

## Policy and Procedures for the Dismissal of Churches in the Pittsburgh Presbytery

### 1. Introduction

As Christians, as the Church, we embody Christ in the here and now. We celebrate Christ's resurrection. We rejoice in the living, Triune God. Our hands, our hearts, our minds, and our spirits become the vessels, the instruments, which God calls and uses to share God's blessings and love with each other and the whole of creation.

*"... [T]he members of the body that seem to be weaker are indispensable and those members of the body that we think less honorable we clothe with greater honor, and our less respectable members are treated with greater respect; whereas our more respectable members do not need this. But God has so arranged the body, giving the greater honor to the inferior member that there may be no dissension with the body, but the members may have the same care for one another. If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it. Now you are the body of Christ and individually members of it." (1 Cor. 12:22-27)*

*"Now there are varieties of gifts, but the same Spirit, and there are varieties of services, but the same Lord; and there are varieties of activities, but it is the same God who activates all of them in everyone. To each is given the manifestation of the Spirit for the common good." (1 Cor. 12:4-7)*

However, when disagreement, sometimes vehement, pulls at the community, God is still with us. As God's children, we are gathered up and asked to extend forgiveness and strive for reconciliation. The gift of grace, which we have been so generously and freely given, is to be shared with one another. The other cheek is to be turned. The merciful and the peacemakers will be and are blessed.

We, individually and corporately, stand in the need of grace. Differences which are untended can become chasms that divide us. As Presbyterians, we have struggled for decades over certain theological and Biblical teachings, and we realize that persons of strong faith and understanding can differ in their understandings of Scripture and in ministry practice. These differences can divide us. We hope that what we share in common – namely, faith in the living God, Father, Son and Spirit, a deep and rich shared history, and a dedication to the great ends of the church – will sustain us in communion with one another. We have much to learn from one another. The Spirit is always at work within us, calling us to listen in all humility to one another. We fervently pray to sustain the connectional nature of the faith community called the Presbyterian Church (USA). *"With God, all things are possible." (Matthew 19:26)*

If a congregation of the Presbyterian Church (USA) desires to leave the denomination, God first of all weeps for and with us as the body of Christ. The body's gifts are separated from each other; both the congregation and the denomination suffer the loss. To reconcile and to heal is our deepest hope and prayer.

Together, we are the body of Christ; we are God's Church; we are the instruments of the Holy Spirit. As a Presbytery, we pray for unity, but commit ourselves to working through any separation in the name of the God who so graciously loves us, and as a denomination, as churches and as individuals, gives us the gift of life.

Therefore, Pittsburgh Presbytery sets forth the following process to guide us into graceful consideration of the best way to resolve our differences.

## 2. Dismissal to a Reformed Body

Congregations seeking dismissal from Pittsburgh Presbytery must become part of another Reformed body satisfactory to the Presbytery. For purposes of this policy a Reformed body is any denomination or other association recognized by the World Communion of Reformed Churches (WCRC) or other reformed denomination determined to be acceptable to the Pittsburgh Presbytery. (Note: Dismissal of teaching elders is a separate matter to be individually pursued by each pastor wishing to be dismissed.)

The Presbytery shall appoint an ad hoc committee [or refer to the Commission on Ministry the task] to examine the faith and order of a body proposed to receive a congregation. The committee shall advise the presbytery whether the receiving body is;

- a. doctrinally consistent with the essentials of Reformed theology as understood by the presbytery;
- b. governed by a polity that is consistent in form and structure with that of the Presbyterian Church (U.S.A.);
- c. of sufficient permanence to offer reasonable assurance that the congregation is not being dismissed to de facto independence.

## 3. The Trust Clause

*This policy acknowledges that according to the Book of Order of the PC(USA): All property held by or for a particular congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an incorporated association, and whether the property is used in programs of a particular congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.) (G4-0203)*

## 4. Initiating the Dismissal Process

The date that Pittsburgh Presbytery's Executive Committee confirms in writing the receipt of written notice from a congregation's Session that the congregation wishes to enter a discernment process with Presbytery that could result in dismissal marks the beginning of a not-less-than 6 month and not more than 12 month discernment time. (Note: See the document "A Process for Discerning God's Will in the Relationship between Pittsburgh Presbytery and Congregations" for an outline of the discernment process.) A Discernment Team (DT) will be appointed as per the process. During the time of discernment presbytery representatives shall be part of the mutual discernment process with the congregation. The Book of Order G-3.0301a stipulates that when a presbytery uses its power and oversight responsibilities to merge, dismiss or dissolve congregations that this is to be done "*in consultation with their members.*" Both parties (i.e. the session and the DT) may agree to extend the discernment process for a specific period of time.

