

<p>DISAFFILIATION REQUEST POLICY PRESBYTERY OF EAST IOWA</p>
--

I. Introduction

A. Theological Statement

The Presbytery of East Iowa seeks to serve God by living in covenant community, enacting God's mission in the world. Our journey in faith is lived out in the unity found in the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit (II Corinthians 13:14).

The letter to the Ephesians defines the Church of Jesus Christ this way: "We are members of one another" (Ephesians 4:25). In his correspondence with the Christians in Corinth, Paul describes the Church of Jesus Christ as being like a human body, in which each part is distinct and important. Throughout our history, Presbyterians have honored and struggled with the tension between unity and diversity. We preach and seek to practice the idea of mutual forbearance, which we find in the Book of Order, described in this way:

...we also believe that there are truths and forms with respect to which [people] of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other (F-3.0105).

In the course of our common life together, there are occasions when a congregation or portion of a congregation believes that for its own good and integrity it must sever its relationship with the larger body. Such a decision must be entered into thoughtfully, prayerfully and with a profound trust and openness to the work of the Holy Spirit. Such decisions are wrenching and painful for all concerned. With deep respect for the gravity of these situations, we offer the following guidelines for individual congregations and the Presbytery of East Iowa as both parties discern together whether to separate.

B. Purpose of this Policy

The General Assembly of the Presbyterian Church (U.S.A.) has asked each Presbytery to provide a guiding policy in the event a pastor, session, and/or congregation question their on-going relationship with the PC(USA).

Approved and Effective: 15 November 2015

The history of the church has never been a history without controversy. Men and women of good will and sincere faith sometimes disagree. These differences can divide us. Paul and Barnabas had to separate for a time in order to continue their respective ministries (Acts 15:39). The Church of Jesus Christ is divided into three great traditions: Protestant, Catholic, and Orthodox. The Protestant tradition is divided again in Anglican, Lutheran, Reformed (Presbyterian) and Anabaptist. In recent generations, we have also witnessed the reuniting of churches that were once separated. And, yet, God has permitted the church to grow through and in spite of these divisions.

We pledge even in times of disagreement and conflict we will seek to respect and love one another in the Spirit of Christ. We seek to further the peace and unity of the church as we strive to discern Christ's will for us. Together, we are the body of Christ; we are God's Church; and we are the instruments of the Holy Spirit.

The Presbytery of East Iowa is committed to caring for teaching elders, sessions, and congregations who are considering disaffiliating from the denomination. The Presbytery intends to create a process that will care for the life and ministry of a particular church, those desiring to disaffiliate, and those who do not wish to dissolve the relationship with the PC(USA). In all matters relating to this subject, one question is paramount. How can this process be accomplished in a way that honors Jesus Christ and strengthens both the congregation and the Presbytery?

II. Mutual Process of Discernment

A. Period of Discernment

In gratitude to Jesus Christ we strive to be the people of God in our time. When a church considers disaffiliation from the Presbytery of East Iowa and the PC(USA), a primary task is to develop an action plan that cares for and includes the teaching elders or pastors, members of the session, and all members of the congregation. We are all brothers and sisters in Christ, and it is our intent that God's grace might be manifest throughout the discernment and decision-making process.

We recognize that this process will be difficult for the local congregation and the Presbytery. Paul said "Christian love is genuine; it is truth-telling" (Rom.9:1). We pray that Christ's love will live in us all and enable us to shape and soften our rough edges, as we share our various understandings of God's truth. In the

Approved and Effective: 15 November 2015

Church, we are bound within covenant community to people who do not always agree, but we are united by the love of God revealed in Christ Jesus. Our job is to live out that love with one another. We seek to have respectful conversations that bear witness to our shared faith in Jesus Christ.

The Presbytery of East Iowa requires that any session considering disaffiliation with the PC(USA) agree to enter a defined process of mutual discernment. We believe that a matter of this magnitude deserves a time of focused attention, energy, and prayer. The process should ordinarily take no less than four months and may require as long as one year. In some situations, the Presbytery Coordinating Commission, the Commission on Ministry, and the Stated Clerk may choose to shorten or lengthen the discernment process to meet the needs of a current set of circumstances.

