

THE PRESBYTERY OF WESTERN NEW YORK

BYLAWS & STANDING RULES
2008 REVISION

SECOND READING

text

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Article 1
PRELIMINARY PRINCIPLES

Section 1: Statements

- 1.1.1 **Mission Statement** We are Christ's body, called together for discipleship, hospitality and wholeness.
- 1.1.2 **Name** We are called "The Presbytery of Western New York" (hereafter, "the Presbytery").
- 1.1.3 **Vision Statement** Called by God to be a blessing, the Presbytery journeys into a hope-filled future as a dynamic and responsive body, **living as disciples of Jesus Christ, practicing hospitality to church and world, and growing healthy, connected congregations.**
- 1.1.4 **The 2006-2010 Mission Priorities Adopted January 10, 2006:**
- a. Encourage relationships of trust and communications among leaders and congregations.
 - b. Engage in church transformation and the development of congregational health.
 - c. Enhance collaborative mission among congregations.
 - d. Equip youth and adult leaders for ministry.
 - e. Ensure excellence in the calling and care of pastors.
- 1.1.5 **Quadrennial Discernments** After 2010, in conjunction with the Synod of the Northeast and the General Assembly, the Presbytery will engage in four year cycles of discernment to plan mission strategy, structure and funding. Amendments to this Section 1.1 to give effect to such quadrennial discernments may be adopted by a majority vote.
- 1.1.6 **Mandate Consideration of Priorities** Before taking an action (governmental or otherwise), the Presbytery, the Presbytery Council, and all Presbytery officers, committees, commissions, boards, teams, task forces, employees and other entities shall consider whether and to what extent the proposed action will advance the mission, vision and priorities of the Presbytery as set forth above. A copy of this 2008 Revision, including all amendments thereto, shall be given to each newly elected Presbytery officer, Council member, Trustee and standing team and committee chairperson.

Section 2: Implementations

- 1.2.1 **Numbering** All paragraphs of this 2008 Revision are numbered. Bylaws numbers consist of three numerals separated by two dots. The left hand numeral identifies the article in which the paragraph appears. The middle numeral identifies the section of the article in which the paragraph appears. If the article is not subdivided into sections, the middle numeral is zero. The right hand numeral is the paragraph of the section or article as the case may be. Thus the complete paragraph number shows the paragraph's exact location within the Bylaws. References to article number "X" or section number "Y" are unnecessary in citing the paragraph. Subparagraphs are lettered and are cited by the paragraph number and the subparagraph letter. Insertion of new paragraphs without extensive renumbering is facilitated. Standing Rules numbers are identified by a preceding "SR."
- 1.2.2 **Effective Date** This 2008 Revision of the Bylaws & Standing Rules (hereafter, "2008 Revision") takes effect immediately upon the Revision's adoption by the Presbytery.
- 1.2.3 **Supersession** This 2008 Revision replaces and supersedes all previous bylaws and standing rules adopted by the Presbytery. Such previous bylaws and standing rules have no further force or effect, except to the extent that their wording is carried forward in the text of this 2008 Revision. In that case, previous interpretations or applications thereof may be used in interpreting or applying the 2008 Revision.
- 1.2.4 **Allegiance** This Presbytery is an intermediate governing body of the Presbyterian Church (U. S. A.) (hereafter "Church" with an initial capital). As such, the Presbytery is subordinate to the General Assembly of the Church and is subject to the Constitution of the Church ("Constitution").
- 1.2.5 **Connection** This Presbytery is located within the Church's Synod of the Northeast and is related to it in the ways specified in the Constitution.
- 1.2.6 **Religious Corporation** This Presbytery is also a religious corporation incorporated by the state of New York. (See G-8.0202.)¹ As such, it is subject to that state's Religious Corporations Law and other laws.

¹ References which begin with "G-" are to the *Form of Government* in the *Book of Order* 2005-2007. Even though the *Form of Government* is expected to be proposed for extensive change at the next General Assembly, these references will at least alert presbyters to check the Bylaw provision to see if it needs to be changed to conform to changes in the *Book of Order*.

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- 1.2.7 **Revision Purpose** The purpose of this 2008 Revision is to provide the necessary legal framework and to present the institutional design to enable the accomplishment of the actions taken by the Presbytery under the heading, "Structure, Staff and Budget Aligned With the Mission Priorities (Final Approval March 31, 2007)."
- 1.2.8 **Interpretation** If any provision of this 2008 Revision reasonably can be interpreted to have more than one meaning, the meaning which is most consistent with the following shall be preferred and given effect, in the order of priority listed:
- a. the Church Constitution.
 - b. the laws of New York State.
 - c. "Structure, Staff and Budget Aligned With the Mission Priorities (Final Approval March 31, 2007).

Article 2
MEMBERSHIP

Section 1: Geographical Description

- 2.1.1 **Presbytery Area** This Presbytery encompasses the following (all in the state of New York):
- a. Cattaraugus County,
 - b. Chautauqua County, except for the Ripley church,
 - c. Erie County,
 - d. Niagara County,
 - e. town of Cuba in the county of Allegany, and
 - f. the sovereign lands of the Seneca, Tonawanda and Tuscarora nations that lie partially or wholly within any of the above counties.

