

## APPENDIX D

### COMMON QUESTIONS FROM CLERKS OF SESSION

1. *May a Ruling Elder who is not presently serving on the session of the church of which he is a member (due to his rotating off active service on the session in a church with a rotating system of officers) serve on a Presbytery or General Assembly committee or commission?*

"Dr. Taylor, Stated Clerk's Response: Yes. In such a case the Ruling Elder is still ordained; he did not lose his ordination when he rotated off the session. He is still an elder though not presently a member of the session. His situation would be similar to a Teaching Elder without a call or a Ruling Elder Emeritus (*BCO* 24-9). He would be eligible to serve on a Presbytery or General Assembly committee or commission in the service of the higher court.

2. *May a Ruling Elder who was ordained in one church and subsequently joins another church, but is not elected to the session of the second church serve as a commissioner to Presbytery or General Assembly representing the second church?*

"Dr. Taylor, Stated Clerk's Response: No. Ruling Elder commissioners to Presbytery and General Assembly represent the congregations and Sessions of which they are members (*BCO* 13-3, 14-2). A basic principle of our polity is that the congregation has the right to elect their representative leaders (*BCO*, Preface, Preliminary Principles, II-6). If a congregation has not elected a Ruling Elder to serve on its particular session, that Ruling Elder is not a representative of that particular church and may not represent the particular church in the service of the particular church as a commissioner to a higher court."

The CCB concurred with Dr. Taylor's advice on both questions. So, your questions have been considered by the CCB.

The Committee on Constitutional Business gives advice to the Stated Clerk upon request. I have received questions regarding the status of Ruling Elders Emeritus. I have asked the advice of the CCB regarding my opinions on the matter. On April 5, 2004, I asked the advice of the CCB on two questions regarding elders emeritus.

3. *Does the BCO permit Sessions to give final approval for the annual church budget?*

One of the changes made in the PCA *Book of Church Order* from the old PCUS book is that under the PCA *BCO* the session, not the congregation, approves and adopts the budget (*BCO* 12-5 b.). Under our current *BCO*, there is no need to call a congregational meeting to get the congregation to approve and adopt the budget.

#### 4. *May the moderator vote in a Session meeting?*

*The Book of Church Order* does not explicitly specify whether or not the moderator of the session may vote in a session meeting. The *BCO* does state that the pastor is a member of the session along with the associate pastors and ruling elders (*BCO* 12-1). The pastor, by virtue of his office is the moderator of the session (*BCO* 12-2). All members of the session have the right to vote. As a member of the session, the pastor has a right to vote.

Most sessions follow *Roberts Rules of Order Newly Revised* as a secondary parliamentary authority (if there are no standing rules adopted by the session) or as a tertiary authority (if there are standing rules adopted by the session). *Roberts Rules of Order* states:

- If the presiding officer is member of the assembly, he can vote when the vote is by ballot (see also p. 400). In all other cases the presiding officer, if a member of the assembly, can (but is not obliged to) vote whenever his vote will affect the result – that is, he can vote either to break or cause a tie; or in a case where a two-thirds vote is required, he can vote either to cause or to block the attainment of the necessary two-thirds (*RONR* [10<sup>th</sup> ed.] p. 393, l. 18-25).
- The presiding officer, if a member of the assembly, can always vote in the case of a ballot at the time other members do. Should he fail to vote before the polls are closed, he cannot then do so without the permission of the assembly (*RONR* [10<sup>th</sup> ed.] p. 400, l. 25-28).
- **PROCEDURE IN SMALL BOARDS.** In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such a meeting are different from the rules that hold at other assemblies in the following respects (*RONR* [10<sup>th</sup> ed.] p. 470, l. 17-22). . . . The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he can make motions and usually votes on all questions (*RONR* [10<sup>th</sup> ed.] p. 47, l. 7-11).

If the moderator of the session is someone other than the pastor of that particular church, for example, an assistant pastor moderating under *BCO* 12-4, or a minister of the same presbytery moderating under *BCO* 12-2; 12-3, he may *not* vote because he is not already a member of that session (an associate pastor or ruling elder) elected by that congregation to govern it (*BCO*, Preface, II. Preliminary Principles, 2, 6).

5. *What role does Robert's Rules of Order play in our parliamentary authority?*

The General Assembly, presbyteries and sessions have the following hierarchy of parliamentary authorities: (1) the PCA Constitution (*Westminster Standards, BCO*), (2) Standing Rules (in the case of the Assembly, the “Rules of Assembly Operation”), and (3) *Robert's Rules of Order*. The Constitution is the primary authority, the Standing Rules are the secondary authority, and *RRO* is the tertiary authority. It is nowhere stated that *RRO* supersedes the Constitution.

6. *When does a church member have access to a session's minutes?*

References to church members' access to minutes are in *BCO* 10-4 and 12-7, and yet neither of those references settles the issue of whether a church member may have access to session minutes, other than to extracts from the minutes “whenever properly required” (*BCO* 10-4). A session may adopt a standing rule that supersedes and is different from *RRO*, but not contrary to the *BCO*. If the standing rules of a session do not address the issue, then *Robert's Rules of Order*, Chapter XV, Section 47, page 444, Tenth Edition, should be consulted: “Any member [of a society] has a right to examine the minutes of the society at a reasonable time and place, but this privilege must not be abused to the annoyance of the secretary. The same principle applies to the minutes of the boards and committees, their records being accessible to members of the boards and committees but to no other.” If a person is denied an “extract” of the session minutes by the session, under (*BCO* 10-4), a complaint could be taken to presbytery and if denied by presbytery, could be filed with the Standing Judicial Commission of the General Assembly.

7. *What are the proper procedures for rescinding, repealing or annulling actions of a previous Session meeting?*

A motion to reconsider an action would be out of order if it were made by someone who voted with the minority: “The motion can be made by any member of the committee who *did not vote with the losing side*; or, in other words, the maker of the motion to *Reconsider* can be one who voted with the prevailing side, or one who did not vote at all, or even was absent” (*Robert's Rules of Order*, 10<sup>th</sup> ed. §37). At a later meeting, however, a person who voted in the minority may make a motion to rescind a previous action...In contrast to the case of the motion to *Reconsider*, there is no time limit on making these motions after the adoption of the measure to which they are applied, and they can be moved by any member, regardless of how he voted on the original question.” It would, however, require an affirmative vote of a majority of the entire membership to pass. Moreover, there are limitations on what may be rescinded (*RRO*, 10<sup>th</sup> ed. §35). In short, anyone can make the motion to rescind regardless of how he voted on the matter at the previous meeting. It must be seconded. It is debatable. If no prior notice is given, or if there is no statement of the

intention of making the motion given in the call of the meeting, a two-thirds vote is needed to pass the motion. If prior notice is given, or if there is a statement of the intention of making the motion given in the call of the meeting, a simple majority vote is needed to pass the motion.

8. *How are we to understand BCO 38-3, 4?*

*BCO 38-3, 4* allows for a member to withdraw his membership from a church. Both sections also indicate that the session should seek to work pastorally with the member before acceding to the request. If pastoral efforts do not persuade the member, then the session should take no further action but erase his name from the roll and record the circumstances in the minutes. If there are no charges pending or judicial process already begun, the session cannot begin judicial process after receiving the request to withdraw. If a judicial process had already begun, then the session could either erase the name or proceed with and conclude judicial process even in the member's absence. With regard to dealing with a spouse who desires to withdraw while the other spouse does not, the session has to treat the request on its own merit, not as a family issue (of course, pastoral care should be attempted as mentioned above).