane Powell PC Attorneys/Counselors
- 6) Board of directors, Residence East Corp. (provides housing/services); Board of directors, LOM/Spiritwood at Pine Lake, assisted living/memory care; Board of Directors, Alpha Supported Living Services (provides housing and services to developmentally disabled, metnally ill and medically fragile).
- 7) 1943
- 8) English

Comments: I am a life-long Lutheran, a graduate of Trinity College in Hartford, Connecticut and the University of Oregon School of Law, a retired Captain in the Coast Guard Reserve and a semi-retired trial lawyer with a concentration in maritime law and work for the London Insurance Market. I am a huge Oregon Duck football fan. I spend a bit of time working, but mostly I do non-profit work for a number of church or other non-profit organizations when I am not pursuing my interest in wine or hacking about a golf course



Pr. Susan Langhauser (2013)

Synod 4B Central States

- 1) Advent Lutheran Church, Olathe, KS
- 2) Member of Congregation Council as lay person 1982-1990; Staff Liaison to International Council of Governors and Chapter Presidents Council; Dean of Conference
- 3) Co-Chaired Local Arrangements Committee for ELCA Churchwide Assembly 1993; First-Call Theological Task Force and Tri-Synodical Educational Steering Com. Chair 1998; Retreat/Seminar Leader and Speaker, "Blessings and Rituals for the Journey of Life"
- 4) B.A., University of Missouri; M.Div. Honors, Pacific Lutheran Theological Sem.
- 5) Pastor, Advent Lutheran Church
- 6) Convener, Blue Valley Ministerial Association; Chaplain, Overland Park Police Department; Chair, Blue Valley Fine Arts Commission
- 7) 1952
- 8) English

Comments: My husband, Roger Gustafson, and I met at seminary, married, and served our internship together. We are currently in our 18th year as co-pastors at Advent on the outskirts of Kansas City. I often lead workshops and seminars that result from my first book, "Blessings and Rituals for the Journey of Life" and I write for the *Akaloo* program. I am a birder, a singer, and enjoy the fine arts. My undergraduate degree was in Speech & Drama.



Pr. Steven 'Steve' P. Loy (2011)

Synod 2E Rocky Mountain

- 1) Peace, Las Cruces, NM
- 2) Pastor in the ELCA, 20 years; Internship Supervisor, 9 years.; Adjunct faculty at Lutheran Theological Seminary at Gettysburg
- 3) Synod Candidacy Committee Chair; Past Board member, DM; Synod Council
- 4) M.Div., Lutheran Theological Seminary at Gettysburg; Ph.D., New Mexico State University
- 5) Pastor; Peace Lutheran Church
- 6) Adjunct faculty, New Mexico State University
- 7) 1960
- 8) English

Comments: I am beginning my 15th year as the pastor of Peace Lutheran Church in Las Cruces, New Mexico. I am married and have two daughters, 17 and 15.



Pr. Heather S. Lubold (2011)

Synod 8B Southwestern Pennsylvania

- 1) Berkeley Hills Lutheran Church, Pittsburgh, PA
- 2) 15 years of ministry serving both small and large congregations, solo and staff
My current call focuses on growing youth and family ministries
Through the bishop's task force, I have recently helped establish new priorities
- 3) Synod Council, past and present
Synod committees; outreach, global mission, ministry, etc.
Voting member to two previous churchwide assemblies.
- 4) B.A., Thiel College; M.DIV., Pittsburg Theological Seminary;
Lutheran Theo. Seminary at Philadelphia
- 5) Pastor; Berkeley Hills Lutheran Church
- 6) Service on various community boards; Senior High Rise, Preschool, Boy Scouts
Service on various boards and task forces of Lutheran agencies
Mission trips; Madagascar, Mississippi /Camp Noah, yearly sr. high mission trips
- 7) 1965
- 8) English

Comments: I have been married to Pastor Paul Lubold for almost 24 years. (We prefer to live together rather than work together.) We have an almost 11 year old daughter, Fiona, and a 6 year old son, Nathan. I love to be with my kids. I love to read. I love to watch the construction going on at my church. Every day is a new and exciting adventure.