Section 2 Voting Membership

2.2.1 Who Can Vote Voting membership in Presbytery meetings is established in accordance with the *Book of Order* G-11.0101. In this Presbytery, the following additional provisions apply:

- a. All Presbyterian churches affiliated with the General Assembly of the Presbyterian Church (U. S. A.) and located within the geographical description (See paragraph 2.1.1.) are members. To attend Presbytery meetings, each session shall commission one or more elders to speak for the church in accordance with G-11.0101. For reasons of continuity and involvement, it is encouraged that the same elder speak for a church for a period of at least one year.
- b. All resident ministers of the Word and Sacrament made eligible by G-11.0400 are members. All such minister-members are continuing members of the Presbytery effective on the date of their reception. (See G-11.0403.)
- c. All elders serving as an officer of the Presbytery, a member of the Presbytery Council, or a chairperson of a standing committee, team or board are members during their tenure as such. (See G-11.0101 c.)
- d. All Certified Christian Educators who are elders and are employed by Presbyterian churches or by agencies related to the Presbytery are members. (See G-11.0407 c.)
- e. All elders serving as Commissioned Lay Pastors are members during the period of active service pursuant to a commission. (See G-14.0801 (4) & (5).)

2.2.2 Corporation Voters The members of the Presbytery Corporation are the voting members of the Presbytery present at any meeting of the Presbytery.

Article 3
MEETINGS

3.0.1 **Stated Meetings** The Presbytery shall hold five Stated Meetings and one Annual Meeting each calendar year on a schedule proposed by Presbytery Council and approved by the Presbytery at least three months prior to the start of a new schedule. (See G-11.0201.)

3.0.2 **Annual Meeting** The Presbytery shall hold a sixth Stated Meeting each year in May to be known as the Annual Meeting at which the Lord's Supper is served and the service to the Church of persons who have died is recognized. Officers, members-at-large of the Presbytery Council and standing committee, team, commission, and board members shall be elected at the Annual Meeting.

3.0.3 **Special Meetings** Special meetings may be called in accordance with *Book of Order* G-11.0201.

3.0.4 **When Financial Reports Must Be Given At** each Stated Meeting, except the Annual Meeting, financial reports will be made and received.

3.0.5 **When Other Reports May Be Given** Reports from Presbytery Council, committees, teams, boards, task forces and commissions may be made, received, amended and approved or disapproved at Stated Meetings or duly called and noticed special meetings.

3.0.6 **Quorum** A quorum is defined as twelve minister-members and twelve elders representing at least eight churches. (See G-11.0202.)

Article 4
STRUCTURE

Section 1: Overall Description

4.1.1 **Permanent Bodies** The Presbytery's permanent organization shall consist of its officers and also a standing Presbytery Council, standing teams, standing committees, a standing commission and a standing Board of Trustees to carry out the Presbytery's work. All such bodies shall be organized to exist from year to year by reason of their membership being organized into classes so that approximately only one-third of the body's total membership terms expire each year.

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4.1.2 **Temporary Bodies** Task forces and special committees appointed for short-term special assignments (See G-9.0501.) may be created by the Presbytery or proposed by Presbytery Council and authorized by the Presbytery. At the time of their authorization all such bodies and administrative commissions (See G-9.0502.) shall be given a target date for the completion of their assignment and their discharge.

4.1.3 **Oversight** All mission, ministry and program tasks are under the oversight of standing teams or committees, the Presbytery Council, the Permanent Judicial Commission or the Board of Trustees, as set forth in Sections 4.2, 4.3, and 4.4 and in Articles 5 and 8.

4.1.4 **Reference to Standing Bodies** Standing bodies are distinguished from temporary bodies in the former's ability to take up matters in their particular field of responsibility without having the matter referred to them by the Presbytery or Presbytery Council, although the Presbytery or the Council may refer specific matters to an appropriate standing committee, team or board.

4.1.5 **Annual Gathering** Members of all committees, teams, the Board of Trustees and the Presbytery Council shall meet together at least annually for communication, planning and fellowship.

4.1.6 **General Responsibilities of Standing Bodies** Standing committees and teams will be responsible to see that the Presbytery Mission Priorities, as further refined and defined by the Presbytery, Synod and the General Assembly, are effectively carried out. Committees and teams will review the work of any other organizations under their purview and submit approved budgets to the Board of Trustees for use in preparation of the the Presbytery budget. Committees and teams may be required to review the budgets of other Presbytery organizations.

4.1.7 **Chairpersons** Standing committees and teams will elect chairpersons who are responsible to see that meetings are held, minutes are kept, and proper procedures are followed as adopted by the committees and teams in conformity with these Bylaws. Chairpersons shall also see that their body is represented at Presbytery Council meetings as necessary. Each committee and team shall elect its own chairperson and vice-chairperson in February to take office June 1. If no one on the committee or team is available, the matter shall be referred to the Nominating Committee.

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4.1.8 Standing Body Structures Standing Committees and teams, the Presbytery Council and the Board of Trustees may develop and revise their structures, as necessary to enable the Presbytery to function as effectively as possible in their areas of responsibility. Changes to structure shall be submitted to the Presbytery and are subject to its action.

Section 2: Standing Teams

(Numbers in brackets are suggested number of members.)

4.2.1 Outreach Ministry Team [15] To provide leadership in living out the mission priorities through engagement with the world. This responsibility includes:

- a. identifying and recommending mission opportunities for significant impact grants.
- b. connecting congregations for mission project partnerships.
- c. identifying mission opportunities, including mission recipients, in planning.
- d. promoting peace and justice issues.
- e. maintaining responsibility for choosing recipients of mission giving.
- f. adjusting giving among the Presbytery, Synod and General Assembly mission projects as circumstances warrant.

4.2.2 Congregations Transformation Team [21 to include representatives from Presbyterian Youth Council and Committee on Ministry] To provide leadership that supports transformation in congregations. These may include:

- a. developing a strategy for congregational change that leads to health.
- b. equipping youth and adult leaders for ministry.
- c. leading Christian camping and retreat ministry.
- d. providing training to sessions through staff or consultants.
- e. hosting on-site regional workshops and consultations.
- f. building skills needed to promote spiritual and numerical growth.