B. Discernment Team

1. Initiating the process: A session voting to initiate the discernment process shall contact the Presbytery office and inform the Stated Clerk of its intention. At that time, both parties begin the work of recruiting members for a Discernment Team to listen and review the situation.
2. Team Composition: The Discernment Team shall consist of three representatives from the Presbytery selected by the Presbytery Coordinating Commission and three representatives from the congregation selected by the session.
3. Team Leadership: The Presbytery Coordinating Commission shall appoint a moderator to facilitate Discernment Team meetings so that each team member has an equal chance to participate. The moderator shall have an equal voice and vote with the other members of the Discernment Team. The Moderator of Presbytery, the Stated Clerk, and the Moderator of the Session shall be ex officio members of the Discernment Team, with voice but without vote, and shall attend meetings as available.
4. Meetings of the Team: The Discernment Team will meet at least three times over a period of three to six months. Members should plan for a two-hour meeting each time. Members of the congregation are encouraged to attend the meetings to listen to the content of the discussions. Time shall be provided for input from congregational members.

Approved and Effective: 15 November 2015

- First Meeting: Team members shall share extended introductions, faith stories, and spiritual and theological understandings of the issues.
 - Second Meeting: Resume where the first meeting ended and share guided conversations on foundational theological issues.
 - Third Meeting: The members of the Discernment Team will determine the focus of the third meeting, informed by what has been shared at the first two meetings.
5. Team Report: After completing the three sessions, the Discernment Team shall submit a written report to active members of the congregation and the Presbytery regarding their conclusions.
6. Process Outcome: The outcome of the discernment process leads to two possible decisions:
- The session decides not to disaffiliate from the Presbytery and the PC(USA). The church and the Presbytery agree to stay in relationship.
 - The session decides to continue the process of disaffiliation.

III. Decision of the Church

A. Action of the Session

When the outcome of the mutual discernment process leads a session to pursue disaffiliation, the following actions shall be implemented:

- The session shall notify the Presbytery in writing that, following the discernment process, it voted to pursue the disaffiliation process;
- A congregational meeting shall be called (per G-1.0502) to assess the preference of the congregation for disaffiliation or continuance with the PC(USA);
- The call for such a congregational meeting shall be distributed to active members of the congregation in writing at least two weeks in advance as well as through announcements in public worship on two successive Sundays prior to the meeting;
- Representative from the Presbytery, appointed by the Presbytery Moderator, shall be invited to and shall attend the meeting.
- Subsequent to a meeting of the congregation, the session shall make its decision on continuance in its request for disaffiliation.

Approved and Effective: 15 November 2015

B. Meeting of the Congregation

- The quorum for this special congregational meeting shall be one-half(1/2) of the active role of the church as indicated on the most current statistical report;
- The session shall provide a written presentation to the congregation stating the rationale of the session in seeking disaffiliation, followed by an opportunity for general discussion;
- All members of the church as well as the representatives of the Presbytery shall have the right to speak;
- A vote shall be taken by written ballot that indicates to the session the preference of the membership on the matter of disaffiliation;
- The vote of the congregation is advisory only and does not constitute an action of the church;
- The clerk of the session shall share the results of this vote in writing with the Presbytery Stated Clerk.

IV. Establishment of an Administrative Commission

If, after receiving the advisory vote of the congregation, a session decides to pursue its request for disaffiliation from the PC(USA) by written notice to the Stated Clerk, the Presbytery shall establish an Administrative Commission with the following tasks:

- Receive the request of the session for disaffiliation and determine its compliance with the discernment process and an advisory vote of the congregation;
- Decide if the congregation's advisory vote constitutes a sufficient number of members who consent to the session's request to justify and validate the session's request;
- Develop a process for negotiation with the session concerning the terms and conditions for disaffiliation from the Presbytery and the PC(USA);
- Determine whether dismissal to another Reformed body is valid and feasible;
- Draft proposals for recommendation to the Presbytery regarding settlement of matters of property, church records, financial obligations, membership transfer, transfer to another Reformed denomination, and any other related matter in disaffiliation;

Approved and Effective: 15 November 2015

- File a written report to the Presbytery containing recommendations to be reviewed and acted upon by the Presbytery.