## 5. Time of Discernment

See the document “A Process for Discerning God’s Will in the Relationship Between Pittsburgh Presbytery and Congregations”

## 6. Basic Values and Understandings of the Dismissal Process

During any discussions regarding a congregation’s request to be dismissed by the Pittsburgh Presbytery from the Presbyterian Church (USA), the respective parties agree that:

- a. All parties choose to stay out of the civil courts as litigation “is deadly to the cause of Christ... and our witness to Christ in the world around us (Resolution 04-28 adopted by the 218<sup>th</sup> General Assembly);
- b. No acts or impressions of ‘intimidation’ will be tolerated;
- c. At every interaction between presbytery representatives and members of a congregation prayer, for all involved, will begin and conclude each meeting;
- d. Open discussion with the congregation by the Presbytery will be extended and permitted before and/or leading up to any polling of the members of the congregation to advise the presbytery on their preferences regarding dismissal;
- e. Honesty and transparency by all parties is expected;
- f. Once entering this process, all parties agree to abide by this policy; Teaching and ruling elders shall abide by their ordination vows. W-4.4003
- g. The congregation will disclose its membership addresses to the Presbytery at least 60 days before any congregational polling on requesting dismissal, so that the Presbytery may contact the members directly [in specific circumstances in which a congregational member would object to an address being disclosed, the session would mail the Presbytery’s sealed communication to that member];
- h. The session will neither specially purge the rolls, nor specially add to the rolls, leading up to a congregational poll (normal roll maintenance continues);

## 7. The First Polling of the Congregation

After the discernment period has concluded and if the session desires the congregation to continue in the process toward dismissal, there is to be a first gathering of the members of the congregation to advise the Presbytery of the wishes of the members regarding dismissal. Church membership will be based on the total number of members officially reported to the Office of the General Assembly on the 31st of December of the year immediately preceding the vote, but adjusted through normal roll maintenance. At least a simple majority of the total membership must support dismissal. The polling meeting will be moderated by a DT member or a presbytery representative chosen by the DT. . This first poll is considered preliminary and advisory only, authorizing proceeding to the development of a negotiated dismissal agreement that must be confirmed by both the Presbytery and the congregation.

- a. **When the Discernment Team Reports a Continuation of Fellowship-** After completing the required process, the DT makes a report to the EC. If it has been decided that the congregation and the Presbytery are still called by God to continue in covenant relationship, the DT and the session will work together to craft a process to acknowledge the “learnings” from the process, past differences, seek reconciliation if necessary, and covenant for a healthy relationship.
- b. **When the DT Reports that the congregation desires to continue in the process towards dismissal to another reformed body-** When a simple majority of the a congregation’s total membership polls in favor of departure, the DT shall report this result to the EC along with any recommendations. An Administrative Commission (AC) will be formed, and the dismissal process continues according to this policy.
- c. **In situations where there is a split vote-** When the DT reports that the polling did not attain the required level of votes for continuing the process toward dismissal, and the congregation is sufficiently split over the decision, the DT may decide, after consultation with the session that the congregation is in schism. The DT shall report its recommendation to the Executive Committee and request that an Administrative Commission (AC) be formed according to this policy.

## 8. Formation of an Administrative Commission

If a simple majority of the congregation’s total membership votes to continue the process toward dismissal, an Administrative Commission (AC) will be formed pursuant to Book of Order G-3.0109 and will engage in discussions and negotiations as a representative of Pittsburgh Presbytery with the congregation.

- a. The Administrative Commission shall:
  - i. Be trained and oriented by the Stated Clerk, and/or others appointed by the Executive Committee regarding process, the history of the church with the presbytery, and all criteria that should be covered by the AC as well as, appropriate items to be included in any dismissal agreement.

- ii. Shall include as many members of the DT as possible for the sake of continuity. Branch ministers may resource AC's in an ex officio/advisory capacity.
- iii. Be oriented to an understanding of the trust clause in the Book of Order G-4.0203.

b. The Administrative Commission shall have the following powers

- i. To consult with the members of the congregation concerning the dismissal of the congregation, and to convene gatherings of the members of the congregation for consultation;
- ii. To examine minutes, papers, and records of the session and congregation;
- iii. To conduct hearings and to determine whether a disagreement among the members concerning dismissal constitutes schism;
- iv. If there is schism, to conduct hearings and to determine whether reconciliation of a schism is possible;
- v. If there is irreconcilable schism, to conduct hearings and to determine whether a faction within the congregation should be identified as the true church within the Presbyterian Church (U.S.A.); and to determine, upon recommendation, the disposition of all church property held in trust for the PCUSA (G-4.0203).
- vi. To represent the Presbytery in settlement negotiations with the session or its representatives;
- vii. To present its findings and recommendations to the Presbytery.