4.2.3 Pastoral Leadership Team [4+] To provide leadership that works cooperatively with the three below-named committees to ensure excellence in the calling and care of pastors.

- a. Committee on Preparation for Ministry ("CPM")
- b. Committee on Ministry ("COM")
- c. Clergy Recruitment and Retention ("CRR")

Section 3: Standing Committees

(Numbers in brackets are suggested number of members.)

4.3.1 Standing Committees Listed The Standing Committees create clear support for the operation of the Presbytery as an agent of transformation. They are

- a. Committee on Preparation for Ministry ("CPM")
- b. Committee on Ministry ("COM")
- c. Clergy Recruitment and Retention ("CRR")
- d. Nominating Committee
- e. Committee on Representation
- f. Personnel Committee
- g. Evaluation Committee
- h. Stewardship Committee

4.3.2 Committee on Preparation for Ministry (hereafter "CPM") [12] to oversee and care for inquirers and candidates for the ministry of Word and Sacrament and to carry out all the constitutional responsibilities set forth in G-14.0300.

4.3.3 Committee on Ministry (hereafter "COM") [24, equal number of elders and ministers (G-11.0501 b)] to oversee the relationships between ministers and congregations, to help churches seeking pastors, to resolve conflicts, to provide guidance on compensation for clergy and others and to carry out all the constitutional responsibilities of a COM set forth in G-11.0502 and elsewhere in the Constitution.

4.3.4 Clergy Recruitment and Retention (hereafter "CRR") [7] To develop a plan to recruit and retain able, vital and effective ministers for our congregations.

4.3.5 Nominating Committee [9] The Nominating Committee works toward equal representation of elders and ministers of the Word and Sacrament on committees, teams, the Board of Trustees and the Presbytery Council. Efforts should also be made to have representatives from the various geographical areas of the Presbytery. The Committee shall also carry out the constitutional responsibilities set forth in G-9.0801.

4.3.6 Personnel Committee [9] The Personnel Committee has responsibility for the welfare of the employed staff of the Presbytery. It shall prepare proposed Personnel Policies for action by the Presbytery Council. It shall recommend hiring, termination, pay levels and other personnel actions to the Presbytery Council either for its action or recommendation to Presbytery. When the Council refers personnel actions to the Presbytery, the Committee shall take the lead in presenting them.

4.3.7 Evaluation Committee [7] The Evaluation Committee is closely involved in the Presbytery Council's first responsibility, "to engage in strategic planning for the life and work of the the Presbytery," (See subparagraph 5.2.2.a.) Therefore, the Committee shall be composed primarily of Council members including the Committee Chairperson. The Committee shall be responsible for holding the Presbytery accountable for the Mission Priorities and looking to the future for ways to increase the Presbytery's responsiveness to emerging needs within the four-year cycles of discernment mandated in the Mission Priorities. The Committee will develop an evaluation tool (document and process) to guide an annual evaluation of the work under the Mission Priorities. The Committee will lead and report on this annual evaluation of the work to the Presbytery. The Committee has the responsibility of recommending and creating New Initiatives. (See paragraph 6.0.2.)

4.3.8 Committee on Representation [9] The Committee on Representation shall carry out the constitutional responsibilities set forth in G-4.0403, G-9.0105, G-11.0301 and G-11.0302.

4.3.9 Stewardship Committee [5] The Stewardship Committee shall encourage every church in the Presbytery to meet its connectional responsibility as part of the Church by giving full support to the annual unified budget of the Presbytery.

Section 4: Commissions

4.4.1 Permanent Judicial Commission [8-10] The Permanent Judicial Commission (hereafter "PJC") shall carry out the responsibilities assigned by Chapter XI of the *Rules of Discipline*.² The membership of the PJC shall be divided equally between elders (each from different churches) and ministers of the Word and Sacrament.

² The *Rules of Discipline* is another part of the *Book of Order*.

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4.4.2 Administrative Commissions The Presbytery may appoint administrative commissions as needed. (See G-9.0502.) In doing so, it shall specify the task, a tentative termination date and a supervising body. The Moderator shall nominate the members of commissions.

Section 5: Standing Body Terms of Office

4.5.1 Three-Year Terms Members-at-large of the Presbytery Council and members of all standing committees, teams, commissions and the Board of Trustees shall be elected by the the Presbytery for terms of three years. Terms of office normally begin on June 1 and end on May 31 three years later. The Presbytery may also fill vacancies for the remainder of the terms of those who resign or abandon their duties. All such memberships shall be distributed as evenly as possible in three year terms

4.5.2 Six Years Maximum No person, except *ex officio* members, may serve more than six years consecutively on the Presbytery Council, the Board of Trustees, or on any standing committee or team or commission, counting both service as a member and service as the chairperson.

Article 5 PRESBYTERY COUNCIL

Section 1: Membership

5.1.1 Council Established The Presbytery shall have a Presbytery Council as provided in the *Book of Order* G-11.0103 v.

5.1.2 Members The members of the Presbytery Council are:

- a. The Moderator of the Presbytery,
- b. The Chairperson of the Presbytery Council,
- c. The Moderator-Elect of the Presbytery,
- d. The Chairperson (or a representative) of the Evaluation Committee,
- e. The President (or a representative) of the Board of Trustees,
- f. One representative each from Outreach Ministry, Congregations Transformation and Pastoral Leadership teams,
- g. One representative from Presbyterian Women,
- h. Nine at-large members, and
- i. The Stated Clerk of the Presbytery who shall be an *ex officio* member with voice, but without vote .