Ms. Susan W. McArver (2015)

Synod 9C South Carolina

- 1) Incarnation Lutheran Church, Columbia, SC
- 2) Teaching as a Seminary Professor;
Extensive leadership roles in churchwide and synod;
Daily involvement in faith formation as former DCE, parent of three sons
- 3) ELCA Task Force developing Social Statement on Education;
North American Representative to three LWF consultations;
Chair, Discipleship Team for local congregation
- 4) B.A., Salem College; M.A.R., Lutheran Theological Southern Seminary;
Ph.D., Duke University
- 5) Professor; Lutheran Theological Southern Seminary
- 6) Mission Trip, Hurricane Katrina relief with Lutheran Disaster Response;
Meals on Wheels;
CROP walks for World Hunger
- 7) Year of birth
1955
- 8) Primary language
English

Comments:



Pr. Raymond A. Miller (2015)

Synod 7F Southeastern Pennsylvania

- 1) St. John, Quakertown, PA
- 2) Service as a member of the ELCA Nominating Committee, 2003-present;
Experience with synodical nominating and constitution committees;
Advisory role regarding disciplinary issues
- 3) Secretary, Southeastern Pennsylvania Synod, 1999-present;
Synod Council, Southeastern Pennsylvania Synod, 1993-1999;
Active participant and leader in local clusters, conferences & ministeriums
- 4) B. A., Upsala College; M.Div., Lutheran Theological Seminary at Phila.;
S.T.M., Lutheran Theological Seminary at Phila
- 5) Pastor; St. John's Lutheran Church
- 6) Board member, United Friends (Quaker) School, Quakertown, PA;
Member and former board member, Upper Bucks Kiwanis;
Local political campaign volunteer
- 7) 1953
- 8) English

Comments: I am married to Pr. Serena Sellers, Assistant to the Bishop, Southeastern Pennsylvania Synod. We have a son and two daughters. We recently bought a 100-year old Victorian home into which we are preparing to move. This year I completed training as a facilitator for the "Creating a Culture of Peace" program. I enjoy reading, music, yoga, travel, and Phillies baseball. This year I am also learning Spanish and piano. Hable con me in espanol.



Mr. John S. Munday (2013)

Synod 3G Minneapolis Area

- 1) Our Saviour's Lutheran Church, East Bethel, MN
- 2) Leadership in bereavement support groups for 25 yrs.; A global perspective based upon 20 yrs. of Third World involvement; A full understanding of today's technical world as a patent attorney
- 3) Minneapolis Area Synod Council 2003-2006 and Executive Com. 2005-2006; ELCA Churchwide Assembly voting member 2005 and 2007; PC(U.S.A.) Task Force on Central America 1986-1990
- 4) B.S., Purdue University; J.D., DePaul University; M.T., Princeton Theological Seminary
- 5) Intellectual Property Lawyer and Writer, self-employed attorney and author
- 6) Founding president of Habitat for Humanity Affiliate, Berlin, Md.; Co-Founder, Compassionate Friends Chapter, Delaware County, Pa.; Charter board member of Romero Interfaith Center, Philadelphia, Pa.
- 7) 1940
- 8) English

Comments: I write a column for two local newspapers titled "The Path To Healing," a result of twenty-five years of grief work after the murder of my wife's daughter Marlys in 1979. The story is told in my book, Justice For Marlys (University of Minnesota Press, Paper 2006) We live on 14 acres in the woods (in a house actually) about 40 miles north of the twin cities, on one of 167 lakes in Minnesota named Long Lake.



Mr. Mark W. Myers (2013)

Synod 2D Grand Canyon

- 1) The Lakes Lutheran Church, Las Vegas, NV
- 2) I have served as conference representative on the Synod Council, five years; I have spoken to each head pastor in our conference and have strong understanding; On Synod Council I helped with healing after resignation of bishop
- 3) President of Congregation Council, The Lakes, Las Vegas; Currently on Synod Council, Colorado River Conference Representative; Currently serving as an assisting minister in my congregation
- 4) B.S., University of New York; M.B.A., Canisius College
- 5) Real Estate Agent, self employed, RE/MAX One
- 6) Pres., V.P., Sec. and Treas. for local Rotary Club; Council Advancement Chair for the Boy Scouts, 5½ yrs.; Active in Boy Scouts of America as adult leader, 14 yrs.
- 7) 1953
- 8) English

Comments:



Ms. Ann F. Niedringhaus (2011)

