

**Principles and Processes  
For San Fernando Presbytery  
When Churches Seek to Separate From Presbytery  
Adopted 5/24/11**

**Introduction**

The 218th General Assembly (2008) of the Presbyterian Church (USA) urged that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power "to divide, dismiss, or dissolve churches in consultation with their members" (Book of Order, G-11.0103i) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, it urges congregations considering leaving the denomination, presbyteries and synods to implement a process using the following principles:

***Consistency:*** The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.

***Pastoral Responsibility:*** The requirement in G-11.0103i to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.

***Accountability:*** For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with "caring for the flock."

***Gracious Witness:*** Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.

***Openness and Transparency:*** Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness, and work against seeking civil litigation as a solution.

***Commitment:*** We encourage every congregation and every member to stay and renew this denomination. In the spirit of G-1.0300 and G1.0305 we reaffirm that Presbyterians have always celebrated and recognized that there may be significant differences of opinion on issues that matter and we have a duty to exercise mutual forbearance toward each other.

Accordingly, the Presbytery of San Fernando adopts the following document:

## **I. Principles of Mission and Property in Times of Dispute**

### **A. The Presbytery, Property and Conscience**

The Presbytery of San Fernando seeks to develop, encourage and nurture the denominational affiliation and presbytery membership of each of its particular member churches based on our organic spiritual unity found in the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit. (2 Corinthians 13: 14) In all of our relationships, we will be guided by our own

Mission Statement:

*The Presbytery of San Fernando declares that every church within our bounds is a mission center reaching out to a diverse and rapidly changing community and world.*

This is also true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections frayed over issues of conscience to the point of considering disaffiliation. In order to achieve the goals of servanthood, encouragement and support (that are keys to ministering in times of dispute), San Fernando Presbytery sees its role as being a resource to:

- *Enable its congregations to carry out their mission by providing resources to proclaim the good news of Jesus Christ;*
- *Respond to the needs and challenges of the world in our Lord's name;*
- *Conduct constitutionally required responsibilities of a presbytery;*
- *Coordinate its mission with that of the General Assembly, the Synod of the So. Cal. and Hawaii; and appropriate ecumenical agencies;*
- *Serve as a channel of communication with other governing bodies;*
- *Fill a fellowship and pastoral function for its members and congregations;*
- *And work diligently to fulfill the "great ends of the church":*
  - The proclamation of the gospel for the salvation of humankind,
  - The shelter, nurture and spiritual fellowship of the children of God,
  - The maintenance of divine worship,
  - The preservation of the truth,
  - The promotion of social righteousness, and
  - The exhibition of the Kingdom of Heaven to the world.

***Therefore in matters of Property and conscience, the Presbytery sees its role in terms of Mission Strategy first and foremost.***

### **B. The Presbytery and Mission Strategy**

The Book of Order of the Presbyterian Church (U.S.A.), (G-11.0103), challenges the Presbytery to order all resources ...for the mission and government of the church throughout its geographical district. It therefore has the responsibility and power:

- a. To develop strategy for the mission of the church in its area consistent with G-3.0000 (the Book of Order chapter on the Church and its Mission);
- b. To coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility.

As a result, the Presbytery has an abiding interest in the location and facilities of the member churches as an expression of the missions of the Presbytery.

### **C. The Presbytery and the Trust Clause**

According to the Book of Order of the Presbyterian Church (U.S.A.)

*All property held by or for a particular church, 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 unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.). (G-8.0201)*

The Trust Clause is meant to reflect the church's organic unity as it fulfills "The Great Ends of the Church," strengthening its ability to guide its member churches into their witness to the broader community. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the Presbytery to act ministerially rather than adversarially to its member churches in regard to its provisions.

### **D. The Presbytery and Covenant Life**

Because the Trust Clause is understood by the Presbytery as a means of displaying organic unity in common mission, there are common principles that will guide the Presbytery's use of it:

- It will not be used to shackle churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart.
- It will not be used as a weapon to threaten civil action against a congregation in keeping with 1 Corinthians 6: 1-11 over issues of conscience. (G-1.0300)
- It reflects a tangible exhibition of the inter-connected relationship organically existing between the Presbytery and its congregations.

"The unity of the Church is a gift of its Lord and finds expression in its faithfulness to the mission to which Christ calls it." (G-4.0200) We believe our unity, our true connectionalism, comes from Christ, our Chief Cornerstone and that our unity in Christ serves as an essential basis for evangelism. (John 17:20-23) It is our prayer that we would all be one in Christ, just as Christ and the Father are one. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the Presbytery to exercise forbearance, not coercion, to act ministerially rather than adversarially to its member churches in regard to its provisions. It is also the right of a congregation to seek and to request dismissal with its property ordinarily to another reformed denomination.