Section 2: Responsibilities

5.2.1 **Overall Purpose** The overall purpose of the Presbytery Council is to lead the Presbytery in envisioning and implementing a faithful and effective mission and ministry.

5.2.2 **Specific Purposes and Particular Responsibilities** Within the broader purpose stated in paragraph 5.2.1, the Presbytery Council shall pursue the more-specific purposes stated below each with attendant particular responsibilities as noted:

- a. **to engage in strategic planning for the life and work of the Presbytery;**
 - (1) to approach the Presbytery as a system of inter-connected parts,
 - (2) to hold regular meetings devoted solely to visioning and strategic planning, and
 - (3) to encourage each part of the the Presbytery structure to think and plan in strategic terms.
- b. **to strengthen and enhance the connectional system of our Church;**
 - (1) to serve as a conduit for communication among congregations and between congregations and higher governing bodies,
 - (2) to present to the churches the unified budget of the mission and benevolent causes and agencies as adopted by Presbytery, Synod and General Assembly, and
 - (3) to provide a means for each part of the Presbytery structure to have access to each and every other part of the structure.
- c. **to coordinate and oversee the Presbytery program and mission;**
 - (1) to conduct regular, ongoing review of the work of the Presbytery,
 - (2) to develop and refine the mood, style and spirit of the Presbytery meetings,
 - (3) to prepare the docket of business for the meetings of the Presbytery,
 - (4) to nominate members of the Nominating Committee and members of the Committee on Representation,
 - (5) to fill vacancies on committees, teams and other bodies between meetings of the Presbytery,
 - (6) to approve or disapprove changes in Presbytery Personnel Policies recommended by the Personnel Committee and approve or disapprove or refer to the Presbytery for action personnel actions recommended by the Personnel Committee, and
 - (7) to serve as the ongoing committee on rules, reviewing the Bylaws & Standing Rules and the Manual of Administrative Operations and to recommend any changes that may be needed.

5.2.3 Council Leadership Team (“CLT”) To give leadership and direction to Presbytery Council activities in the periods between the Council’s bimonthly meetings, a leadership team will convene as necessary. The team will consist of the Council chairperson (“moderator”), the Presbytery moderator and moderator-elect and, if needed, two members of Council asked by the moderators to attend in relation to impending business of the Presbytery. The Presbytery Stated Clerk will serve *ex officio*. The attendance of two Council members whose committees, teams or other bodies have urgent business before the Presbytery will:

- a. introduce the needed flexibility into the work of coordination and planning;
- b. keep the size of the CLT reasonably small; and
- c. share the burden of an additional meeting among various Council members.

The CLT will have no powers that its officers do not already have in virtue of their offices and will communicate about its work and proposals for Council action to each bimonthly meeting of the Council. The CLT will prepare the docket for Council meetings and will propose Presbytery meeting dockets to the Council for its action.

5.2.4 Task Forces The Presbytery Council may appoint task forces as needed. In doing so it shall specify the task, a termination date and a supervising body. The Council will create from time to time Task Forces to read session records and Task Forces to review and assist with bills and overtures.

5.2.5 Additional Responsibilities The Presbytery Council may be assigned additional specific responsibilities by the Presbytery in accordance with *The Book of Order* G-11.0103.

Section 3: Meetings

5.3.1 Open Meetings, Executive Sessions All meetings of the Presbytery Council shall be open meetings unless the Council finds it necessary to conduct some business in executive session.

5.3.2 Regular and Special Meetings The Presbytery Council shall meet at least six times each year. The meetings shall be in concert with the Stated Meetings of Presbytery — January, March, May, July, September and November. The Council may meet at other times as necessary.

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5.3.3 Reports to Presbytery The Presbytery Council shall report at each Stated Meeting of the Presbytery every item of business transacted by it. Its decisions shall be effective immediately wherever specific authority has been conferred to Council by the Presbytery, but may be reviewed and reversed or amended by the Presbytery.

5.3.4 Access to Council Committees, commissions, task forces and other groups which do not have direct representation on the Presbytery Council shall have access to meetings of the Council as necessary to present reports, proposals and requests.

Section 4: Officers

5.4.1 Chairperson The Presbytery Council shall elect a Chairperson from among its own members or from those with previous Council experience. The Chairperson will preside at Council meetings and furnish leadership in helping Council to fulfill its purpose and responsibilities. The term of the Chairperson shall be one year commencing on June 1 and ending on May 31 of the next year. The Chairperson is eligible for election to a second consecutive one-year term. The Chairperson is a voting member of the Presbytery Council for the full term of office as chairperson, regardless of term limitations on the position from which the chairperson may have come to Council. Prior to February 1, the Presbytery Council shall elect a nominating committee of three persons for the next Chairperson of Council. The election shall take place prior to April 1. A similar process may be used if a vacancy occurs mid-term.

5.4.2 Vice-Chairperson The Presbytery Council shall elect a Vice-Chairperson to preside at meetings in the absence of the Chairperson, or when requested at other times. The Vice-Chairperson shall fulfill other necessary functions as requested.

5.4.3 Secretary The Stated Clerk of the Presbytery shall serve as secretary for the Presbytery Council.

Article 6
ANNUAL BUDGET

6.0.1 **Unified Budget** The annual budget shall be a unified budget which includes mission and for which requests are made to churches for a total contribution. Designations by churches toward a specific Presbytery-supported mission shall be considered “extra commitment giving,” beyond the unified giving request.

