

## **Salem Presbytery**

### **Guidelines for Congregations Considering a Request to Presbytery to be Dismissed**

#### **PREAMBLE**

Salem Presbytery of the Presbyterian Church (U.S.A.) proclaims its enduring belief in the unity of the one Church of Jesus Christ, of which it is a grateful part. The members of the PCUSA are united by obedience to the Lord Jesus, who alone is head of the Church, by fidelity to the teachings of Scripture, and by adherence to the denomination's Constitution, which enshrines such vital affirmations as:

- *"Unity is God's gift to the Church in Jesus Christ. "To be one with Christ is to be joined with all those whom Christ calls into relationship with him." (BO: F-1.0302.a)*
- *"The particular congregations of the Presbyterian Church (USA), wherever they are, taken collectively, constitute one church." (BO: F-3.0201)*
- *"All property held by or for a congregation, a presbytery, a synod, the General Assembly... is held in trust nevertheless for the use and benefit of the Presbyterian Church (USA)." (BO:G-4.0203)*

When this unity that is our Lord's gift appears to be in jeopardy within one of its Congregations, the Presbytery must determine, in the light of the wider mission of Christ's Church, what is best and most faithful for all its members and resources.

**The goal of this Presbytery will always be reconciliation and continued relationship with all its Congregations.**

The following process outlines the steps this Presbytery will reluctantly use to respond to situations where a Congregation, or its leaders, contemplate no longer maintaining their ordination vow to *"be governed by our church's polity, and ... abide by its discipline."* (BO: W-4.4003.e) In so doing, this Presbytery will act with consistency, pastoral responsibility, accountability, gracious witness, openness and transparency.

**I.** The Congregation shall consider the Biblical imperatives in these passages:

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| <b>Peace</b>  | Romans 14:19; Galatians 5:22; Colossians 3:15       |
| <b>Unity</b>  | John 17:21; I Corinthians 12:12-13; Ephesians 4:1-3 |
| <b>Purity</b> | I Corinthians 5:9-13; Hebrews 12:14; James 4:8      |

**II.** Individual members, including officers (Deacons, Ruling Elders and Teaching Elders) may, at any time, unite with other Reformed denominations following provisions in the *Book of Order* (BO: G-3.0201.c)

**III.** Congregations may be dismissed by Presbytery to a member of the World Communion of Reformed Churches or to another Reformed denomination whose organization Presbytery determines is conformed to the doctrines and order of the Presbyterian Church (U.S.A.).

**IV.** Congregations considering a request to be so dismissed, shall follow these steps:

- A. The Session shall meet with representatives from the Committee on Ministry (COM) (BO: G-3.0307) on one or more occasions, focusing on reconciliation of any perceived serious problems.

1. At the first meeting, the Session shall give the COM representatives a written statement of their reasons for considering leaving the PCUSA.
  2. The Session shall also then deliver to the COM representatives a current membership directory (including addresses and telephone numbers) of the Congregation.
  3. The Session shall, at this meeting, recognize the right of the Presbytery to communicate directly, at any time by various means, with members of the Congregation.
  4. The Session shall agree to hold no meetings with members of the Congregation that consider matters pertinent to leaving the PCUSA (other than those specified later in these Guidelines) without the permission and participation of Presbytery.
- B. If the Session determines to proceed, it shall request the Presbytery to call a hearing of the Congregation, and to establish the rules for that hearing. Due notice shall be given orally from the pulpit at regular church services on two successive Sundays, the first of which shall be at least ten days prior to the hearing. Prior notice shall also be given in the parish newsletter or bulletin.
1. At least 50% of the active members of the Congregation shall be present.
  2. Representatives appointed by Presbytery (COM and Presbytery staff acting on its behalf) shall be present throughout and shall have the right to speak.
  3. The question to be discussed is "Shall the \_\_\_\_\_Presbyterian Church request dismissal to another Reformed body?"\*
  4. Ample time shall be provided for both speakers wanting dismissal and those wanting to stay with the PCUSA.
  5. No type of vote for any purpose shall be taken at this hearing.
- C. If the Session, after consulting leading members of the Congregation, is still determined to proceed, then:
1. Presbytery (the Presbytery Council and the COM, in consultation with the General Presbyter, acting on its behalf) shall, if it has not already done so, appoint an administrative commission (AC), which shall include some with financial expertise.
  2. The AC shall obtain an appraisal of the property by a licensed appraiser (selected by Presbytery in consultation with the Congregation), the cost of which shall be borne solely by the congregation seeking to be dismissed.  
The Congregation shall provide to the AC a current, certified Balance Sheet, the cost to be borne by the Congregation.
  3. The AC shall meet with representatives of the Congregation and negotiate a legal agreement binding on all parties and addressing all forms of the property, contingent only on Presbytery's final approval.
    - (a) Typically a church that votes to be dismissed to another Reformed body will be expected to contribute up to 100% of the appraised value of the property, and all financial assets. The exact amount will be negotiated by the AC.<sup>1</sup> Any

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<sup>1</sup> All discussions about property and financial obligations of the congregation to the presbytery, shall conform to the General Assembly Permanent Judicial Council decision of Tom v. Presbytery of San Francisco in which the General Assembly Permanent Judicial Commission (GAPJC) case, Tom v. Pby of San Francisco, the GAPJC authoritatively interpreted how the Trust Clause found in the *Book of Order* at G-4.0203 interacts with Gracious Dismissal Policies.

proceeds from congregations dismissed to other Reformed bodies shall ordinarily be used in Salem Presbytery for new church development and transformational ministries within congregations. Or may, with the concurrence of Presbytery at a regularly stated meeting, be used for other purposes as the Presbytery deems best to fulfill its mission.