V. Principles Related to Disaffiliation

A. Release to Another Church Body

Consistent with the polity of the PC(USA) and the decisions of the General Assembly Permanent Judicial Commission (*Anderson v. Synod of Florida, PCUS, 1974, I. 119-121; and Strong v. Bagby, PCUS, 1976, I. 92-96*), a congregation can be dismissed, with or without property, only to another Reformed body recognized by the PC(USA) as a member of the World Communion of Reformed Churches. **A church cannot be dismissed to independent status.**

B. The Property Trust Clause

According to the Book of Order of the PC(USA) (G-4.0203): *All property held by or for a particular church, a Presbytery, a synod, the General Assembly, or the PC(USA), 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 PC(USA).*

The Trust Clause is intended to evidence the interconnected relationship existing between the PC(USA) and its churches, as well as our unity in the covenant of the common mission. Presbytery, as a corporate organization of the body, is responsible for ensuring ministry in its geographical area by guiding and coordinating the work of the particular churches within its bounds in order to maximize their strength for effective witness to the broader community. Presbytery, therefore, has an inherent interest in the location and facilities of its member churches to further this mission. Consultation and negotiation with a particular church seeking separation will include a study of the impact of such separation upon the Presbytery's overall ministry and witness.

Under the Trust Clause, a particular church's property, including land, buildings, and fixtures, is held in trust for the PC(USA). The congregation cannot sell, lease

or encumber it without the permission of Presbytery, nor can it take property with it to another denomination unless Presbytery voluntarily releases its claim upon the property.

The Trust Clause also reflects our understanding of the church as a communion of saints across the time, with responsibilities both to those who came before and those who will follow. When a church seeks to leave the Presbytery, it is breaking what is often a significant historic relationship; it is also departing from a fellowship in which its officers have participated, by whose polity they have pledged to be governed, and with which many members may feel bonds of affection. This policy therefore cautions any church seeking to separate from the Presbytery to consider its actions carefully.

The Trust Clause should not be used as a weapon to threaten civil action against a church. In considering enforcement of the provisions of the Trust Clause, it is important that Presbytery and its member churches act graciously to one another. Scripture calls us to seek in all humility to resolve our disagreements and avoid the harm that is done to the Gospel and Christ's body when Christians resort to civil litigation and public disputes over property.

C. Review of Records

A church seeking disaffiliation will provide to the Presbytery copies of session records (e.g., minutes, registers) and all executed documents concerning the congregation's incorporation and by-laws, real property and other assets, including, but not limited to, current deeds of trust, loan agreements, liens, property and casualty insurance, and statements of tangible and intangible assets. Representatives of the church and the Presbytery shall review these documents to determine whether Presbytery, Synod or any PC(USA) entity is named therein and/or is exposed to any liability claims which exist or may arise under these documents.

D. Appraisal of Property

A church seeking disaffiliation will provide Presbytery with two current market appraisals of all of the land, buildings, fixtures, and contents held by the church. The cost of these appraisals, prepared by independent appraisers satisfactory to both the church and Presbytery, will be borne by the church. Fair market value will ordinarily be obtained by averaging the two appraisal amounts.

E. Financial Terms & Property Disposition in Disaffiliation

The decision whether to release Presbytery's claim to property used by a particular church in trust association with Presbytery and the PC(USA) will be made by Presbytery, bearing in mind its responsibility to deploy assets of people, real estate, and financial resources for the furtherance of the mission of the PC(USA) within its bounds. Therefore, if the church seeking disaffiliation wishes to retain its property, the session and Presbytery shall negotiate the terms whereby Presbytery will release the property to another Reformed denomination or to the church as an entity of another Reformed body in exchange for agreed compensation. These terms should reflect the mission strategy of Presbytery, in an effort to facilitate the mission of Presbytery and an ongoing ministry of the congregation.