6.0.2 **New Initiative Reserves** The Presbytery will designate annual amounts for New Initiative Reserves on a trial basis for the years 2008 through 2010. New Initiatives are defined by the following guidelines:

- a. Impacts the Presbytery as a whole or impacts a regional grouping of multiple churches.
- b. Advances mission priorities adopted by the Presbytery.
- c. Has a defined duration of time.
- d. Ultimate authority to approve funds rests with the Presbytery.

6.0.3 **Outreach Ministry** The Presbytery annual budget will have a target of twenty to twenty-five percent (20-25%) of pledged income to be allocated to the Outreach Ministry Team for distribution to the Presbytery, Synod and General Assembly mission causes. Mission giving by the Presbytery shall follow the criteria set forth in the Mission Priorities adopted in January 2006:

- a. provides seed money for collaborative mission initiatives involving two or more churches.
- b. funds one or two additional impact grants per year.

6.0.4 **Network of Religious Communities** The annual budget shall contain a budget line item for support of the Network of Religious Communities at the level negotiated by denominational leaders and normally paid on a *per capita* basis.

6.0.5 **Budget Surplus** Any annual operating budget surplus shall be distributed the following year to New Initiatives, Outreach Mission, Pastor Leadership or Congregations Transformation. The Board of Trustees will annually recommend a distribution scheme to the Presbytery for its approval.

Article 7
OFFICERS AND STAFF

Section 1: Presbytery Officers

7.1.1 Titles, Duties, Terms The officers of the Presbytery are:

- a. the Moderator (G-9.0200),
- b. the Moderator-Elect (who shall be the first Vice-Moderator),³
- c. the Stated Clerk (G-9.0200).

Their duties shall include those assigned to each office by *the Book of Order*, by these Bylaws and by the Presbytery.⁴ Their terms shall be one year, except the Stated Clerk whose term shall be five years. The Moderator may appoint one or more additional Vice-Moderators to assist with moderatorial responsibilities.

7.1.2 Election and Installation At the Annual Meeting, the Presbytery shall elect a Moderator (who shall normally be the Moderator-elect), a Moderator-elect and a Stated Clerk (when necessary). There shall also be an installation of the new Moderator at the Annual Meeting. The new Moderator takes office upon election and installation. All other newly elected officers begin their terms on June 1 and end them on May 31 unless specified differently by the Presbytery.

7.1.3 Vacancy If a vacancy occurs in the office of Moderator-Elect, the Moderator may appoint a person to fill the vacancy until the next Stated Meeting, at which time the Presbytery may elect a person to fill the unexpired term. If a vacancy occurs in the office of Stated Clerk, the Moderator shall appoint a person to fill the vacancy until the next Stated Meeting. At that time the Presbytery may elect a person to serve as Interim Stated Clerk until the next Annual Meeting.

Section 2: Presbytery Staff

7.2.1 Stated Clerk The Stated Clerk of the Presbytery is a member of the Presbytery Staff.

7.2.2 Support Staff The support staff shall consist of an Office Manager and such assistants as the Office Manager, in consultation with the Personnel Committee and the Presbytery Council, shall deem necessary.

³ Additional officers are allowed (G-9.0200).

⁴ *Robert's Rules* also provides excellent guidelines for duties of a chairman or president (*i.e.*, Moderator) (§47, pp. 432-436, 438-440), a president-elect (*i.e.*, Moderator-elect) (§47, p.441) and a secretary (*i.e.*, Stated Clerk) (§47 pp.442-444).

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7.2.2 **Field Staff** The field staff (one or more of whom may be shared with nearby presbyteries) may consist of: the Director of Congregational Strategy and Transformation and the Director of Discipleship, Nurture and Leadership Development Ministries.

Article 8 BOARD OF TRUSTEES

Section 1: Members and Officers

8.1.1 **Members** The Board of Trustees shall consist of twelve members, four of whom are elected by the Presbytery each year for a three-year term. The term of any Trustee who resigns or otherwise leaves office during the Trustee's term shall be filled for the remainder of the term by the Presbytery.

8.1.2 **Officers** Each year before the Annual Meeting of the Presbytery, the Board of Trustees shall elect a president, vice-president, treasurer and secretary, all of whom shall be different persons. Each term of office shall be one year and no officer may hold the same office for more than two consecutive terms.

Section 2: Responsibilities

8.2.1 **Financial** The Board of Trustees shall review periodic financial reports and the annual audit conducted by the Presbytery's accountants. The Board shall also consider and report upon all proposals and appeals for monies.

8.2.2 **Investment of, and Loans From, Trust and Capital Funds** The Board of Trustees shall be responsible for the investment of the Presbytery's trust funds and capital funds and will approve or disapprove requests for loans or grants from those funds.

8.2.3 **Real Property of the Presbytery** The Board of Trustees shall be responsible for the maintenance, supervision and sale, purchase or lease of any real property owned or leased by the Presbytery.

8.2.4 **Real Estate Transactions by Congregations** The Board of Trustees shall review all requests for Presbytery approval of those real estate transactions which are listed in the *Form of Government* as requiring such approval (G-8.0500). The Board shall promptly report such requests along with its recommendations to the Presbytery for action.

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8.2.5 Budget and Finance The Board of Trustees annually shall receive from each committee, team, task force, commission, employee, officer and the Presbytery Council a proposed budget for the following year which covers that entity's work for that year. The Board shall review and, when appropriate, modify, each budget so submitted. The Board shall then prepare a proposed Presbytery budget for the following year taking into account the anticipated income of the Presbytery for that year and the priorities of the Presbytery for the quadrennium. The Board will present the proposed budget to the Presbytery to be reviewed, amended and approved, or disapproved.

8.2.6 Presbytery Offices and Records The business office and records of the Presbytery shall be located in the Presbytery office or such other place as may be determined by the Presbytery from time to time. All books and records of the Board of Trustees shall be kept at the Presbytery office.