## **II. Principles of Resolution**

The Trust Clause will not be used to initiate civil litigation preemptively. If a church initiates a civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery. However, recognizing that legal action weakens the witness and body of the Church, it is our hope and prayer that legal action be avoided by both parties. In times of dispute over issues of conscience, the Presbytery will adhere to, and member churches are

encouraged to adhere to, these Principles of Resolution. Guided by our Presbyterian form of government, we:

1. Affirm the mission of the Kingdom of God and not the maintenance of any particular institution as our highest calling;
2. Believe that the local congregation is the primary mission unit of Presbytery, and that issues of property and money are always secondary to people and mission;
3. Will not abdicate all decisions regarding property and finance to the local congregation;
4. Understand that property is maintained and administered locally by the congregation on behalf of the denomination;
5. Maintain accountability and connection by shared, representative leadership and oversight;
6. Understand that regarding issues of conscience, "Divorce" can be a relevant analogy in releasing congregations. Each side must confront difficult realities, confront what it perceives to be a broken trust, speak of those realities to each other, and be forced to consider the ongoing health and viability of the other;
7. Will not approach property issues in such a way as to constrain local congregations in their ability to do mission and ministry;
8. Will use the Presbytery Response Team procedure described in III-A below instead of the use of an Administrative Commission;
9. Will use binding arbitration as described in section III-A. below when resolution cannot be achieved by other means; and will use the Presbytery Response Team procedure described in III-A
10. Will encourage all presbyters and congregations to "concur with or passively submit to" (G-6.0108(b), footnote 1) the vote and wisdom of the majority. If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal, which may include dismissal only to another Reformed body in accordance with our interpretation of the Trust Clause, found in section III below.

### **III. Processes for Resolution**

The goal of this Presbytery will always be reconciliation and continued engagement in relationship for all congregations within the presbytery without the threat of isolation, estrangement or blame. The Presbytery is to be a servant to the churches God has entrusted to us, encouraging and supporting them toward becoming healthy, growing, congregations. This is especially true for those congregations for whom the bonds of unity are stretched and

ecclesiastical connections frayed over issues of conscience to the point of considering disaffiliation.

#### **A. The Process of Discernment Leading to Possible Dismissal**

In the Presbyterian tradition, an inter-connected relationship is assumed between the Presbytery and its congregations. Therefore, no congregation will be dismissed to another Reformed body unless and until, at a minimum, the following process is followed:

1. The Session and its pastor/moderator, after consideration, prayer and a majority vote of the existing members, invites the Presbytery to form a **Presbytery Response Team (PRT)** in order to engage the congregation in discussions about potential resolution or dismissal for identified reasons of conscience. Before which, COM will determine that: a) Pastoral Staff of the church are found in good standing, and b) the health of the congregation seems apparent. Also, once action has been initiated to form (PRT), no New Member may be added to the rolls until the PRT and congregation completes their work and a favorable outcome has been achieved.
2. The PRT will consist of a Chairperson appointed by the Committee on Ministry (COM), and ideally, skilled in conflict resolution; and six additional members including two people agreed upon by the Session of the congregation and four other members chosen by the COM.
3. When the PRT meets with the Session, they may on occasion, ask the pastor/Moderator to excuse him or herself from a particular meeting. If the moderator does so, he or she will appoint a member of the PRT to act as moderator in his or her absence. The first action in that initial meeting will be to agree to the terms of Section B, (Favorable Terms).
4. Both the PRT and the session and the pastoral staff will be encouraged to seek ongoing dialog in the hope of resolution.
5. The PRT will not determine the merits of the concerns raised by the Session, but will work to assure that before the issues are brought before the congregation, they have been addressed fairly and accurately.
6. The PRT will promptly report the results of the initial meeting and its recommendations to the Presbytery through the COM.
7. The PRT may work with the Session to call a Congregational Meeting for the purpose of hearing from the members and discerning, possibly by a non-binding written vote how many members desire that, should the way be clear, the congregation be dismissed to another Reformed body with whom PCUSA is in fellowship.
8. While the quorum for congregational meetings is set by the Book of Order, and by the bylaws of particular congregations, the PRT expects that at least fifty percent of the active membership will participate in the meeting.

9. If the PRT believes that a significant proportion (estimated at more than 75%) of the attending members wish to be dismissed, they will, with the permission of the Presbytery Coordinating Team and/or Presbytery, begin to negotiate favorable terms with the congregation under the terms of Section B., below.

10. During the negotiations there should be formal education of all members by the (PRT) in regards to the polity and practice of the Reformed body to which they will be going, including any practical changes this might mean for the congregation

11. During the negotiations the PRT will meet with members of the congregation who wish to remain within the Presbyterian Church (U.S.A.) to best strategize how to either maintain an existing mission presence, incorporate members into nearby Presbytery congregations, or create a new entity.

12. In the case of an impasse between the PRT and congregation in negotiation, who have both sought to faithfully follow the Principles and Processes When Churches Seek to Separate from Presbytery, both the Presbytery and congregation will submit to the decision of an arbiter. The arbiter will be a practicing Christian and a member of the American Arbitration Association or the Peacemaker Ministries. The arbiter will be chosen by both Presbytery and congregation as described in Section A above. Should arbitration be entered, the arbiter's decision is to be followed without exception. The costs for the arbiter will be divided equally between the Presbytery and the congregation.

