**ADMINISTRATIVE COMMISSIONS**

Prepared for COM by the stated clerk – 09-03-2017

**From the *Book of Order*:**

G-3.0109 b *Administrative Commissions* [excerpts]

Administrative commissions are designated to consider and conclude matters not involving ecclesiastical judicial process, except that in the discharge of their assigned responsibilities they may discover and report to the designating council matters that may require judicial action by the council.

Functions that may be entrusted to administrative commissions include, but are not limited to:

. . . .

1. (by presbyteries) ordaining and installing teaching elders;
2. (by presbyteries) examining and receiving into membership teaching elders seeking admission to presbytery, including approval of terms of call and commissions for ordination and installation; and receiving candidates under care; . . . .

1. (by presbyteries. . . .) visiting particular . . . congregations . . . over which they have immediate jurisdiction reported to be affected with disorder, and inquiring into and settling the difficulties therein, except that no commission of a presbytery shall be empowered to dissolve a pastoral relationship without the specific authorization by the designating body (G-2.0902); . . . .

A commission of presbytery . . . shall be composed of ruling elders and teaching elders in numbers as nearly equal as possible and sufficient to accomplish their work. A quorum of any commission shall be established by the designating council . . . but in no case shall be less than a majority of its members (except as limited by D-5.0204).

. . . A commission shall keep a full record of its proceedings and shall submit that record to the council . . . for incorporation into its records. Actions of a commission shall be regarded as actions of the council . . . that created it. A commission may be assigned additional duties as a committee, which duties shall be reported and handled as the report of a committee.

The decisions of an administrative commission shall be reported to the clerk of the designating council, who shall report it to the council at its next stated meeting. A council may rescind or amend an action of its administrative commission in the same way actions of the council are modified.

When an administrative commission has been designated to settle differences within a particular . . . council, it shall, before making its decision final, afford to all persons affected by its decision fair notice and an opportunity to be heard on matters at issue.

**G-3.0303 [Presbytery] Relations with Sessions**

Presbytery, being composed of the teaching elders and commissioners elected by the session of congregations within its district, has a particular responsibility to coordinate, guide, encourage, support, and resource the work of its congregations for the most effective witness to the broader community. In order to accomplish this responsibility, the presbytery has authority to:

. . . .

1. Counsel with a session concerning reported difficulties within a congregation, including:
2. Advising the session as to appropriate actions to be taken to resolve the reported difficulties,
3. Offering to help as a mediator, and
4. Acting to correct the difficulties if requested to do so by the session or if the session is unable or unwilling to do so, following the procedural safeguards of the Rules of Discipline;
5. Assume original jurisdiction in any situation in which it determines that a session cannot exercise its authority. After a thorough investigation, and after full opportunity to be heard has been accorded to the session, the presbytery may conclude that the session of a congregation is unable or unwilling to manage wisely its affairs, and may appoint an administrative commission with the full power of session. This commission shall assume original jurisdiction of the existing session, if any, which shall cease to act until such time as the presbytery may otherwise direct.
6. Consider and act upon requests from congregations for permission to take the actions regarding real property as described in G-4.0206.

**Administrative Commissions are formed by the council with jurisdiction (e.g. the presbytery).**

* The presbytery determines how commissions are formed.
  + Questions related to the commission itself:
    - How large shall the administrative commission be?
    - Which part, or parts, of the above citations will be the administrative commission’s authority?
    - What will be the specific charge the commission is to fulfill?
  + Questions related to the formation of the commission:
    - Who will recruit the commission? [Depending on the nature of the reason for the commission, a group might determine potential members of the commission – e.g. the Moderator, the Chair of COM, the Chair of General Council, the Presbytery Leader]
    - Who will ask persons to serve, and secure their acceptance or rejection? [The Moderator? A mix of those who determined the recruitment list? Other options?]
  + What are the qualifications for serving on an administrative commission?
    - An important consideration in cases of working with sessions: *Do the potential members of the administrative commission care about the particular congregation? To what extent will at least one member of the administrative commission have knowledge/history with the congregation?*
    - Assessment of previous service to the presbytery
    - Willingness to take the time to make the work of the administrative commission as successful as possible
    - In the case of working with a session towards dissolution, dismissal, or resolution of conflict, will it be helpful to have a member of the congregation (ordained as a ruling elder, but not necessarily currently serving) as a member of the administrative commission?
    - Careful consideration should be given to the wisdom of appointing the COM liaison to the administrative commission. Usually this involves a conflict of role, and is an unwise action. The liaison has a particular role with the session and congregation, which might be compromised by being an official member of the administrative commission.
  + How will the administrative commission be trained?
    - This is **crucial**. Many commissions go into their work without appropriate training. It is key to the successful achievement of their charge?
    - Who will accomplish the training? (An individual? A team?)
    - **The stated clerk suggests** that along with training an *administrative commission*, there be training for the *session* as to (a) the role of an administrative commission in general, (b) the charge of the particular commission, and—perhaps most importantly—(c) how to work effectively with an administrative commission, to the end that their charge will be fulfilled successfully.
* Process for appointment of administrative commissions:
  + Determining the reason for appointing the administrative commission, and developing a clear charge for the commission’s work
  + Developing a list of potential members, with clarity as to their qualifications, skills
  + Recruiting the members of the administrative commission
  + Reporting the members of the commission to the presbytery and requesting the appointment of the commission for their particular charge

