

Virtual Meetings, Part 2—Special Procedures for Calling a Pastor, Mortgage, Purchase, or Sale of Property, Changing Bylaws In Congregational Meetings

As the pandemic situation continues and in-person meetings are not practical for some of our congregations, churches continue to move forward virtually with God's work. At times, churches need to hold congregational meetings according to the Book of Order and/or their bylaws. In most cases, unofficial congregational meetings may be conducted virtually with the adoption of special standing rules, with the understanding that the acts will be later ratified. Examples would include, in most cases, the election of new deacons or a minor change to the pastor's terms of call.

However, several churches have found it necessary to call pastors or to engage in property decisions, both of which require particular care in following the Book of Order and other applicable rules. Churches have asked me as well about changing church bylaws in a virtual meeting. As the number of churches requesting this guidance continues to increase I am making it available to all. I am assuming in all of the following comments that a church's bylaws do not authorize electronic meetings for a congregation.

Changing By-Laws

Several churches have asked about changing their by-laws via a virtual congregational meeting to authorize virtual meetings as RONR p. 99 requires. Understand that this is a proverbial "catch-22" scenario because the virtual meeting to authorize virtual meetings would itself be unauthorized. The bylaws can only be changed at an in-person meeting unless the bylaws already, prior to the meeting, authorize a virtual or electronic meeting. However, there is a work-around described below.

Administrative Commissions

The Stated Clerk of the General Assembly, J. Herbert Nelson, has suggested that a Session appoint an Administrative Commission to act upon necessary business, pursuant to G-3.0109b. The Book of Order lists purposes for which an A.C. might be created, but specifies that the A.C. has authority to act in matters "including but not limited to" specified situations. Congregations and Sessions may balk at the notion of an A.C. because they are usually used in the situation of church disfunction or a difficult situation. However, in this situation, I would advise the session or congregation that the difficult situation making the A.C. necessary at this time is not in the congregation but in society at large, and that the use of an A.C. pursuant to the above-cited provision has been utilized by several congregations within the Presbytery and throughout the denomination. Furthermore, you are appointing an administrative commission with a very limited task: "to act pursuant to votes taken at meetings of the congregation conducted virtually due to COVID-19," not to "take over" the church.¹

The A.C. is appointed by the Session, and, unless the Session's administrative manual already authorizes electronic meetings, the Session meeting is held in person to authorize the A.C. In order to ensure all of the Session are able to be present, social distancing should be used for the in-person Session meeting.²

¹ You may even want to make the purpose of the A.C. more specific to the situation, adding a clause such as "to call a pastor" or "to secure a mortgage."

² For example, the meeting could be held in the church parking lot or sanctuary with Session members encouraged to wear masks and sit at a distance.

The members of the A.C. include: "at least two ruling elders, and a Minister of the Word and Sacrament in an installed or temporary relationship with the congregation governed by that session or a commissioned pastor [CRE]." Furthermore:

- In the case of the mortgaging, buying, or selling of real property, the A.C. shall be constituted of the same individuals as serve on the Board of Trustees, with addition of the pastor, since "in buying, selling, or mortgaging real property, the Trustees shall act only after the approval of the congregation..." G-4.0101.
- In the case of calling a pastor, the A.C. shall be constituted of the same individuals as serve on the Pastor/Associate Pastor/Co-Pastor Nominating Committee (plus the pastor/Minister of Word and Sacrament), so that the P.N.C. may prosecute the call at the Presbytery level.

Virtual Congregational Meeting and Voting

Even though the A.C. is created, in this suggested procedure, a virtual congregational meeting is still held. Not only does this allow everyone's voice to be heard on the matter, and, in the case of calling a pastor, allow the congregation to meet the individual, but the virtual meeting also will assist in defending the process should it ever be called into question.

The call to the virtual meeting should be shared with the congregation with additional notice, especially if the congregation is not used to meeting virtually. In my opinion, there should be snail mail as well as email notice, and every care should be taken to allow time for people to determine how they will participate. The snail mailing should give specific and detailed directions for the meeting, including calling in, and how to vote (I would recommend using the polling feature plus an email or phone-in option for those who were dialing in). I would recommend a "practice" meeting one week before the actual meeting for members to check and make sure they know how to speak, vote, etc., particularly for dial-in participants, and to fix any technical issues.

Most congregations traditionally vote for the pastor by ballot. The pastor is an officer of the church; RONR p. 438-39 requires that

While some form of election by ballot is generally appropriate in organized societies, each assembly should adopt—and each society should prescribe in its bylaws—the procedure best suited to its purposes and needs...In the absence of a rule establishing the method of voting, the rule that is established by custom, if any, should be followed, unless the assembly...agrees to do otherwise.

Therefore, the church should check its bylaws to see whether an election by ballot is required. If so, I interpret the ballot requirement to encompass a virtual ballot, such as a polling feature set to "anonymous."³ The polling feature on commonly used platforms is quite easily set up and utilized and leaves little room for doubt as to the result, as all participants can see it on their screens. As an alternative, if the method of voting is not specified in the church's bylaws or other rules and there is some reason not to use paper balloting, a motion could be entertained for a vote by common consent or acclamation.

³ Note that the General Assembly has been using an electronic voting method for some time.

I would recommend in this instance that those without a computer have adequate time during or at the close of the meeting to submit a vote via: 1) email to the church office using their own or a relative/friend's account, 2) phone in to the church office. Some congregations are having a half-hour break, for instance, for dial-in users to submit their vote. I would not use mail-in paper ballots as the following issues may develop: (1) an increased possibility of something getting lost in the mail versus email; (2) time delays; (3) a paper ballot does not allow for the kind of discussion envisioned by Robert's Rules and our process, i.e. the motion is actually sent before it is even made, there is no room for amendment of the motion, etc.

When safety concerns make it possible, the congregation may ratify the previous unofficial decision.

These policies may be adapted for a "hybrid" meeting as well, where some participants are in-person and others virtual. Note that in order for the virtual and in-person participants to have the same level of access to discussion and debate, a hybrid meeting, by most accounts, involves more of an investment of time and energy and more technical expertise than a virtual or in-person meeting. In one Presbytery, for instance, hybrid meetings are conducted by having screens in the building onto which the virtual participants' Zoom screens are projected. Care must be taken to ensure the audio works equally well for the virtual and in-person participants in this situation. The overall goal is to ensure that all have access to participation in the process.

Grace and peace,

Marianne Grano, Stated Clerk