

**Presbytery of Lake Erie
Committee on Ministry
When Churches Seek to Separate
From the Presbytery**

Re-Adopted by COM February 18, 2020

The 218th General Assembly (2008) approved a commissioner's resolution (Item 04-28) on: "Urging a Gracious, Pastoral Response to Churches Requesting Dismissal from the PC(USA)". The final text as approved by the assembly is as follows:

The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.):

1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly 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.
2. 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, the General Assembly 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: It is our belief that 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.

[Note, the above statement from the 208th General Assembly used citations from the 2008-2009 Book of Order. The remainder of this document has been updated to reflect the 2019 - 2021 Book of Order.]

I. Principles of Mission and Property in Times of Dispute

A. The Presbytery, Property and Conscience

The Presbytery of Lake Erie 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 the following principles:

The Presbytery of Lake Erie is to be a servant to the churches God has entrusted to us, encouraging and supporting them toward becoming healthy, growing, congregations that discern God's mission in their setting and are actively working to participate in that mission.

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.

In order to achieve the goals of servanthood, encouragement and support (that are keys to ministering in times of dispute), the Presbytery of Lake Erie 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 Trinity; 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, and consistent with its strategy for the mission of the church in its area, the Presbytery of Lake Erie establishes that a goal of this Presbytery will be reconciliation and continued relationships for all congregations in the Presbytery.

B. The Presbytery and Mission Strategy

The Book of Order of the Presbyterian Church (U.S.A.), charges the Presbytery with the government of the church throughout its district (G-3.0301). It therefore has the responsibility and power:

- a. To develop strategy for the mission of the church in its area consistent with F-1.00, "The Mission of the Church," which is the first chapter of the Book of Order.
- 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, property, and facilities of the member churches as an expression of the mission 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 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 unincorporated association, and whether the property is used in programs of a 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.). (G-4.0203)

The Trust Clause is meant to reflect the unity of the Presbyterian Church (U.S.A.) 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 unity in common mission, there are common principles that will guide the Presbytery’s use of it:

- The Presbytery will not bind churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart to another reformed body.
- The Presbytery will strenuously seek to avoid utilizing civil action against a congregation in keeping with 1st Corinthians 6: 1-11 over issues of conscience (F-3.0101)
- If, however, a church initiates a civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery.

II. Principles of Resolution

In times of dispute over issues of conscience, the Presbytery will adhere to, and member churches are encouraged to adhere to, the following 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. Understand that, because according to our Constitution, property is maintained and administered locally by the congregation on behalf of the denomination; the Presbytery will not abdicate all decisions regarding property and finance to the local congregation;
4. Maintain accountability and connection by shared, representative leadership and oversight;
5. Understand that, in seeking resolution, 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;
6. Will uphold the constitution of the Presbyterian Church (U.S.A.), but will not approach property issues in such a way as to constrain local congregations or the Presbytery in their ability to do mission and ministry;
7. Will use the Resolution Team procedure described in III-A;
8. Will encourage all congregations to “concur with or passively submit to” the vote and wisdom of the majority (see G-2.0105, “Freedom of Conscience,” and the associated footnote).

If their consciences will permit neither, the Presbytery will be generous in allowing congregations with strong issues of conscience to pursue peaceable withdrawal. This would involve dismissal to another Reformed body in accordance with our interpretation of the Trust Clause, found in section III below.

III. Processes for Resolution

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 invites the Presbytery to form a Resolution Team (RT) in order to engage the congregation in discussions about potential resolution or dismissal for identified reasons of conscience.
2. The RT will consist of a Chairperson appointed by the Coordinating Committee and specifically trained by the Presbytery in conflict resolution, plus five other members: two persons chosen by the Session of the congregation from a list provided by the Coordinating Committee and three other members chosen by the Coordinating Committee.
3. The RT will meet with the Session, and the pastor/Moderator will be excused for a portion of the meeting after having appointed a member of the RT to act as the moderator in his or her absence. A goal of that initial meeting will be to agree to the provisions of Section B, (Favorable Terms).
4. The RT, the Session and the pastoral staff will be encouraged to seek ongoing dialog in the hope of resolution.
5. The RT 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. The Session and congregation are expected to allow the RT a fair opportunity to present to the congregation, but it is not the purpose of this opportunity to debate questions of conscience.
6. The RT will promptly report the results of the initial meeting and its recommendations to the Coordinating Committee.
7. The RT 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 “straw ballot,” how many members desire that, should the way be clear, the congregation be dismissed to another Reformed body.
8. While the quorum for congregational meetings is set by the bylaws of each congregation, if a congregational meeting is called for the purposes described in III-A-7, at least fifty percent of the congregation’s active membership must participate in the meeting. The Presbytery may waive the quorum requirements for the meetings of III-A-7 and III-A-12 only by having two readings of the waiver request, as required for the amendment of a policy. The previous waiver granted to the Rocky Grove church will expire December 31, 2015.
9. If the RT determines 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 Committee and/or the Presbytery, begin to negotiate favorable terms with the congregation under the terms of Section B., below.