**Who requests that the presbytery appoint an administrative commission?**

* An administrative commission may be requested by any of the following (and this is a list from experience, not from the *Book of Order* and NOT from a list of “who may request”:
  + The General Council
  + The Committee on Ministry
  + Members of a session
  + Members of a congregation

Generally, the concern for an administrative commission would come to the body whose work that commission would support. For example, questions concerning dismissal or dissolution might come to the General Council (with attention to the mission and ministry of the congregation) or to the COM (through the work of a liaison or other ways concerns might surface). If the request came from members of a session or members of a congregation, the first step would be engaging the presbytery’s responsibility to consult with the session/congregation, toward resolution of difficulties.

**From my experience as a stated clerk:**

In situations of conflict, if it becomes clear that an administrative commission is necessary, a good practice is to be transparent with the session about that. It has been *very helpful* to the overall process in a particular church for the **session** to take explicit action requesting that the presbytery appoint an administrative commission. If the session can do that with integrity, the session’s action reduces the possibility of the congregation seeing the commission as “something being done to them,” as opposed to “engaging a process that will help us become healthier.”

* **Appointment of an administrative commission is the responsibility of the presbytery.**

Regardless where the initial request comes from, and regardless of which group makes the official request to the presbytery, the action to form an administrative commission belongs to the presbytery.

And . . . the administrative commission is responsible to the presbytery for their work; and for the achievement of the charge given to the commission by the presbytery.

And . . . it is the presbytery’s responsibility to discharge an administrative commission, when that is appropriate.

**What is “original jurisdiction?”**

* “Original jurisdiction” goes back to the time before a church was chartered as a church. The presbytery has jurisdiction over a church that is in the process of forming. Most often, the presbytery will appoint an administrative commission to oversee the process of the church’s movement toward chartering. There is no session. The administrative commission functions as the presbytery in that particular place, with the responsibilities of a session. There will likely be a pastor and a group of leaders, with whom the administrative commission with work, with the goal of the church being chartered, and the new session having jurisdiction over the new congregation.

So . . . when a commission is granted “original jurisdiction” it is as if the “reset button” has been engaged, and things go back to the beginning.

* **“Original jurisdiction” does not have to be global.**
  + There may be cases in which the session is unable or unwilling to function with respect to the entire ministry of the congregation. In those cases an administrative commission would have full (original) jurisdiction over the ministry of the congregation. They would assume all of the functions of a session.
  + There may be cases in which the session is able to function in some areas of the congregation, but not all. In those cases, an administrative commission could be appointed to assume original jurisdiction of, for example, finances. [This has happened in cases where a session/congregation is recovering from a situation of serious financial mismanagement, even embezzlement.] In those cases the session would continue to function in some areas, while the administrative commission is responsible for specific areas. The charge to the commission would spell this out clearly, and this works best if the work of the commission is collaborative with the session.
* **Original jurisdiction may be returned, in whole or in part:**
  + Full original jurisdiction may be returned in full. An administrative commission would report to the presbytery with recommendation that original jurisdiction be returned to the session, outlining the rationale for that return.
  + An administrative commission may decide to return original jurisdiction of **part** of the session’s responsibilities. The request would be presented to the presbytery (which is effectively an amendment of the commission’s charge), with rationale for returning those portions of the congregation’s ministry to the session. This would be a way of honoring a session’s/congregation/s progress, and a way of moving toward the restoration of full original jurisdiction.