Synod 3E Northeastern Minnesota

- 1) First, Duluth, MN
- 2) Experience in policy development and planning; Skills in finance, budgeting and fund development; Experience with people with disabilities, diverse cultural backgrounds
- 3) Congregation Stewardship Board, Chair; Congregation Strategic Planning Committee, Co-Chair; Past Congregation President and Vice President
- 4) B.S.N., St. Olaf College; M.S.W., University of Minnesota, Duluth
- 5) Retired social worker/education for teen mothers.
- 6) Board, Holden Village; Board of Trustees, Foundation, 7 years, Chair; Board and Past Vice President, Lutheran Social Services of MN
- 7) 1943
- 8) English

Comments: My deepest life and faith lessons have come from parenting two daughters with disabilities, providing a home for a Namibian student during her college years, and traveling to see the church in action in Central America in the 80's and Namibia in the 90's. Recently I have been blessed through the experience of co-coordinating poetry writing groups in the St. Louis County Jail.



Pr. Pablo Obregón (2013)

Synod 3F Southwestern Minnesota

- 1) Paz y Esperanza, Willmar, MN
- 2) Have a passion for the long-term vision of the ELCA; The Church is a wonderful place of empowerment, healing and reconciliation; Represent both rural America and multicultural presence in the larger church
- 3) Past Assistant to the Director, Latin America Region, Global Mission; Past member of ELCA board for Church in Society; Past Coordinator for Hispanic Ministries, Southwestern Minnesota Synod
- 4) Biblical Study, Luther Bible Institute; M.Div., Luther Seminary; Universidad San Martin De Porres
- 5) Chaplain, Bethesda Health and Housing
- 6) Member of Shelter House board of directors, present; YMCA Kandiyohi, board of directors, past; Human Rights Commission, City of Willmar, past
- 7) 1965
- 8) Spanish

Comments:

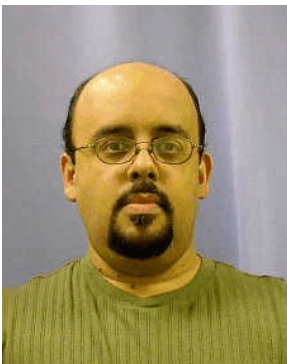


Mr. Carlos E. Peña

Synod 4F Texas-Louisiana Gulf Coast

- 1) First, Galveston, TX
- 2) Experience of having served on the ELCA Church Council; Attended many synod assemblies and two Churchwide Assemblies; Worked with a broad base of people in church and community
- 3) Chair, ELCA Churchwide Nominating Committee; Past Synodical Vice President; ELCA Church Council, 1993-99; Church Council Executive Committee; Chair, Synodical Multicultural Board; Congregation President, Vice President, and various committee chairs
- 4) B.A., University of Houston
- 5) Kleen Supply Co., owner
- 6) Past President, Historical Foundation; Vice Chair, Christus Health Care Regional Governing Board; Director, Texas First Bank; Vice President, Galveston Independent School District Educational Foundation; Director, Rotary Club of Galveston
- 7) 1953
- 8) English

Comments: I currently own a cleaning supply business on Galveston Island off the coast of Texas, where I also live with my wife, Diane, two cats, and dog. I like to jog and have run in several marathons. I enjoy cooking and reading murder mysteries. I am a member of the Houston Musician's Union and play trombone professionally.



Mr. Ivan A. Perez (2015)

Synod 5A Metropolitan Chicago

- 1) Trinidad, Chicago, IL
- 2) Synod Council Executive Committee, Metropolitan Chicago; Board of Directors, Crossroads Antiracism Organizing & Training; Co-chair, Metropolitan Chicago Synod Antiracism Team
- 3) Congregation Council President, Trinidad Lutheran Church; ELCA National Youth Gathering Synod Coordinator, Metropolitan Chicago; Call Committee Chair, Trinidad Lutheran Church
- 4) BFA, Harrington College of Design; MBA, North Park University
- 5) Project Analyst; CNA Insurance
- 6) Board of Directors, Harrington College of Design Alumni Association; US Census Enumerator; Board of Directors, Spanish Action Committee of Chicago
- 7) 1968
- 8) English

Comments: Born in Puerto Rico and raised in Chicago. I am the proud husband of Victoria Alvarez, a civil engineer from Colombia. We are adapting to life as parents having welcomed our first son, Nicolás, two months ago. Professionally, I am a non-practicing Interior Architect currently working as an IT project analyst. I serve the Church as an antiracism organizer and trainer. In my spare time I enjoy reading comic books, playing fantasy baseball/football and studying baseball history. I am also a huge couch potato. I own upwards of 12k comic books and I worked the electronic scoreboard at Wrigley Field.