8.2.7 Relationship with Presbytery The president or a representative shall be a member of the Presbytery Council. The Board of Trustees shall communicate regularly to the Presbytery and, insofar as possible, shall have a representative in attendance at meetings of the Presbytery.

Section 3: Meetings

8.3.1 Regular Meetings The Board of Trustees shall meet not less than six times per year and, if possible, not more than one month in advance of meetings of the Presbytery so that actions taken at Board meetings may be communicated and, if necessary, approved or discussed by the Presbytery. Notice in writing shall be mailed to each member of the Board at least ten days in advance of a regular meeting.

8.3.2 Special Meetings A special meeting of the Board of Trustees may be called by any officer of the Board or by two or more members of the Board who are not officers. Notice of special meetings shall be given by telephone 24 hours in advance of special meetings if written notice is impractical.

8.3.3 Quorum, Telephone Participation A quorum for the transaction of business shall not be less than a majority of the voting members. Members of the Board of Trustees may participate in a meeting of the Board by means of a conference telephone call or similar device allowing all participating persons to hear each other at the same time. Participation in this manner shall constitute the presence of such person at a meeting.

8.3.4 Actions at Meeting Except as required by law, a majority of those in attendance at a meeting where there is a quorum shall constitute a decision. Each Trustee, including officers, shall be allowed one vote.

8.3.5 Actions Without Meeting Resolutions may be passed and actions taken by written proxy of each Trustee and any such resolution or action by all of the Trustees entitled to vote shall be the act of the Board, when filed with the minutes of the Board, with the same force and effect as if the same had been passed by unanimous vote at a duly called meeting of the Board.

8.3.6 Location of Meetings The Board of Trustees shall meet at the office of the Presbytery or such other place within the Presbytery as may be determined by the Board.

8.3.7 Open Meetings, Executive Sessions Except as otherwise provided in paragraph 8.3.5, all meetings of the Board of Trustees shall be open meetings unless the Board finds it necessary to conduct some business in executive session.

Section 4: Other Trustee Matters

8.4.1 Compensation No compensation, except for reasonable compensation for services rendered, shall be paid to any Trustee. Both the rendering of the service and the compensation therefor shall be approved in advance by the Board. Expenses of any Trustee incurred in connection with Presbytery business may be paid if approved by the Board.

8.4.2 Conflict of Interest Ordinarily, a Trustee shall not be interested in or be a party to any contract or transaction of the Presbytery nor shall any Trustee be a director or officer of any entity with which the Presbytery is contracting or transacting. If the Presbytery proposes to enter into a contract or transaction with such an entity, it shall not do so unless the interested Trustee first fully discloses to the Board the nature and extent of the Trustee's interest in the entity. If the Board then decides that the Presbytery may appropriately enter into the proposed contract or transaction, the Board shall so certify to the Presbytery before the contract or transaction is entered into. The interested Trustee shall refrain from voting on the matter in which the Trustee has an interest and on the related certification. The presence of the interested Trustee at the meeting at which the matter or related certification is discussed or decided shall not impair or in any way affect any contract or other transaction which would otherwise be valid under applicable law. An interested Trustee may be counted in determining the presence of a quorum at such a meeting.

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8.4.3 Committees of the Board The Board of Trustees may designate committees from time to time to carry on certain aspects of its business, but the actions of such committees shall be ratified by the Board before a committee's actions or recommendations are carried out.

8.4.4 Removal of Trustees Any Trustee may be removed with or without cause by action of the Presbytery at any time.

Article 9
INDEMNIFICATION AND RECUSAL

9.0.1 Who Is Indemnified The Presbytery shall indemnify its officers, Trustees, committee and team chairpersons, members of Presbytery Council and employees and their respective executors and administrators, to the extent allowed for officers and directors under the provisions of Sections 722 and 723 of the New York Not-For-Profit Corporation Law.

9.0.2 Recusal Required In Certain Circumstances If a member of a committee, team, council or commission or a voting member of Presbytery is personally directly affected by a matter before any such body or is a member or pastor (of any kind) of a church directly affected by a matter before any such body, that member shall be excused from all discussion and voting on that matter. This shall not prevent the body from deciding to recall the member to ask the member questions, but the member shall again be excused before any further discussion or voting on the matter.

Article 10
RULES AND AMENDMENTS

10.0.1 Rules The Presbytery shall be governed in all its actions by the following, listed in order of priority:

- a. the Constitution,
- b. these Bylaws,
- c. the Standing Rules, and
- d. the latest edition of *Robert's Rules of Order*.⁵

10.0.2 Amendments These Bylaws may be amended by a two-thirds vote (except where another provision of these Bylaws allows a lesser majority) of the eligible voters present and voting at a Stated Meeting of the Presbytery, provided that notice of the proposed amendment has been presented in writing at the previous Stated Meeting of the Presbytery.

⁵ At the time of the 2008 Revision, the latest edition is *Robert's Rules of Order Newly Revised*, 10th edition (Da Capo Press, Sarasota, 2000), ISBN 0-7382-0307-6. See G-9.0302.

THE STANDING RULES

Introduction and Amendment In The Presbytery of Western New York, the Standing Rules are rules related to the administration of the Presbytery's meetings and ongoing work. The Standing Rules are subject in all respects to the Constitution of the Presbyterian Church (U.S.A.) and the Bylaws of the Presbytery. However in the case of conflict between the Standing Rules and *Robert's Rules*, the Standing Rules shall prevail. The Standing Rules may be amended by a majority vote of the presbyters present and voting at any Presbytery meeting, provided that written notice of the proposed amendment was given at the preceding Presbytery meeting.

