

Presbytery of Tres Rios

Reconciliation and Dismissal Process

(Process Approved at Called Meeting December 1, 2012)

Scripture

There is no fear in love, but perfect love casts out fear; for fear has to do with punishment, and whoever fears has not reached perfection in love. John 4:18 NSRV

The Presbytery's commitment to this passage in how we dialogue with each other means that we are committed to engage either the leaders of the congregation or the congregation as a whole, as circumstances dictate, with a listening ear. We encourage congregations wrestling with issues to share their concerns with Presbytery leadership and know that the response will be one of prayerful dialogue and a commitment to act in love and in the best interest of the congregation.

The Presbytery of Tres Rios believes God calls us to work together in unity,

How very good and pleasant it is when kindred live together in unity! It is like the precious oil on the head, running down upon the beard, on the beard of Aaron, running down over the collar of his robes. It is like the dew of Hermon, which falls on the mountains of Zion. For there the Lord ordained his blessing, life forevermore. Psalm 133: 1 – 3 NRSV

with humility, gentleness, patience, and love to keep the Spirit through the bond of peace.

I therefore, ... beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace. There is one body and one Spirit, just as you were called to the one hope of your calling, one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all. Ephesians 4:1-6 NRSV

GA Statement

The 219th General Assembly (2010) of the Presbyterian Church (USA) urged that presbyteries and synods develop and make available to councils and local congregations a process that exercises the responsibility and power “to divide, dismiss, or dissolve churches in consultation with their members: (New Book of Order 2011 – 201(NBOO), G-3.0301 a, page 51) “ *Provide that the Word of God may be truly preached and heard.* This responsibility shall include organizing, receiving, merging, dismissing, and dissolving congregations in consultation with their members;” [NBOO - G-3.0301 a, page 51]]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 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 council now called council, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-3.0303 b, page 53) and specific issues of schism within a congregation (G-4.0207, pages 62, 63). 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 again seeking civil litigation as a solution.
- Trust and Confidentiality: All matters will be held in confidence in the Reconciliation and Dismissal process. (NBOO – G 4.0301, page 63)

The Presbytery of Tres Rios seeks to uphold one another, respect each other's integrity, and affirm freedom of conscience, even as we acknowledge significant differences in our views on what the Bible teaches about a number of issues. We desire to encourage peace and unity while minimizing confrontation between and among our congregations and member as we seek together to find and represent the will of Christ. In all that we do, it is our prayer to strive to be a church modeled on the body of Christ, a church made up of many different parts, all of which are necessary for its mission to the world, for its building up, and for its service to God and our own organic spiritual unity found in the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit.

DISCERNMENT PROCESS

A session wishing to initiate this process shall put the matter to a vote. If at a duly noticed meeting with appropriate quorum, the session votes by two-thirds majority to initiate the discernment process, the Clerk of Session shall contact the Presbytery office, General Missioner, and inform the Stated Clerk of this desire. Once Tres Rios Presbytery has been notified, the Committee On Ministry (COM)¹ shall present its internal Reconciliation and Dismissal Process to be approved by the Presbytery. The session shall then call a congregational meeting for the purpose of approving participation in the discernment process. At that meeting, the congregation shall vote to establish a quorum of 30% for any future meeting to vote on requesting dismissal from the PC (U.S.A.) If approved, the Stated Clerk of the Presbytery and the Clerk of Session (or their designated representative) shall sign a Covenant Agreement (see page 9).- Committee On Ministry (COM) and session shall then select member representatives for the Discernment Team.

The Discernment Team shall consist of four representatives from the church and four representatives from the Presbytery. The session of the congregation shall select the representatives from the church, one from the church staff, one from the session and two at large active members of the congregation. COM shall select two Ruling Elders and two Teaching Elders from the Presbytery (at least one of these four from COM). Moderator of COM shall inform Presbytery Council of progress and actions. The Discernment Team shall covenant to meet together a minimum of five times.

First Meeting

The first meeting of the Discernment Team shall be convened by the COM Representative. During this meeting, the process shall be reviewed and a facilitator/moderator will be selected. A majority of the Presbytery representatives and a majority of the congregation representatives shall concur in the selection of a facilitator/moderator. The facilitator/moderator shall not be one of the eight members of the Discernment Team and shall have voice but not vote during the discernment process. The Discernment Team will engage in extended time of prayer and introductions. Following the first Meeting, the Discernment Team will meet at least four more times. The expected content of the meetings are outlined below.