Guidelines* in property negotiations:

1. Compensation to Presbytery for the loss of real property will ordinarily be based on the appraised market value of the church's land, buildings, fixtures and contents, with the exact figure negotiated by Presbytery's representatives for approval by Presbytery.
2. Settlement terms will include a due date by which final payment must be made and will specify whether payments are interest-free or include interest calculated at a specific rate.
3. Title to the property will not be released by Presbytery until all compensation for the property has been received.
4. Other types of negotiated compensation may include, but are not limited to, the following:
 - A long-term lease of the property, under which the disaffiliating congregation retains full use of the buildings and contents but the title remains with Presbytery.
 - Continuation of per capita assessment payments for a stimulated period.
 - Sale of the property to a third party and allocation of the proceeds between the disaffiliating church and Presbytery, through a negotiated division.

- Dissolution of the church and retention of the property by Presbytery for new church development or use by Presbytery for other mission purposes.

*[*These guidelines are recommendations with the understanding that the Spirit may move the Administrative Commission or the Presbytery toward an alternate resolution or settlement]*

F. Status of Teaching Elder Members of Presbytery

If a church receives permission to disaffiliate from the Presbytery and the PC(USA), a Presbyterian teaching elder serving the church may choose to continue serving the congregation or seek another call within the PC(USA). If a teaching elder requests transfer to the Reformed body to which the church is requesting dismissal, this transfer will normally be approved unless the minister is the subject of a pending judicial or investigative action (D-10.0105).

If the teaching elder chooses to stay within the PC(USA), the call to the church shall be dissolved at the time of the church's dismissal and the teaching elder shall be enrolled as an at-large member of Presbytery, which will allow the teaching elder to continue to seek calls within the PC(USA). The teaching elder must make this choice at the time of disaffiliation.

G. Status of Members of the Congregation

Within thirty (30) days of the Presbytery's vote approving disaffiliation, the Stated Clerk will prepare a letter to members of the congregation informing them of their option to be dismissed or to remain in the PC(USA). The church being dismissed will mail the letter to all active members of the congregation promptly and will bear all costs associated with this mailing. The letter will direct that responses are to be returned to Presbytery. Presbytery will then ensure that contact is made with those members wishing to remain in the PC(USA).

The terms of members being dismissed who serve on Presbytery commissions, committees or task forces end officially upon Presbytery's action to approve disaffiliation. The status of ruling elders within the PC(USA) and the commission of a ruling elder (CRE) serving a congregation by action of Presbytery ceases upon disaffiliation.

VI. Final Steps

- A. In order for the dismissal process to proceed, steps must be taken to repay in full any indebtedness owed to or guaranteed by Presbytery, the Synod, or the PC(USA) and any of its entities or to refinance such indebtedness through an independent creditor without support from Presbytery, Synod, or the PC(USA). Appropriate action must also be taken to amend any organizational documents, as necessary to the above, and to ensure that adequate insurance coverage of all property is maintained until dismissal is completed.
- B. Prior to finalization of the dismissal process, legal counsel shall be retained to review the settlement agreement, prepare a quit claim by Presbytery to the congregation for any real property being released, and prepare an indemnification by the church to Presbytery against any and all future claims that may arise related to the property. All legal costs associated with this counsel and preparation as well as any other corrective action noted above shall be borne by the church.

VII. The Action of the Presbytery

When the Administrative Commission has completed its work, it shall report in writing to Presbytery through the Stated Clerk on the negotiated terms of disaffiliation for the review, amendment, and action of the Presbytery. The vote of the Presbytery on the request to disaffiliate shall be by ballot and shall require a simple majority of those present and eligible to vote.

VIII. Completion of Disaffiliation and Dismissal

Recognizing the inevitable disruption and grief related to disaffiliation and departure, it is appropriate that Presbytery offer a time of prayer, giving thanks for prior shared ministry, and for the ongoing witness of the departing church, colleagues, and for all the churches of Presbytery and the PC(USA).

Approved and Effective: 15 November 2015

Attest: Rebecca Blair

Rebecca Blair, Ph.D., Stated Clerk

Approved and Effective: 15 November 2015