Ms. Lynette M. Reitz (2011)

Synod 8E Upper Susquehanna

- 1) St. John's, Watson town, PA
- 2) Previous synod council experience; Education and experience as a social worker; Desire to help and empower others
- 3) Synod Council; Synod Church and Society Committee; Staff, Camp Mount Luther and Camp Nawakwa
- 4) B.S., Indiana University of PA; M.S.W., University of Chicago; Ph.D., Marywood University
- 5) Associate Professor; Lock Haven University of PA
- 6) National Association of Social Workers; Council on Social Work Education; Junior Woman's Club
- 7) 1963
- 8) English

Comments: I am the proud mother of two adopted daughters who are so different, but complement each other in so many ways. Through them I have become the voice of the Muncy High School marching band and have traveled to New York, New Jersey, Maryland, and Delaware to watch and cheer for my youngest daughter who dances competitively. I love to go to Penn State football games with my husband--Go PSU! When I have a little time to myself, I enjoy doing word searches, playing card or word games with my mother, or curling up with a good book in front of the fireplace.



Ms. Sandra Schlesinger (2011)

Synod 6B North/West Lower Michigan

- 1) Trinity, Midland, MI
- 2) Lifelong Lutheran; serving as Church Council advisor to ELCA Task Force on Genetics
- 3) Confirmation Teacher - 9 years; Adult Advisor - LYO and Trinity Teens (middle school); Youth Treasurer, Assistant Minister, Cantor, Member of Chancel Choir; currently serving as Council Vice-Chair
- 4) B.A. in Chemistry - St. Olaf College
- 5) Technical Leader - Analytical Sciences, The Dow Chemical Company
- 6) Past Treasurer and Advancement Chair - Boy Scout Troop 767; Parent volunteer at multiple schools
- 7) 1962
- 8) English

Comments:



Pr. Michael J. Schmidt (2015)

Synod 5E Western Iowa

- 1) Our Savior's Lutheran Church, Sioux City, IA
- 2) Serving as pastor in a multicultural/ bilingual community of faith;
Being a middle child of 11 siblings has taught me when to listen and to speak;
Member of the Outreach Committee, Western Iowa Synod
- 3) Voting Member of the 2007 Churchwide Assembly;
Member of the Western Iowa Synod Council, 2007-present;
Serving as chair of the Assembly Business and Council Committee, 2006-present
- 4) B.A., Iowa State University; M.S.M., Luther Seminary;
M. Div., Luther Seminary
- 5) Pastor; Our Savior's Lutheran Church
- 6) Member of the Jones Street Triangle Neighborhood Network, Sioux City, IA;
Member of the Continuum of Care, working to eradicate homelessness in Sioux City
Member of the Siouxland Human Investment Partnership's Action Team
- 7) 1974
- 8) English

Comments:



Mr. Blaire P. Smith (2015)

Synod 8A Northwestern Pennsylvania

- 1) Luther Memorial, Erie, PA
- 2) Ecumenical Semester at Washington DC Lutheran House of Studies;
Ethics committee at CPE residency and with hospice;
Past manager/steward of both private hotels and pastoral care offices
- 3) NW OH congregational (Zion, Republic) rep. to synod 03-05;
Student Association and Dean hiring committee Rep. at Gettysburg Seminary, 04-05
Service on Visitation team and stewardship committee at Luther Memorial
- 4) B.S., Heidelberg College, Tiffin, OH; M.A.M.S, Lutheran Theological Seminary
Gettysburg; Residency, Western Maryland Health System
- 5) Spiritual Care and Bereavement Coordinator; Asera Care Hospice of Golden Living I
- 6) Created a lead support groups and bereavement memorials for hospice within Erie;
Serve with Erie Lutheran Youth in joint church groups such as Faith in the City;
Help with Pastoral Care in Erie Trauma Hospital and V.A. Medical Center
- 7) 1980
- 8) English

Comments:



Pr. Jeff B. Sorenson (2011)

Synod 3C South Dakota

- 1) Messiah New Hope, Sioux Falls, SD
- 2) Mission plan oversight and Money for Mission Task Force; “Bridgebuilder” consultant & “Healthy Congregations” facilitator; Pastor/developer of one new congregation, currently redeveloping another yet
- 3) Walking with Companion Synod churches; Teaching pastoral ethics, confessions, preaching; Past Synod World & American Missions Board Chair
- 4) B.S., North Dakota State Univ.; M.Div., Luther Seminary; D.Min., Luther Seminary
- 5) Pastor, Messiah New Hope
- 6) Member of School Board; Coach, youth sports; Youth Mentor, Big Brother & foster parent
- 7) 1953
- 8) English

Comments: I most enjoy asking the missional questions, pushing the envelope, asking what God is up to in the world - and how we can be part of it. I believe that God has great things in store for the future of our ELCA - if we will have our ears on, our minds open and our courage up!