10. If it does not appear to the Resolution Team, by means of a straw vote or other form of discernment, that 75% of the attending members would like to seek dismissal, the Resolution Team will request the Coordinating Committee to dissolve the Resolution Team and advise the congregation that the way for gracious dismissal does not appear to be clear. If it appears to the Resolution Team that it is likely that the number of the congregation that will ultimately support dismissal is greater than 75%, the Resolution Team may continue to work with the congregation in its discernment process until it is appropriate to call a second Congregational meeting with the purpose to see if the percentage of those supporting dismissal meets the 75% threshold.

Between the first and second congregational meetings:

- a. The Session should determine which Reformed body they would recommend that the congregation move toward. The congregation is to be given the opportunity at one open meeting to hear from representatives of the new Reformed body as well as representatives of the PC (USA) the pros and cons of membership in the respective denominations. Members of the RT are not to serve in the capacity of the PC (USA) representatives at such a meeting. Following this open meeting the Session may submit an “if the way be clear” application to the new Reformed body.
 - b. The Session shall provide the information requested by the RT relating to the finances and execute a waiver to allow the RT to confirm financial information with the Synod, agencies of the General Assembly, outside foundations and financial institutions that have custody of church assets. Once the RT is in possession of the financial information requested, they should formulate a proposal of favorable financial terms that could be shared with the congregation and serve as a starting point for negotiations of the final favorable terms.
11. During the negotiations the RT will meet with members of the congregation who wish to remain within the Presbyterian Church (U.S.A.) to best plan how to either maintain an existing mission presence, incorporate members into nearby Presbytery congregations, or create a new entity.
 12. 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. Fifty percent of the current active membership must be present at the meeting. An affirmative vote of at least seventy-five percent of those attending is required in order to further the dismissal process. The congregation will invite the RT to attend this meeting; and are encouraged, but not required to grant them privilege of the floor.
 13. Following this meeting the RT will continue to work with the congregation to orderly transition to the new Reformed body; or, if the 75% vote was not achieved, shall offer ongoing support to the Session and congregation as it comes to terms with the outcome and endeavors to go forward within the PC (USA) in a healthy way.
 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-3.0303b of the Book of Order of the Presbyterian Church (U.S.A.). In the case of a negative vote of Presbytery, the matter will be referred back to the Resolution Team and the congregation for reconsideration.

Following this reconsideration, the terms whether revised or not shall be presented to presbytery a second time. If the Presbytery again votes it down, the Presbytery may then entertain amendments to the terms of dismissal on the floor of Presbytery.

B. Favorable Terms

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

- The Presbytery recognizes that “the church” in a particular area is not its building or financial assets, but the people of the congregation.
- The Presbytery must be mindful both of congregation members who, for reasons of conscience, desire that their congregation be dismissed to another denomination, and also those congregation members who wish to remain within the Presbyterian Church U.S.A.)
- In cases where a financial settlement (including loans, mortgages, endowments, and other assets) is a part of a dismissal agreement between the presbytery and a particular church, that settlement will be fairly and proportionately based on determinations such as how many congregation members remain within the Presbyterian Church (U.S.A.) and how many choose to become members of the congregation in the new denomination.
- 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 subsequent to separation.

In the event a congregation is dismissed, the original copies of the Minutes and Register of the congregation will be deposited with the Presbyterian Historical Society. Copies will be provided on request to the dismissed congregation or the presbytery at their own expense.

- If a financial settlement is agreed upon, the settlement may direct how the Presbytery of Lake Erie will use any resulting proceeds.
- In cases where dismissal seems to be the most faithful course of action, it is the Presbytery’s goal that it be done in a manner maintaining the integrity of both parties and enabling both to move forward in their respective ministries and missions in healthy ways. The goal for any financial settlement will be fairness to both parties and will include consideration of the following factors and others as mutually determined appropriate;
 - Results of the vote of the congregation approving separation (# of votes in favor and # opposed)
 - Value of current property, including contents
 - Any outstanding loans or debts incurred by the congregation
 - Any endowments or bequests held by the congregation, with consideration of original terms when the gift was given
 - Other current church financial accounts – checking, savings, etc.