SR 1 Meeting Arrangements

a. **Days and Times of Stated Meetings** The Presbytery meetings from April to October will be held on a weekday (*i.e.* Monday through Friday) and from November to March on Saturdays. Meetings held from April to October will begin at 4:00 p. m. Meetings held from November to March will be held during daylight hours.

b. **Place** Normally, the Presbytery meetings shall take place in, and be hosted by, member churches of the Presbytery.

c. **Food** Normally the Stated Meetings of the Presbytery will include a break for a meal approximately midway through the meeting. The Annual Meeting may be scheduled for a longer period and may include a longer meal break.

d. **Fees** A \$5.00 meal fee shall be collected at registration from those who plan to partake of the meal for Stated Meetings or special meetings. The proceeds thereof shall be turned over to the host church.

SR 2 The Two-Meeting Rule

a. **Matters to Which Applicable** When a motion involves adding, deleting, or changing a policy, bylaw or standing rule of the Presbytery, or a matter which is known to be controversial, or a matter judged to be sufficiently complex to warrant it, the entity presenting the motion shall present it for "informational first reading" at one meeting of the Presbytery and for a vote at a subsequent meeting.

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b. What Is Permitted at First Reading At informational first reading, the item will be moved and seconded if necessary. Questions for clarification and information may be asked and answered. Discussion, debate and amendments are not permitted at this meeting, but only at the second meeting when presented for a vote.

c. Imposition or Waiver of Rule If the two-meeting rule was not suggested by the presenting entity, Presbytery Council may impose the rule on the motion or may waive it if it has been suggested.

SR 3 New Business Item at a Presbytery Meeting

Handling Any presbyter has the privilege of presenting a proposed item of new business which the presbyter intends for action at the same meeting. The item must be presented in writing to the Moderator and Stated Clerk prior to the indicated deadline for such items. To process such items, the Moderator will convene the Council Leadership Team over the meal break and the CLT shall make a recommendation for the Presbytery's consideration as to the handling of the item. Final determination on the handling of all new business items belongs to the Presbytery.

SR 4 Appointments by the Moderator

Moderator Role Ordinarily, all appointments to administrative commissions, task forces, etc. will be acted on by Presbytery. The function of the Moderator will be to present a slate of nominees, giving due consideration to concerns for inclusiveness and representation. One name will be proposed for each position. There will be opportunity for nominations from the floor.

SR 5 Special Rule on Appointment of Investigative Committees

Moderator/Stated Clerk Roles In keeping with the *Rules of Discipline*, the Moderator, in consultation with the Stated Clerk, shall appoint an Investigative Committee to investigate a statement of alleged offense (D-10.0201 b). All such appointments shall be reported at the next Presbytery meeting.

SR 6 The Consent Agenda

a. **Docketing, Posting** Motions which appear routine to the CLT and which are received in time will be placed in the Consent Agenda. The Consent Agenda will be the first business item docketed for the Presbytery meeting. The Consent Agenda will be sent out with the call to the meeting or will be posted on the Presbytery web site (current address: www.pbywny.org) not later than the fourth day before the meeting.

b. **Removal** At the request of any presbyter or at the direction of the Presbytery Council, any item will be removed from the Consent Agenda and will be docketed for full consideration during the meeting. The remaining items in the Consent Agenda will be voted on without debate or amendment.

SR 7 Access to the Floor at Presbytery Meetings

How Obtained All Presbytery bodies have direct access to the floor of Presbytery meetings, provided that: (i) financial items, regardless of their source, cannot be brought to the floor unless they have first been reviewed by the Board of Trustees and (ii) all committees, teams, commissions and the Board of Trustees shall inform the Presbytery Council of all items on which Presbytery action is requested or required through the regular reporting process at or before Presbytery Council meetings in order that Council may perform its docketing duties.

SR 8 Motions to Table and to Postpone

a. **To Table** During consideration of a motion, the motion to table is appropriate only if the intention is to remove it from consideration temporarily and return to it later in the same meeting. (*Robert's Rules* §17, pp. 201-210) Motions to table are not debatable.

b. **To Postpone** If the intent is to delay consideration until a subsequent meeting or indefinitely, this is a motion to postpone. (*Robert's Rules* §11, pp. 121-124) Motions to postpone are debatable.

c. **Moderator Determines** The Moderator, who may consult with the Stated Clerk, will determine the distinction between tabling and postponing motions.

SR 9 Roles of the Moderator and Stated Clerk in Meetings

Moderator Rules on Procedure In all meetings of the Presbytery, the Moderator (or other person presiding) rules on all matters of procedure, points of order, etc. The Moderator may, but is not required to, consult with the Stated Clerk prior to a ruling. The role of the Stated Clerk is to advise and assist the Moderator in the facilitation of the Presbytery's work. It is not the function of the Stated Clerk to offer a ruling on any question. All rulings of the Moderator may be appealed by any member, with a second, followed by an affirmative or negative vote of the body. The process is described in *Robert's Rules* (§24, pp. 248-252).

SR 10 Additional Elder Representation at Presbytery Meetings

How Parity Is Achieved Parity between the minister-members resident within the bounds of the Presbytery and the total number of elder-commissioners which the churches are entitled to send to the Presbytery meetings is to be maintained. (See G-11.0100 b.) For this purpose, immediately after the filing of annual statistical reports by the Presbytery and the churches, the Stated Clerk will determine the number of minister-members resident within the bounds of the Presbytery and the total number of elder-commissioners which the churches are entitled to send to the Presbytery meetings for that year. If there is a greater number of minister-members, the Stated Clerk will establish a rotational system by which the churches with one elder-commissioner will be entitled to send an additional voting elder-commissioner to the upcoming meeting of the Presbytery. The number of churches to which this invitation is extended will be the number needed to achieve parity with the total number of resident minister-members. For this purpose, the churches will be allowed additional elder-commissioners in order of the alphabetical designation of their city, village or town as they are listed annually in the Presbytery directory.