13. At the conclusion of negotiations, the congregation will hold a Congregational Meeting to vote on a possible dismissal to a specific Reformed body according to the terms of negotiation. Such a called meeting of the congregation must be noticed at least 30 days in advance, and every action should be taken to maximize the participation of the congregation in this meeting. At least fifty percent of the current active membership will attend the meeting. An affirmative vote of at least seventy-five percent is required in order to further the dismissal process.

14. The Presbytery, at a regular or specially called meeting, will vote on whether to accept the terms of dismissal without amendments and to allow the congregation to be dismissed to a specified Reformed body according to G-11.0103(i) of the Book of Order of the Presbyterian Church (U.S.A.). In the case of a negative vote of Presbytery, the process of Binding Arbitration, will be followed.

### **B. Favorable Terms**

The Presbytery, through the process of negotiating issues of conscience and property with congregations, will act in such a manner that will reflect its primary concern for the ongoing mission and vitality of Christian witness in the area impacted by the ministry of that congregation. Therefore:

1. The Presbytery recognizes that "the church" in a particular area is not its building or financial assets, but the people of the congregation.

2. The Presbytery must be mindful both of congregation members who, for reasons of conscience, desire that their congregation be dismissed to another Reformed denomination, and also those congregation members who wish to remain within the Presbyterian Church (U.S.A.).
3. In cases where a financial settlement is a part of a dismissal agreement between the presbytery and a particular church, that settlement will be fairly and proportionately based on a measure such as how many congregation members remain within the Presbyterian Church (U.S.A.) and how many elect to be a member of the departing congregation.
4. The best goal of Presbytery negotiations with congregations, when there is a group that desires to remain within the Presbyterian Church (USA) and a group that desires to be dismissed to another Reformed body, is to enable both congregations to be as healthy as possible in the aftermath of separation.
5. If a financial settlement regarding ministry properties is agreed upon, that settlement will be used to maintain or re-establish a mission of the Presbyterian Church (U.S.A.), or to enable those remaining within the Presbyterian Church (USA) to find a receiving congregation within or near the specific area served by that particular congregation.
6. If the congregation does vote to leave, and terms are agreed upon, it must be clear that
  - a) No indebtedness on property or buildings remains with Presbytery or any other PCUSA entity. Rather, any indebtedness becomes wholly assumed by the leaving congregation.
  - And b) If the congregation leaves to join another Reformed body and the new congregation fails within the first 5 years, both the property, buildings and assets revert to the Presbytery (PCUSA).
7. Special attention should be given to members of the congregation who are preparing for ministry and are under the care of Presbytery. Each member under care, together with his/her liaison from the Committee on Preparation for Ministry (CPM), should be advised immediately of the congregation's desire to seek dismissal. The member under care will be given the option of being dismissed with the congregation or transferring their membership to another congregation within Presbytery and/or the Presbyterian Church (USA). If transfer to another congregation with Presbytery/the Presbyterian Church (USA) is requested, PRT and the CPM liaison will assist the member in seeking a waiver of the usual six-month requirement for church membership in order to maintain care status.
8. Just as this process is designed to aid in Presbytery's ability to respectfully deal with the congregation's desire to be dismissed, and to have that happen in a way that minimizes the impact on that congregation's ministry, it is also important for the congregation to act in a way as to minimize the impact on the mission and ministry of the Presbytery. Recognizing that the Presbytery's ability to sustain ministry is related to its financial health, it is assumed that the congregation that is being dismissed would want to minimize the financial impact of its departure on Presbytery. This comes in two forms: per capita giving and mission giving. The dismissal of the church shall not be conditioned on these payments being made, as they are intended to be voluntary contributions driven by this reciprocal concern for ministry.

Through the process of negotiation between Presbytery and the congregation the parties are encouraged to reach an agreement that will help lead to the health of both parties. An example could be seen in the following where the congregation agrees to a declining per capita and mission contribution over the span of 5 years so that the Presbytery can adequately adjust to a smaller base of per capita and mission contributions. The first year after the dismissal is granted, the contribution should be 80% of the last per capita payment the church made before it's dismissal, followed by 60% the following year, followed by 40% the following year, followed by 20% the following year, and nothing in year 5. Per capita and mission contribution is not a requirement for dismissal, but rather a tangible partnership in the greater ministry of the larger church.

9. Finally all members of the church being dismissed shall be notified by mail after the vote by Presbytery of the action being taken, and the church shall inform them of the process available to them to have their membership transferred to another PC(USA) church. The church being dismissed must provide a list of members whose membership is not being transferred to the new body to the PRT, so as to make sure they are invited to join another PC(USA) congregation. This list should be provided within 30 days of the vote by Presbytery to dismiss the congregation.

#### **IV. Completing the Dismissal**

Recognizing that the departure of valued colleagues in ministry will be a matter of pain for all parties, it is appropriate for the Presbytery to hold a service of worship giving thanks for prior shared ministry and prayers for the ongoing witness of both the departing congregation and all of the other congregations in the Presbytery and the Presbyterian Church (USA).