

## More Going-On with the ‘Resolution’ than Meets the Eye

Regarding the proposal presented by the MBC Leadership for Congregational approval this week, there is more going on than meets the eye – at least at first glance. Further study may be needed to reveal the bigger picture.

It has been presented as a “Plan for Lawsuit Resolution”. This sounds something like an ‘Olive Branch’ or ‘Peace Offering’. But this title is misleading and disguises the proposal’s real effect.

While they are not announcing it as such, the Leadership is in fact proposing a change to the Constitution. This change will significantly alter the established practices for electing elders and replace it with a process that favors the current Leadership’s retention of control. What makes it difficult for the casual observer to detect is the way in which it is masked and presented – as an attempt to resolve the Injunction that has been filed against the Church.

Quite distinctly different from a resolution, this proposed action only serves to further undermine and dismantle the MBC Constitution and its 60 years of established practices regarding Elder selection.

### **A Brief History - 60 Years of Established Practice Overturned Unilaterally:**

#### A Wrong Turn on the Constitutional Path for Elder Selection:

Last June 30, 2021, the three Elder Nominees were not approved. They did not get the 75% super majority vote required by the Constitution to be elected. MBC Leadership even appears to have acknowledged this in court. But if memory serves, instead of announcing this result to the congregation, MBC Leadership chose to indicate another election was needed because of what the board considered to be “*significant questions and irregularities that arose in connection with the disruptive vote*” during the June 30th Election.

There was a problem here. They ran into a conflict with the MBC Constitution when they did that. Under Art 6, Sect 4, the loss on June 30<sup>th</sup> should have resulted in a second and separate election, involving “additional” nominees. But that did not happen. Instead, the Leadership put forward the very same three nominees and then held what amounted to a ‘re-do’ election on July 18, 2021. This was a clear violation of the MBC Constitution.

This occurred along with other ongoing and problematic actions by the board – such as taking away a member’s ability to vote by rendering them as ‘Inactive’ or even removing them from the rolls altogether. As the Elders did not permit discussion about these issues at Congregational Meetings, it all helped to precipitate the filing of an Injunction. This filing was not done for theological reasons. Neither was it done to extract monetary damages. Rather it was filed for procedural reasons. As Virginia Law would appear to require organizations, such as our church, to follow their own Constitution and other established practices, the Injunction sought to have MBC Leadership follow its own Constitution and established practices.

Beyond the Constitution itself, there are at least two other established practices that Leadership has also seen fit to discard – the Secret Ballot and the Congregational Meeting.

### The Lost Secret Ballot:

In the June 30<sup>th</sup> election, Leadership was apparently concerned that things might not go as they were hoping they would go. Prior to this election, they had already engaged in deactivating memberships. But as they still may have had concerns about the then upcoming election results, they introduced an entirely new concept to MBC Elections. This was a concept totally foreign to the Constitution – the concept of a Provisional Ballot. But even with these strategies of deactivating members and provisional ballots employed, it was not enough to bring about the election of the Elder Nominees.

Undaunted, in the unconstitutional 're-do' election of July 18, 2021, Leadership introduced yet another brand new strategy to achieve their ends – the demise of the Secret Ballot. Beginning in this election, ballots would be identified by voter. Names and/or identifying marks would be placed on ballots.

Not only is this a violation of a practice dear to all Americans, but it violates a church practice of some 60 years. More importantly, it would serve to intimidate any persons working for the church, or connected in ministry or by contract with the church. This was a distinct form of coercion.

### The Lost Congregational Meeting:

For some 60 years or so, Congregational Meetings were defined by a number of important features.

- They were a meeting and gathering in a physical location
  - Even Campuses held their meeting in their respective location – linked to Tyson's
- They occurred within a defined time frame on a single day – Tyson's & Campuses
  - Usually 2 – 4 hours and usually on Wednesdays – a non-Worship Service day
- They generally followed Roberts Rules; were called to order at start, adjourned at end
- Minutes were taken and the minutes of the previous meeting read at the opening
- Quorum was established and required in order to conduct business
- Members (and often non-members) were allowed to advocate for their views on issues, as well as make and vote on motions.
- Elections of Elders were always handled by Secret Ballot – a prized American Tradition

We began to see problems with the structure of a Congregational Meeting beginning with the June 30<sup>th</sup> Congregational meeting. While we met in a physical location, for a defined time in a single day, and apparently had quorum, we were prohibited from making comments and engaging in discussion during the proceedings, and this was accompanied by a threatening warning of ejection and possible criminal charges for any violators.

Then, the alleged Congregational Meeting on July 18 for the 're-do' vote had even less of the features we have come to understand define a Congregational Meeting.

Things have continued to degenerate since then.

- Now we have so-called Congregational meetings online (pre-recorded for all we know), and are not gathered in a single place together.
- We do not read minutes of previous meetings
- There are no Roberts Rules to follow because there is no active and participating audience
- We cannot ask questions, make comments or advocate for our views, before the Congregation present and hear a response from the Leadership. We cannot make motions or vote on them.
- The concept of Quorum is totally absent as we are not gathered in a single place at a single time. (And quorum is required by the Constitution for Congregational Meetings)
- Now ballots are harvested over several days, instead of during a defined meeting
- And ballots are still not secret

### Persistence in Disregarding the Constitution:

To reiterate, while they are not announcing it as such, the Leadership is in fact proposing a change to the Constitution. This change will significantly alter the established practices for electing elders and replace it with a process that favors the current Leadership's retention of control.

Interestingly enough, they even are procedurally in error in the way in which they are proceeding.

### Changing the Constitution

- 1) First of all, resolutions are not defined under the MBC Constitution. This is a made-up term and has no constitutional force.
- 2) No matter how you slice it, the resolution they have proposed results in changing the Constitutional process, whether they point that out or not.
- 3) Such changes to the Constitution are governed by Art III, Sect 2 and require a certain notification period – 3 Sundays
  - a. Art III, Sect 2 states in the last sentence  
The congregation shall be notified of the intent to amend or revise this Constitution (both the original wording and the proposed revision) at least three (3) Sundays prior to said meeting.
- 4) Such notification was not provided
- 5) Accordingly, they are procedurally defective at that point alone
- 6) Further, the steps enumerated in this proposal do not follow the steps outlined in the Constitution, change the steps that are enumerated in the Constitution and have the effect of wresting control away from the Congregation and its Membership and placing it into the hands of the current leadership of Pastors and Elders.

From all appearances, this does not appear to be a serious attempt to find a resolution. Instead, it appears to be yet another way – and a very powerful way – in which to undermine and dismantle the MBC Constitution and change it in ways which will favor the retention of the current leadership's control.

Accordingly, it should be voted down.

*Voice from the Back of the Room*