

This overture is the outworking of my year on our Committee on Constitutional Business (CCB). At that meeting we received a non-judicial inquiry which is essentially a question that seeks our pious advice in written form. The answers that the CCB provides to any and all matters is *non-binding*.

The basic question asked to the CCB was *must* sessions submit congregational meeting minutes along with their own meeting minutes to Presbytery? While the answer to this might seem simple, our committee could not prove via the existing rules of our constitution (namely the BCO) that this was required. It was only via my argumentation found in the whereas clauses of the overture that we could answer that it was *implicitly clear*. However, there are many reasons why this should be explicitly required. I will only list three: 1) congregational meetings are used to elect pastors as well as let them go, 2) these meetings are used for the election of church officers, and 3) the meetings handle extremely important votes such as to leave the PCA.

Requiring these minutes be submitted to the Presbytery is an important way for Presbyteries to rightfully review if the Session and congregation of a local church are following the BCO. These minutes could help protect a congregation from a Session that doesn't follow the BCO. They could also protect (in a certain sense) a Session from a congregation that decides it does not want to follow the BCO.

The arguments for this overture cite one such example in which the Standing Judicial Commission (SJC) ruled a complaint out of order on *procedural grounds* only to then say that the Presbytery could potentially rectify the situation by review of congregational meeting minutes. However, if submitting these minutes are not required by our constitution the Presbytery may not have a basis for receiving or reading them (though they could be required by a Presbytery's Standing Rules). Investigations into whether the meeting was proper or not could be obscured. This overture seeks to fix that by amending three sections of the BCO pertaining to congregational meetings and the "record" of the Session that is submitted to the Presbytery.

These amendments were circulated to the new chair of CCB, TE Jason Piland, as well as the author of the original non-judicial inquiry, TE Jacob Gerber, and both found them to be satisfactory for taking what the CCB found *implicitly clear* and making it explicit.

**Whereas**, BCO 25-11 requires church bylaws to conform to the constitution of the PCA; and

**Whereas**, congregational meetings must be conducted in conformity to our constitution (BCO 25); and

**Whereas**, church congregations make important decisions in congregational meetings including elections of officers and pastors (BCO 21 and 24); and

**Whereas**, the Committee on Constitutional Business received a non-judicial reference requesting guidance on whether congregational meeting minutes are required to be submitted to presbyteries; and

**Whereas**, the Committee on Constitutional Business could only answer by saying “it is *clear by implication* that such records must be maintained” [emphasis added] with regards to congregational meeting minutes; and

**Whereas**, the Constitutional definition of “records” does not explicitly include congregational meeting minutes; and

**Whereas**, the Standing Judicial Commission in Case No. 2021-12 Complaint of Christian Michelson and Stuart Michelson v. Northwest Georgia Presbytery has stated that a “Presbytery could take note of a Constitutional deficiency in a congregational meeting in their review of the records of the Session (note BCO 25-5, last sentence and BCO 13-9(b))” (M49GA (2022), 822–825, 823); and

**Whereas**, it would benefit sessions and presbyteries to make this practice explicit;

**Therefore, be it resolved** that BCO 13-9(b) and 25-5 be amended by adding language as follows (underlining for additions, ~~strike through~~ for deletions):

**12-7.** Every Session shall keep an accurate record of its proceedings and the proceedings of congregational meetings, which record shall be submitted at least once in every year to the inspection of the Presbytery.

**13-9(b).** To review the records of church Sessions (including minutes of congregational meetings), redress whatever they may have done contrary to order and take effectual care that they observe the Constitution of the Church;

**25-5.** A clerk shall be elected by the congregation to serve at that meeting or for a definite period, whose duty shall be to keep correct minutes of the proceedings and of all business transacted and to preserve these minutes in a permanent form, after they have been attested by the moderator and the clerk of the meeting. He shall also send a copy

of these minutes to the Session of the church to be included in the record of the church Session.

So that the amended paragraphs would read,

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