

Advisory Opinion

Church in an Emergency/Pandemic

Events in early 2020 around Covid-19 (coronavirus) have prompted some congregations to voluntarily close for worship. As the governmental responses shift from hour-to-hour, it is possible that congregations and mid councils will find themselves within governmentally required containment zones within which the government requires that all businesses, schools, and places of worship close for a particular time.

Questions about ongoing congregational mission and ministry arise.

May a congregation or council take actions to prepare for decision-making as needed under emergency circumstances such as a natural disaster or a public health order forbidding social gathering?

Yes.

May a congregation hold a congregational meeting electronically or virtually?

Yes. A congregation may provide by rule for the meeting of a congregation by electronic or virtual means. The rule needs to be adopted as an amendment to the congregation's bylaws prior to implementation. The congregation should make sure that all members who are available as a quorum are able to participate in the discussion and vote. A congregation may provide by rule for a quorum for the meeting.

An example of such a rule is:

The congregation may meet by electronic means if all members have reasonable notice of the electronic meeting and the ability to discuss and vote on business items. The quorum for such a meeting is [x] members.

May a session hold a meeting electronically or virtually?

Yes. A session may provide by rule for the meeting of the session by electronic or virtual means. The rule needs to be included in the congregation's bylaws or the session's manual of administrative operations. The session should make sure that all session members who are available as a quorum are able to participate in the discussion and vote. A session may provide by rule for a quorum for the meeting.

An example of such a rule is:

The session may meet by electronic means if all active elders have reasonable notice of the electronic meeting and the ability to discuss, deliberate, and discern the will of God and vote on business items. The quorum for such a meeting is [x] active elders or at least two active elders and one moderator, temporary or called.

If it is not possible for a congregation or session to meet electronically or virtually, how can the congregation or session take actions?

It is also constitutional for a congregation or council to provide by rule in its bylaws and/or manual of administrative operations for the appointment of an administrative commission as might be needed for the congregation or council to function under emergency circumstances such as a natural disaster or a public health order forbidding social gatherings (Authoritative Interpretation, *Minutes*, 2010, Part I, pp. 331–33, Item 05-13).

The rule should take into account the responsibility of the council and congregation to give “full expression to the rich diversity of the church’s membership and ... provide for full participation and access to representation in decision-making and employment practices” (*Book of Order*, G-3.0103).

A council may approve a group of members as the core membership of an administrative commission if it annually reviews the composition of that group for its representational sufficiency and by recorded action augments it as needed in order that the administrative commission can more truly act as and for the council.

This rule should be clear as to the type of emergency or order that triggers the rule and should have a definite ending point for the administrative commission.

Any rule that appoints an administrative commission should be clear as to the powers that the congregation or council has delegated to the administrative commission.

An example of such a rule is:

In the event of an emergency or public health order forbidding social gatherings, the session has appointed an administrative commission made up of one teaching elder moderator, either temporary or called, and two active elders. These appointed members of the administrative commission will be reviewed annually. The administrative commission will have the full power of the session [and the trustees] and may take action acting as the session [and trustees]. In the event that the session is able to hold a duly called special meeting with reasonable notice and quorum, either in person or by electronic means, the administrative commission will cease its work and the session will resume its powers.

May a presbytery hold a meeting electronically or virtually?

Yes. A presbytery may provide by rule for the meeting of the presbytery by electronic or virtual means. The rule needs to be included in the presbytery's manual of administrative operations. The presbytery should make sure that all presbytery members and commissioners who are available as a quorum are able to participate in the discussion and vote. A presbytery may provide by rule for a quorum for the meeting but not fewer than three ministers of the Word and Sacrament who are members of the presbytery and three ruling elder commissioners from three different congregations.

An example of such a rule is:

The presbytery may meet by electronic means if all ministers of Word and Sacrament members and ruling elder commissioners have reasonable notice of the electronic meeting and the ability to discuss, deliberate, discern the will of God, and vote on business items. The quorum for such a meeting is [x] minister members and [x] ruling elder commissioners, or at least three ministers of Word and Sacrament and three ruling elder commissioners from three different congregations.

What if the congregation or session does not have a rule that provides for a meeting by electronic or virtual means?

A couple of things could happen:

1. Although the meeting is not constitutional, in the case of an emergency, the session could meet by electronic means with reasonable notice of the electronic meeting, quorum, and at least one moderator, and take actions required to address the emergency or public health order. Reasonable notice may vary according to the emergency and the needs of the community. These decisions will need to be ratified at a later properly called meeting, regular or special.
2. Until a quorum of the session is able to meet, the administrative commission appointed by the session in the event of an emergency or public health order forbidding social gatherings could begin to function.

What happens if the congregation, session, or administrative commission takes emergency action at a special meeting without the required notice?

Robert's Rules states that, "if, at a special meeting, action is taken relating to business not mentioned in the call, that action, to become valid, must be ratified (see pp. 124–25) by the organization at a regular meeting (or at another special meeting properly called for that purpose)" (*RONR*, Chapter IV, Section 9, Particular Types of Business Meeting, Special Meeting, p. 93).

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Motion to Adopt and Motion to Ratify

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The motion to ratify (also called approve or confirm) is an incidental main motion that is used to confirm or make valid an action already taken that cannot become legally valid until approved by the assembly. Cases where the procedure of ratification is applicable include:

- action improperly taken at a regular or properly called meeting at which no quorum was present;
- action taken at a special meeting with regard to business not mentioned in the call of that meeting;
- action taken by officers, committees, delegates, or subordinate bodies in excess of their instructions or authority (*RONR*, p. 124).