**Accountability of an administrative commission to the presbytery:**

* The administrative commission must elect a moderator and a clerk
  + The moderator makes sure the meetings occur in a timely fashion; leads the meetings of the commission; and serves as the contact person for those who need to be in touch with the administrative commission.
  + The moderator of the commission may be either a ruling elder or a teaching elder member of the commission.
  + The clerk keeps the minutes of the administrative commission; completes all official communications of the commissions (e.g. notifications/confirmations of meetings with individuals or groups, notifications of meetings for the commission members; official correspondence as directed by the commission)
* The commission **MUST** keep minutes. It is the clerk’s responsibility to prepare the minutes for review by the commission, and subsequently for submission to the presbytery.
  + The minutes of the administrative commission are the minutes of the **presbytery**.
  + The minutes of the administrative commission are required to be provided to the presbytery and become a part of the presbytery’s minutes.
  + The successive minutes of the commission should be presented to each meeting of the presbytery during the commission’s service.
    - The first set of minutes would be submitted to the next presbytery meeting following the commission’s formation.
    - Subsequent sets of minutes would be provided to each successive presbytery meeting.
  + The stated clerk will print those minutes as an attachment to the particular presbytery minutes.
* **The commission is responsible for reporting its progress to the presbytery.** This may be accomplished by:
  + Simply presenting the minutes to the presbytery for inclusion in the presbytery’s minutes.
  + Requesting opportunity to make a verbal report to the presbytery as part of the meeting agenda
  + Responding positively to the request by the presbytery that a verbal report be made.
  + It is appropriate to spell out the expectations of reporting in the charge to the administrative commission.
* **A word about minutes:**
  + Minutes are not transcripts. Minutes are basically an official record of the actions taken by a body, and a record of the rationale for those actions. The best rule of thumb is the old adage, “*Less is more.*”
  + It is not required to name the movers and seconders of motions. In fact, to do so is generally regarded as inappropriate, because:
    - Once the action is taken, it becomes an action of the body, even if the action is not unanimous; therefore who moved and seconded is, at that point, irrelevant.
    - To name the movers and seconders in the record of motions inappropriately personalizes the making of the motion.
    - Suggested wordings:
      * *Upon motion and second, the administrative commission VOTED to* [describe the motion completely]
      * *The administrative commission VOTED to* [describe the motion completely]. Since the PCUSA functions with Robert’s Rules of Order for meetings, it is legitimate to assume that motion and second were made.

**Suggestions for thought about the recruitment process:**

There is a difference between the following two invitation questions:

* Would you be willing to be a member of the administrative commission for [name]?
* Would you be willing to pray about being a member of the administrative commission for [name]?

This difference is rooted in whether the recruiter sees the invitation as a “call to ministry” or to a “job to be done.”

Experience has shown that people will respond very positively to the invitation to pray about a call to serve in an important way. Yes’s are more enthusiastic, and no’s are more thoughtful and spiritual.

With a task this weighty it is important to invite persons to be in prayer and to invite them to talk with colleagues, friends, family members about assuming such a calling. It is strongly suggested not to accept a “yes” or “no” answer on the spot. How many times have we said “No,” and regretted it 24 hours later; or said “Yes,” and regretted it 24 hours later. It is fully appropriate to set a time (say, 2 o3 3 days later) to talk about the response to the invitation.

Provide a crisp and crystal clear summary of what they are being asked to do:

* The nature and purpose of the administrative commission
* The training they will receive, in order to accomplish the task
* (Even though at this point there is no specificity as to meetings) The importance of being faithful in attendance at meetings and accomplishing assigned tasks.
* (Even though at this point there is no specificity as to duration) Some sense of the duration / anticipated end-point of the work of the commission.

It is helpful to be transparent about the challenges and the benefits of service:

**Challenges**

* “Honestly, this will be one of the most important and challenging forms of work you have been asked to do on behalf of the church.”
* This will require time and energy (both spiritual, mental, and physical), but you will not be alone in that time and energy.

**Benefits**

* The time and energy you will give will be a powerful way to love neighbors as yourself as you love God (and them) with heart (spiritual), mind (mental), and strength (physical).
* You will likely make new life-long friends who will be a blessing to you.
* You will have the opportunity to help make a profound difference in the life of a church and its session.
* You will gain a deeper appreciation of the way Presbyterians do ministry than you ever thought you could have.