- (b) The church shall be responsible for paying all legal and other costs incurred by both sides in this negotiation. The church shall, unless granted a waiver by the presbytery, remit all back payments of the per capita assessment.
- (c) The church shall repay in full any outstanding loans to any entity of the PC(USA) and shall cause any guaranteeing or co-signing entity of the PC(USA) to be removed as Guarantor or Co-Signer. The church and presbytery may negotiate other financial considerations to be paid to the presbytery.

This agreement shall also include appropriate financial terms in the light of the needs of the Congregation, those wishing to continue in the PCUSA, and the overall mission of Presbytery.

- 4. At a duly called meeting, the Congregation shall approve this legal agreement in accord with *BO: G-1.0503.d*. Members of the AC shall have the right to speak at this meeting.
- D. After the legal agreement has been approved by the Congregation, the Session may – no sooner than three months and not later than six months after the first hearing described above (Presbytery having the right to modify these time limits for good reason in the light of negotiations for the legal agreement in IV.C.3) – request the Presbytery to call a second hearing of the Congregation, and to establish the rules for that hearing.
- 1. Due notice shall be mailed to all members of the Congregation at least thirty (30) days prior to the hearing, and shall be given orally from the pulpit at regular church services on two successive Sundays, the first of which shall be at least ten days prior to the hearing.
  - 2. The Clerk of Session and the Stated Clerk of Presbytery shall agree on the roster of active members, and the procedure for their registration at this hearing. Due diligence shall be exercised to ensure that only those eligible to vote do so.
  - 3. At least 66% of the active members shall be present.
  - 4. Members of the AC appointed by Presbytery shall be present throughout and shall have the right to speak.
  - 5. The question to be discussed is “Shall the \_\_\_\_\_ Presbyterian Church request Presbytery to dismiss it to this Reformed body: \_\_\_\_\_?”\*
  - 6. Ample time shall be provided for both speakers wanting dismissal and those wanting to stay with the PCUSA.
  - 7. After discussion and prayer, a secret written ballot shall be taken on this question, the only choices being “Yes (Request dismissal)” or “No (Do Not request dismissal).”

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The GAPJC held that while a presbytery has broad discretionary authority under the *Book of Order* to determine property rights [within the context of determining the mission of Jesus Christ in the world (G-4.0201) and in its district (G-3.0303a) to dismiss a particular congregation within its geographic region (G- 3.0301a)], the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the PC(USA) as a beneficiary of the property.

8. If 90% of those active members present and voting vote to request dismissal, the request shall go to Presbytery.<sup>2</sup>
  9. If any five members, present and voting, contest the regularity (the call for, the conduct of or the vote taken) of the second Congregational hearing, they shall send the details of their allegation, postmarked within ten business days of that meeting, to the Stated Clerk of Presbytery, who shall convene the Permanent Judicial Commission to render a decision.
- E. At a meeting of Presbytery to consider the Congregation's actions, the Presbytery, while reserving its rights in *BO: G-4.02* shall:
1. Receive an explanation of the legal agreement, which can be debated but not amended, from both members of the AC and representatives of the Congregation.
  2. Hear from representatives of the Congregation in favor of its dismissal.
  3. Hear from representatives of those wishing to remain in the PC(USA).
  4. Hear from members of the AC, which shall recommend a decision to Presbytery.
  5. Be informed of any financial contributions from this Congregation to the Presbytery, Synod or General Assembly, and to this Congregation by the Presbytery, Synod or General Assembly within at least the last ten years.
  6. Be informed what provisions will be made for those members who wish to remain in the PC(USA) and for any Teaching Elders, Christian Educators or Commissioned Ruling Elders associated with the Congregation.
  7. Be informed how the Congregation's dismissal would affect the mission and ministry of the Church in this Presbytery.
  8. After discussion and prayer, the Presbytery shall vote by written ballot on this question, "Shall the Presbytery of Salem dismiss the \_\_\_\_\_ Presbyterian Congregation to this Reformed body: with the terms in the legal agreement?" The only choices shall be "Yes" or "No."\*
  9. If two-thirds of those commissioners, present and voting, vote in favor of the dismissal, that shall be the action of the Presbytery.
  10. If two-thirds of those commissioners, present and voting, vote against the dismissal, Presbytery and the Congregation will act on our deep trust in the sovereignty of God and proceed with the hard work of reconciliation as we continue to live and serve in community.
  11. Following the action of Presbytery time shall be taken in the meeting to conduct a liturgy, honoring the ministry of the church and its members past and present.
  12. If the Congregation is not still a member of the specified or another Reformed body at any time within ten years of dismissal, the PC(USA) has the right of first refusal to buy the property for one dollar, provided that such one-year period commence upon PC(USA) or the then-current Presbytery having jurisdiction over the geographic area encompassing the Church property, receiving from the Session an advisory or other notice of change of non-Reformed denomination.

V. The intent in any dispute within the life of a Congregation is to achieve reconciliation in

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<sup>2</sup> In order that a significant majority of the confirmed members approve a request for dismissal, a percentage shall be set for quorum and for necessary affirmative votes for passage that meets that standard. Whereas 75% of a 2/3 quorum results in only a 49.5% total of confirmed members, the standard shall be 90% of 2/3 quorum which yields a percentage of 59.4% of the confirmed membership.

the Lord. It is therefore the clear intention of this Presbytery to continue to pursue that goal, and to assure any departing members of a Congregation of its continuing prayers for them and its willingness to welcome them back, at any time, to that part of God's family known as the Presbyterian Church (USA).

\*As circumstances warrant, the Presbytery, in consultation with the Session, may modify the exact wording of these questions.