SR 11 Nomination and Election of Commissioners to General Assembly

a. Procedure for Minister-Commissioners

September

1. Nomination Forms are sent to pastors and clerks of session and all other minister-members.
2. The Stated Clerk gives the chairperson of the Nominating Committee:
 - a. the current sequence list of minister-members
 - b. the attendance record of the first ten names
 - c. committee involvement of the same ten names

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3. Nominating Committee determines the next five names who qualify for consideration by current attendance and participation guidelines. (See item 1 under "November" below.)

November

1. At the Nominating Committee meeting all Nomination Forms received are reviewed. All minister-members to be considered as commissioners must qualify by the current attendance and participation guidelines as follows:

— each must have attended at least one-half of the Presbytery meetings over the last two years

— each must be presently serving the Presbytery as an active committee, team, Board or Council member.

2. The Nominating Committee is instructed in its choice of commissioners by:

a. seniority

b. level of participation in the Presbytery,

c. attention to diverse representation *i.e.*

age, gender, racial/ethnic, size of church,

d. interest and potential effectiveness as a commissioner, and

e. availability to the Presbytery to report back.

Alternates will be considered as a nominee for commissioner in the following year, but nomination is not automatic.

3. At the November Presbytery meeting, the Nominating Committee presents the names of two commissioners and two alternates for election. A summary of the qualifications for service is given with each name. Election will occur by ballot at the January meeting. Nominations from the floor will be accepted if the nominee qualifies by the attendance and participation guidelines and is willing to serve. The guidelines and the additional considerations for selection will be listed on the back of the ballot.

4. The Stated Clerk is responsible for updating the sequence list of minister-members after General Assembly.

5. A minister-member will go to the end of the sequence list once having served as a commissioner to General Assembly.

Procedure Notification

At the September Presbytery meeting the procedure for electing minister Commissioners will be attached to the Nomination Form included in the floor papers. Incoming minister-members are to be informed of this Rule upon entrance into the Presbytery.

b. Procedure for Elder-Commissioners

1. The Nominating Committee shall offer to the Presbytery one set of elder-commissioners with alternates that agrees with the number of elder-commissioners to be elected. If three elder-commissioners are to be sent, then there will be three nominated as commissioners and three additional as alternates.

2. This procedure should be followed in the selection of the nominees:

a. Churches will be informed no later than two years in advance of a General Assembly that the church will be eligible to provide an elder candidate for this responsibility, and the church shall be asked to designate such a candidate by September 1st following that notification.

b. It will be expected that this candidate shall be an active participant in the life of the Presbytery in one of the following ways: as a permanent delegate who will regularly attend the meetings of the Presbytery; or serve as a member of Presbytery Council; or attend at least half of the meetings of the Presbytery as a visitor or delegate in the interval of time prior to the election of General Assembly commissioners.

c. If a church is unable to provide such a candidate for General Assembly service, the Nominating Committee will be under no obligation to nominate an elder from that church, and it shall retain that church in its same position in the sequence roll.

d. The elder nominees elected by the Presbytery to serve as alternates in a given year must be available to attend if one or more of the principal commissioners cannot attend. If the alternates in a given year are not needed in this way, they will be the Nominating Committee's nominees for principal commissioner to the next General Assembly provided their eligibility is maintained in the intervening time.

c. Nomination from the Floor

Other nominees, either minister-members or elders, may be placed in nomination from the floor by presbyters in the traditional manner following the criteria in the applicable paragraph above. Anyone making a nomination from the floor shall have obtained from the would-be nominee permission to do so and the assurance that the would-be nominee will serve if elected. Persons nominated from the floor at the November meeting will be responsible for providing a biographical sketch indicating the nominee's involvement in the life of the Presbytery in line with the applicable criteria listed above.

d. Deadline This procedure is to operate with awareness that the Presbytery's principal and alternate commissioners to General Assembly must be reported to the office of the General Assembly no later than February 1st.

SR 12

Nomination and Election of Commissioners to Synod

a. Synod Rules In keeping with the current policy of the Synod of the Northeast, the Presbytery will elect ministers and elders to serve multi-year terms according to the rotation system established by Synod. Nominees will be required to agree that, if elected, they will serve on the committees preassigned by Synod.

b. Presbytery Process The process for electing Presbytery's nominees will follow the sequence list for ministers, listed according to the date that they last represented Presbytery at a Synod meeting, or by the date of the minister's being received into Presbytery as minister-members. Churches will be listed according to the last date on which they were entitled to nominate an elder to be a commissioner to Synod. The requirement that a nominee must have attended at least half of the Presbytery meetings in the previous year will apply. The Nominations Committee will present a slate which contains twice the number of commissioners to be elected so that alternates can be designated.

SR 13

Nomination and Election of Youth Advisory Delegates ("YADs") to General Assembly and Synod

How Selected In January of each year, youth interested in being YADs and who have been nominated by their local sessions will be invited to an orientation and training which explains the work of General Assembly and Synod and the role of the Youth Advisory Delegate in each governing body. At the end of this event the youth will nominate candidates to be the principal nominees and alternates for both General Assembly and Synod. The result of this process will be reported to the Nominating Committee which will present the nominations to the January Presbytery meeting. No further nominations will be received. The vote which Presbytery takes will be to confirm these choices.