

**Winnebago Presbytery Disaffiliation Policy**  
**Recommended for Adoption**  
**November 12, 2011**

**Theological Statements**

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.

**Purpose**

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.

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; we are the instruments of the Holy Spirit.

The Presbytery of Winnebago is committed to caring for pastors, sessions, and congregations who are considering disaffiliation from the denomination. It is the intention of the Presbytery to create a process that will care for the life and ministry of a particular congregation, all members involved; 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. If a congregation seeks to disaffiliate from the PC(USA), or toward restoration of fellowship with the PC(USA), how can that be accomplished in a way that honors Jesus Christ and strengthens both the congregation and the Presbytery?

### **A Mutual Process of Discernment**

In gratitude to Jesus Christ we strive to be the people of God in our time. When a church asks for disaffiliation with Winnebago Presbytery and the PC(USA), a primary task is to develop an action plan that cares for and includes the pastor and all members of the congregation. We all are 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 Church, we are bound 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.

Winnebago Presbytery asks that any Session seeking or considering disaffiliation with the denomination PC(USA) agree to enter a defined process of mutual discernment. We believe that a matter of this magnitude deserves time of focused attention, energy, and prayer. The process should take no less than four months and may require as long as one year.

In some situations, the Presbytery Council, the Committee on Ministry, the Stated Clerk and the executive staff may choose to shorten or lengthen the discernment process to meet the needs of a current set of circumstances.

A Session voting to initiate the discernment process shall contact the Presbytery office and inform the Stated Clerk and Committee on Ministry of their intention. At that time, both parties may then begin the work of recruiting member representatives for a Discernment Team to Listen and Review.

The Discernment Team shall consist of four representatives from the congregation, and four representatives from the Presbytery selected by the Presbytery Council; insuring parity between Teaching Elders and Ruling Elders.

The Presbytery Council shall appoint a moderator to facilitate the conversation 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 executive staff, the Moderator of Presbytery and the Stated Clerk of the Presbytery shall be ex officio members of the Discernment Team and shall attend meetings as available.

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 the congregational members.

- 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 focus of the third meeting will be determined by the members of the Discernment Team.

After completing the three sessions, the Discernment Team shall submit a written report to the congregation and the Presbytery regarding their conclusions and the future relationship between the Presbytery and the congregation. The outcome of the discernment process leads to two possible decisions:

- The Session decides not to disaffiliate from the Presbytery and the Denomination. The congregation and the Presbytery agree to stay in relationship.
- The Session decides to continue the process of disaffiliation.

### **The Congregational Meeting**

At the end of the discernment process the Session will decide on the necessity of calling a meeting of the congregation for a vote in conjunction with Presbytery's collaboration.

Meetings of the congregation shall be called by the Session, by the Presbytery, or by the Session when requested in writing by one fourth of the active members on the roll of the congregation. (G-1.0502)

When the outcome of the mutual discernment process leads a Session of a congregation to continue to pursue disaffiliation, the following actions will occur:

- The Session will notify the Committee on Ministry or the executive staff in writing that it is requesting a meeting for the purpose of leaving the PC(USA).

- The Session will call for a meeting of the congregation. Advance notice for the meeting will be by written letter to each active member of the congregation, as well as through Sunday announcements. The letter shall be mailed thirty days in advance of the meeting date and public worship announcements shall be made at all worship services between the date of the call and the congregational meeting. Representatives of the Presbytery shall also be invited to the meeting, with the right to address those gathered.
- **A quorum for this special congregational meeting shall be 2/3 of the members on the active roll.**
- The Session shall provide a written presentation to the congregation announcing the intention of the Session. All members present, as well as the Presbytery members shall have the right to speak. When all discussions are concluded, the vote will be taken, by written ballots by the members of the congregation present. At least 75% of those present and voting must vote in favor of requesting disaffiliation in order for the proposal to pass.
- If the vote is negative, the matter of disaffiliation is ended.
- If the vote is affirmative, then Presbytery will establish an Administrative Commission to deal with the disaffiliation process and its negotiations.

### **Duties of an Administrative Commission for Churches requesting Disaffiliation:**

#### **Establishment of an Administrative Commission**

If 75% of the members at the congregational meeting vote to approve a request for disaffiliation with Winnebago Presbytery and the PC(USA), Presbytery shall establish an Administrative Commission to develop and implement a process for negotiation and settlement of all matters pertaining to disaffiliation. In conjunction with the Session of the church, the Commission will negotiate the terms of disaffiliation and report to Presbytery its recommendation for final action.

#### **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.**

#### **Mission Strategy**

The Presbytery understands its role under the Property Trust Clause within its responsibility to act on behalf of the PC(USA) and its member congregations to ensure the promotion of ministry

and coordination of witness to the Gospel of Jesus Christ in an effective way within the bounds of the Presbytery. 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.

### **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 inter-connected relationship existing between the PC(USA) and its congregations, as well as our unity in the covenant of 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 congregations to further this mission.

Under the Trust Clause, a particular congregation's church 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 time, with responsibilities both to those who came before and those who will follow. When a congregation 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 congregation 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 congregation. In considering enforcement of the provisions of the Trust Clause, it is important that Presbytery and its member congregations 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.

## **Disposition of Property, Funds, and Records:**

### **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 will 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 exists or may arise under these documents.

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.

Prior to finalization of the dismissal process, legal counsel will 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 congregation 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 congregation.

### **Appraisal of Property**

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

### **Negotiation of Financial Terms for Disaffiliation**

The decision whether to release Presbytery's claim to property used by a particular congregation 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 congregation seeking disaffiliation wishes to retain its property, the congregation and Presbytery will negotiate the terms whereby Presbytery will release the property to the congregation in exchange for an 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 will ordinarily include:

- Compensation to Presbytery for the loss of real property will ordinarily be based on the appraised market value of the congregation's land, buildings, fixtures and contents, with the exact figure negotiated by Presbytery's representatives for approval by Presbytery.
- 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 specified rate.
- Title to the property will not be released by Presbytery until all compensation for the property has been received.

Other types of compensation may be negotiated in special circumstances. These 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 congregation and Presbytery, through a negotiated division.
- Dissolution of the congregation and retention of the property by Presbytery for new church development or use by Presbytery for other mission purpose.

### **The Action of the Presbytery**

When the Administrative Commission has completed its work, it shall report in writing to Presbytery on the terms of disaffiliation. 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.

### **Status of Teaching Elder Members of Presbytery**

If a congregation receives permission to disaffiliate from the Presbytery and the PC(USA), a teaching elder serving the congregation 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 congregation is requesting disaffiliation, 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 congregation shall be dissolved at the congregation'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.

### **Status of Members of the Congregation**

Within thirty (30) days of the Presbytery's vote approving disaffiliation of a congregation, if by dismissal to another Reformed body, Presbytery will prepare a letter to members of the congregation informing them of their option to be dismissed with the congregation 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 cease upon disaffiliation.

### **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 congregation, colleagues, and for all the congregations of Presbytery and the PC(USA).