## 9. Season of Negotiation

A season of negotiation will then be entered into between the AC and the session or its appointed representatives, to develop a dismissal agreement. This will be done on a congregation-by-congregation basis, i.e., any dismissal is on a case-by-case analysis. The negotiations will include analysis of any financial settlement involved in a dismissal. Any financial settlement will reflect, but not be limited to, the following considerations:

- a. An understanding of the trust clause of the Book of Order G-4.0203;
- b. a gracious witness policy that considers the impact of any such agreement upon the ability of the Presbytery and the congregation to continue its mission in the nearby vicinity;
- c. Provisions for ongoing local spiritual care for members wishing to remain affiliated with the PC(USA);
- d. Directives that endowments/trusts/memorials of the congregation stay within the PC(USA); that were stipulated to the PC(USA) or its predecessor entities. Endowments left to the larger Church must stay

within the PC(USA); conversely, endowments/trusts/memorials not so stipulated will ordinarily remain with the dismissed congregation;

- e. Agreed removal of PC(USA) memorial plaques and signage;
- f. Size of membership;
- g. Financial statements of the congregation for a past number of years;
- h. History of per capita payments by the congregation;
- i. History of all loans and property purchases, sales and transfers approved by the presbytery. This is in compliance with an understanding of the Book of Order Trust clause.
- j. Property valuations of physical plant, real estate and potential or current oil, gas, and mineral rights/leases. It would be appropriate to have an appraisal of all properties completed by an outside, independent appraiser jointly chosen by the AC and session. Appraisal fees to be paid for by the congregation seeking dismissal.

#### **10. Arbitration- When an Agreement Cannot be Reached**

If, after prayerful discernment and discussion, an agreement on a financial settlement cannot be reached, the financial portion of the dismissal agreement will be decided by binding arbitration. Presbytery and the church seeking dismissal shall each choose an arbitrator and these arbitrators shall choose a neutral chairperson. These arbitrators will then direct the proceedings in order to allow Presbytery and the church seeking dismissal to present their respective positions orally and in writing with a decision to be made following the submissions forthwith. Nothing in this policy prevents the arbitrators from assisting the parties in negotiating an agreement for a financial settlement. Expenses for any arbitration process will be shared equally between the Presbytery and the church seeking dismissal.

#### **11. The Financial Settlement Portion of the Agreement**

The financial settlement plan will ensure that a dismissal action will neither create nor extend to Pittsburgh Presbytery any new encumbrance. Further, no dismissal action will leave Pittsburgh Presbytery holding any liability or mortgage related to a dismissed property. The financial settlement plan will be combined with any other non-financial considerations such as removal of signage or member care for those members choosing to remain affiliated with the PC(USA), etc., to form a dismissal agreement. The final dismissal agreement may include such things as: a reversionary clause for the property (e.g. if it were to be sold, or closes, or ceases to exist for Christian worship), considerations for a percentage of oil, gas, and mineral rights to be paid to the presbytery for a set number of years, the ability of the Presbytery to have the first right of refusal if the church property is to be sold within a set number of years etc. Each dismissal agreement is negotiated on a case-by case basis.

## **12. A Second Polling of the Congregation**

After an agreement is reached on all financial and non-financial matters, a second Presbytery consultation with members of the congregation will be convened to specifically poll the congregation on a final dismissal agreement. At least fifty percent of the membership must be present and seventy five percent of those present must vote in favor of the agreement.

## **13. Vote of Presbytery on Dismissal**

When the Administrative Commission finds that a majority of the members of the congregation desire dismissal in accord with the dismissal agreement, the Commission shall report its findings to the Presbytery. A vote of the Presbytery for dismissal will be made with approval by a simple majority vote.

## **14. Fulfillment of Agreement**

Following Presbytery approval, payment in full of any financial settlement by the congregation and any agreed upon removal of memorial plaques and signage shall be completed within 90 days of approval for dismissal by the Presbytery. Within this same period all historic original congregational minutes, rolls and registers will be turned over to the Presbytery with the congregation retaining a copy at its own expense. Similarly, the Presbytery at any dismissal of a congregation, which includes a disposition of real property (e.g. buildings, land, camp, oil, gas, or mineral rights, etc.), would appropriately and legally relinquish all legal rights to the property within this same 90 day period in accord with the terms of the final dismissal agreement.