Mr. David D. Swartling (2013)

Synod 5A Metropolitan Chicago Synod

- 1) St. Luke’s, Park Ridge, Illinois
- 3) Congregational president; Northwest Washington Synod, vice president; Region 1 Council, chairperson; ELCA Foundation, chairman of the board; ELCA Board of Pensions, trustee
- 4) B.A., Princeton University; J.D. University of Washington
- 5) Secretary, ELCA, 2007-present; Litigation attorney, 1976-2007; U.S. Naval officer, 1969-1973
- 7) 1947
- 8) English

Comments:



Pr. Kathryn A. Tiede (2015)

Synod 3H Saint Paul Area

- 1) Living Waters Lutheran, Lino Lakes, MN
- 2) National Council of Christians and Jews, Seminarians Interacting program;
Theological study in Costa Rica (Seminario Biblico Latinoamericano and UNA);
Mother of four young children, and therefore able to handle conflict!
- 3) Chair, Diocesan Hispanic Ministries Committee, Episcopal Diocese of Upper SC;
Member, Hispanic/Latino Outreach Team, SC Synod ELCA;
Ordained calls in both Episcopal and Lutheran parishes
- 4) B.A., Macalester College; M. Div., Harvard Divinity School;
STM, Lutheran Theological Southern Seminary
- 5) Senior Pastor; Living Waters Lutheran Church
- 6) PTA volunteer/ Spanish teacher;
Girl Scout troop/ assisting parent;
Organizer: Alianza para Colaboracion en la Comunidad Hispana, Greenville, SC
- 7) 1968
- 8) English

Comments: I love to run and swim, and recently have tried a few triathlons! I am rediscovering an old love for canoeing and camping, and am teaching those things to my children, as well. I am deeply grateful to God for the richness and bounty of my life



Mr. David Truland (2011)

Synod7D Upstate New York

- 1) Faith, Troy, NY
- 2) Broad interest in "church," including a sense of call for involvement; Ecumenical, through worship (trumpet) and public policy activities; Training as an attorney to evaluate matters thoroughly and rationally
- 3) Synod Council, 7 years, and Executive Committee, 5 years; Participant, Consultations in Chicago and Philadelphia; Voting member, 2003 Churchwide Assembly and observer, 2005 Churchwide Assembly
- 4) B.S., Hartwick College; J.D., Albany Law School; Masters courses, College of St. Rose
- 5) Attorney, Family Court Law Guardian; Self-employed
- 6) Assist with public school music activities; Educational program for foster parents and Head Start Program; Nonprofit Web Advocacy
- 7) 1955
- 8) English

Comments: Former music teacher who now practices law as law guardian and assigned counsel in a New York State Family Court. Married, with one daughter in college and one in Middle School. Vice President of the Upstate New York Synod.



Pr. Philip R. Wold (2013)

Synod 1F Montana

- 1) Trinity Lutheran Church, Sheridan, WY
- 2) Pastor, Trinity Lutheran Church, Sheridan, WY 2006-present;
Pastor, Gloria Dei Lutheran Church, Butte, MT 1993-2006;
Associate/Youth Pastor, St. Philips Lutheran Church, Hastings, MN 1987-1993
- 3) Synod Nominating Committee; Synod Council; Synod Mission Interpreter
- 4) B.A., Luther College; M. Div., Luther Seminary
- 5) Pastor; Trinity Lutheran Church
- 6) Hospice Chaplain, Sheridan, WY
Board of Directors - Heritage Towers - Low Income housing for elderly
- 7) 1960
- 8) English

Comments: My wife, Laura, and I met at Luther College. We were married in 1983. Laura is a veterinarian. Our two children, Susan (1998) and David (2001), were adopted through Lutheran Social Services of Montana. We enjoy hiking and many other outdoor activities in Wyoming and Montana.

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