

Winnebago Presbytery Disaffiliation Policy
Recommended for Adoption
February 11, 2012

I. Introduction

A. Theological Statement

Winnebago Presbytery seeks to serve God by “Bearing Witness to Jesus Christ, Strengthening and Connecting Congregations”. 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.” 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 congregations and Winnebago Presbytery as both parties discern together whether to separate.

B. Purpose of this Policy

The General Assembly of the PC(USA) 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).

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 into 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.

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

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

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62 **II. Mutual Process of Discernment**

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64 A. Period of Discernment

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

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72 We recognize that this process will be difficult for the local congregation and the Presbytery.
73 Paul said, "Christian love is genuine; it is truth-telling" (Rom. 9:1). We pray that Christ's love
74 will live in us all and enable us to shape and soften our rough edges, as we share our various
75 understandings of God's truth. In the Church, we are bound to people who do not always agree,
76 but we are united by the love of God revealed in Christ Jesus. Our job is to live out that love with
77 one another. We seek to have respectful conversations that bear witness to our shared faith in
78 Jesus Christ.

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80 Winnebago Presbytery asks that any session seeking or considering disaffiliation with the
81 PC(USA) agree to enter a defined process of mutual discernment. We believe that a matter of
82 this magnitude deserves a time of focused attention, energy, and prayer. The process should take
83 no less than four months and may require as long as one year. In some situations, the Presbytery
84 Council, the Committee on Ministry, the Stated Clerk and the executive staff may choose to
85 shorten or lengthen the discernment process to meet the needs of a current set of circumstances.

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87 B. Discernment Team

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89 1. Initiating the Process: A session voting to initiate the discernment process shall
90 contact the Presbytery office and inform the Stated Clerk its intention. At that time,
91 both parties begin the work of recruiting members for a Discernment Team to listen
92 and review.

- 93 2. Team Composition: The Discernment Team shall consist of four representatives
94 from the Presbytery selected by the Presbytery Council and four representatives from
95 the congregation.
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- 97 3. Team Leadership: The Presbytery Council shall appoint a moderator to facilitate the
98 conversation so that each team member has an equal chance to participate. The
99 moderator shall have an equal voice and vote with the other members of the
100 Discernment Team. The executive staff, the Moderator of Presbytery, and the Stated
101 Clerk shall be ex officio members of the Discernment Team, with voice but without
102 vote, and shall attend meetings as available.
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- 104 4. Meetings of the Team: The Discernment Team will meet at least three times over a
105 period of three to six months. Members should plan for a two-hour meeting each
106 time. Members of the congregation are encouraged to attend the meetings to listen to
107 the content of the discussions. Time shall be provided for input from congregational
108 members.
- 109 • First Meeting: Team members shall share extended introductions, faith stories,
110 and spiritual and theological understandings of the issues.
 - 111 • Second Meeting: Resume where the first meeting ended and share guided
112 conversations on foundational theological issues.
 - 113 • Third Meeting: The members of the Discernment Team will determine the focus
114 of the third meeting.
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- 117 5. Team Report: After completing the three sessions, the Discernment Team shall
118 submit a written report to the church and the Presbytery regarding their conclusions.
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- 120 6. Process Outcome: The outcome of the discernment process leads to two possible
121 decisions:
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- 123 • The session decides not to disaffiliate from the Presbytery and the PC(USA).
124 The church and the Presbytery agree to stay in relationship.
 - 125 • The session decides to continue the process of disaffiliation.
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127 **III. Decision of the Church**

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129 A. Action of the Session

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131 When the outcome of the mutual discernment process leads a session to pursue disaffiliation,
132 the following actions shall be implemented:
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- 134 • The session shall notify the Presbytery in writing that, following the discernment
135 process, it reaffirms its request for disaffiliation;
- 136 • A congregational meeting shall be called (per G-1.0502) to assess the preference of
137 the congregation for disaffiliation or continuance within the PC(USA);

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- The call for such a congregational meeting shall be distributed to the church membership in writing at least two weeks in advance as well as through announcements in public worship on two successive Sundays prior to the meeting;
 - Representatives from the Presbytery, appointed by the Presbytery Moderator, shall be invited to the meeting;
 - Subsequent to a meeting of the congregation, the session shall make its decision on continuance in its request for disaffiliation.

146 B. Meeting of the Congregation

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- The quorum for this special congregational meeting shall be one-half (1/2) of the active roll of the church;
 - 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.

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160 **IV. Establishment of an Administrative Commission**

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

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- 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;
 - File a written report to Presbytery with its recommendations for Presbytery review and action.
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182 **V. Principles Related to Disaffiliation**

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184 **A. Release to Another Church Body**

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

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192 **B. The Property Trust Clause**

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194 According to the Book of Order of the PC(USA) (G-4.0203): *All property held by or for a*
195 *particular church, a presbytery, a synod, the General Assembly, or the PC(USA), whether legal*
196 *title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and*
197 *whether the property is used in programs of a particular church or of a more inclusive governing*
198 *body or retained for the production of income, is held in trust nevertheless for the use and benefit*
199 *of the PC(USA).*

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

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210 Under the Trust Clause, a particular church's property, including land, buildings, and fixtures, is
211 held in trust for the PC(USA). The congregation cannot sell, lease, or encumber it without the
212 permission of Presbytery, nor can it take property with it to another denomination unless
213 Presbytery voluntarily releases its claim upon the property.

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

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

228 C. Review of Records

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

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239 D. Appraisal of Property

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

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247 E. Financial Terms & Property Disposition in Disaffiliation

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

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259 Guidelines* in property negotiations:

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261 1. Compensation to Presbytery for the loss of real property will ordinarily be based
262 on the appraised market value of the church's land, buildings, fixtures and
263 contents, with the exact figure negotiated by Presbytery's representatives for
264 approval by Presbytery.
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266 2. Settlement terms will include a due date by which final payment must be made
267 and will specify whether payments are interest-free or include interest calculated
268 at a specified rate.
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270 3. Title to the property will not be released by Presbytery until all compensation for
271 the property has been received.
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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 stipulated 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 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, Presbytery 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 committees or units 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 serving a congregation by action of Presbytery ceases upon disaffiliation.

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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 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).