Second Meeting

The Discernment Team members will share their faith stories, their understanding of the spiritual and theological issues at stake between the congregation and the Presbyterian Church (U.S.A.), and pray for God's guidance. This meeting will primarily be a listening and sharing session.

Third Meeting

The facilitator of the Discernment Team will guide a prayerful dialogue on foundational theological

issues. The purpose of this discussion is to determine how much common theological and ecclesiastical ground exists between the congregation and the denomination.

Fourth Meeting

The Discernment Team will create a process of prayer and discernment to listen to the concerns, sensitivities and questions of congregation members.

Fifth Meeting

Upon completion of the listening process, the Discernment Team will address the concerns, sensitivities and questions of congregation members.

Additional Meetings

The content of additional meetings will be determined mutually by members of the Discernment Team.

Upon completion of the above meetings and time committed to prayer, the Discernment Team will make a report with recommendations to the congregation in one or more “town hall” meetings.

If the session determines the congregation is still called by God to remain in covenant relationship with the Presbyterian Church (U.S.A.), both parties will work together to heal any broken relationships (see “Guidelines for Restoration of Fellowship and Recommitment to Presbytery-Congregational Relationship” page 5).

If the session votes to call a congregational meeting to recommend dismissal to another Reformed body, the session shall follow the “Procedure for Seeking Dismissal”. These policies and procedures shall take effect immediately upon approval by the Presbytery.²

¹ *NOTE: It is understood that if a reorganization plan of presbytery’s committee structure is adopted, the committees or teams charged with carrying out the function or responsibilities of this committee shall be the successor entities for the purposes of this policy.*

² *NOTE: If a congregation or its leadership preemptively files suit in a civil court against the Presbytery, the Presbytery of Tres Rios will answer and defend the suit. If suit is filed, the Presbytery of Tres Rios also reserves the right to apply the Alternative Process for a Church Considering or Seeking Dismissal from the Presbyterian Church (U.S.A.). Likewise, if a congregation or its leadership abandons this Reconciliation and Dismissal Process before completion, the Alternative Process for a Church Seeking Dismissal from the Presbyterian Church (U.S.A.) will apply.*

GUIDELINES FOR RESTORATION OF FELLOWSHIP AND RECOMMITMENT TO PRESBYTERY- CONGREGATIONAL RELATIONSHIP

If the Session or congregation determines that it is called into a continued or transformed relationship with the Presbytery of Tres Rios, the Discernment Team will create and conduct a process for continuation/transformation of fellowship and reaffirmation to the Presbytery-congregational relationship. The following are presented as minimal guidelines for marking and sealing that reaffirmation:

1. The Discernment Team will assist the Session in writing a covenant of reaffirmation articulating the nature and specifics of the future relationship between the congregation, Presbytery and the PC (U.S.A.). (page 9 Covenant Agreement offered as a place to begin.)
2. Conducting a public service of worship and reaffirmation to shared fellowship and ministry, with participation from Presbytery and congregation.
3. Sharing of story and testimony from members of the Discernment Team and congregation at the congregational and Presbytery level (and beyond, if appropriate).
4. Blessing and commissioning of any minority that leaves the local congregation (to the extent possible), in the hope of maintaining bonds of peace.

PROCEDURE FOR SEEKING DISMISSAL

Upon completion of the discernment process described in the “Commitment to Reconciliation,” a session and congregation desiring to enter into the process of seeking dismissal shall follow this procedure:

1. The session shall call for a meeting of the congregation. Advance notice for the meeting shall be by written letter to each member on the active roll of the congregation who is eligible to vote at the meeting, as well as through three Sunday worship announcements. The letter shall be mailed at least thirty (30) days in advance of the meeting date and shall include:
 - a. the motion from the session to be dismissed to a particular Reformed body
 - b. a written statement from the Discernment Team majority and minority (if applicable)Public announcements of the congregational meeting shall be made at all worship services between the date of the call and the actual congregational meeting. Representatives of the Presbytery (which may include members of the Discernment Team, Presbytery Council, Stated Clerk, General Missioner, and representative of COM shall also be invited to the meeting, with the right to address the body-gathered.
2. Members eligible to vote at the congregational meeting shall be those listed on the roll of Active members of the church (G-1.0402, page 22) as of the date of the letter calling the congregational meeting. The quorum for the congregational meeting shall be the designated quorum of the congregation or 30%, whichever is higher.
3. All members present, as well as the representatives of Presbytery, shall have the right to speak. When the discussion is concluded, the vote shall be taken by written ballot. At least two-thirds of those present voting must vote in favor of requesting dismissal to another Reformed body in order for the proposal to pass.
4. If at least two-thirds of those voting request dismissal, the Presbytery shall agree to the dismissal. Prior to a dismissal, the session and representatives of the Presbytery will enter into a legal agreement regarding the disposition of property. Presbytery’s decision of whether or not to release its claim to real and personal property used or held by a particular congregation will take into account many issues such as the spiritual needs of the congregation and community as well as the Marks, Notes and Great Ends of the Church (See F-1.0302; F-1.0303; F-1.0304). The presbytery must also consider a congregation’s financial position and valuation of property and take into consideration the PC (USA)’s use and benefits of the property in every decision concerning disposition of property. The Trust Clause, Book of Order (G-4.0203) evidences the interconnected relationship existing between the PC (USA) and its congregations, as well as, our unity in the covenant of common mission. It 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.
5. The Presbytery recognizes that “the church” in a particular area is not its building or financial assets, but the people of the congregation. When the required two-thirds of those votes are to join another Reformed body, and when a minority of at least 10% vote to remain in the PC (U.S.A.), a separate meeting shall be convened at a separate time to discern interest, if any, in starting a PC (U.S.A.) congregation. If 25 or more members of the active membership sign a letter expressing intent to begin another PC (U.S.A.) congregation, the Church Development Committee (CDC)¹ of Presbytery, or its agent, shall determine if the leadership, mission, and resources exist to organize a new church. If the Church Development Committee or its agent makes that determination, an amount of money shall be made available for the new church development before dismissal of the majority with property.³ The formula used to determine the amount is as

follows: An amount of money at least equal to the fair market value of the property minus loans, multiplied by the percentage of its active membership signing a petition to organize a new church.

6. A congregation that is approved for dismissal may take its name with it, but must remove the PC(USA) seal from all property and documents.
7. In the event that any congregation's request for dismissal is approved under the terms of this Process, the Presbytery shall, in conjunction with the congregation, hold a final worship service of commissioning, to celebrate our common life in Jesus Christ and to pray for the effectiveness and well-being of both the congregation and the Presbytery. Those departing the Presbyterian Church (U.S.A.) will be commissioned by the Presbytery to further their work for the kingdom as they go forward in ministry. The service will be jointly planned by members of the Committee on Worship and the session, and all congregations of the Presbytery of Tres Rios shall be invited.
8. A congregation being dismissed shall be required to remove the Presbytery of Tres Rios from any outstanding loan guarantees and to pay off any loans outstanding to any entity of the Presbyterian Church (U.S.A.).
9. A congregation being dismissed will be required to take a roll of its membership as of the official date of dismissal, to transfer the memberships of all those on the roll who request transfer to another congregation, and to file all reports required by the Presbytery for statistical record-keeping.
10. A congregation being dismissed will be required to work with the Presbyterian Board of Pensions to determine the effective date of the dismissal.
11. There are some practical considerations to be addressed, should a congregation be approved for dismissal. These are listed for information, and are not all-inclusive or binding for the purposes of this Procedure.
 - a) The status of the minister(s) currently called by the congregation: whether they shall remain with the congregation and transfer their ministerial status to the new denomination, or whether they choose to remain within the PC (U.S.A.), and thus need to look toward seeking a new call.
 - b) The status of any insurance policies held by the congregation with instrumentalities of the PC (U.S.A.) may need to be changed.
 - c) The corporate status of the congregation shall be revised to reflect its dismissal.
 - d) The presbytery agrees to execute all documents necessary to effectuate the transfer of all assets or property pursuant to this procedure.
12. At the time of dismissal all original records, minutes, rolls or church legal documents become the property of Tres Rios Presbytery. The congregation may keep copies of those records as they so wish.

³ The intent of this section is to help a minority of the congregation who wish to remain in the PC (U.S.A.) by undertaking and supporting the initiation of a new PC (U.S.A.) congregation. Given the commercial value of much church land is many times the value of the buildings, this minimum formula (which can be exceeded) gives members wishing to start a new PC (U.S.A.) congregation significant funds to do so and asks a departing congregation to make significant contribution without unrealistically burdening the departing congregation.

Approval and Amendment of this Process

This Process shall be effective after approval of Presbytery of Tres Rios Reconciliation and Dismissal Process at the next stated or called meeting. Amendments to the Procedure are in order at the Presbytery meeting where the vote takes place.

Subsequent to the adoption of this Process, it may only be amended or rescinded by the same Process stated above: after a preliminary reading/discussion of the Process at a Presbytery meeting and ratification by a majority of those voting at a subsequent Presbytery meeting.

The Process in effect on the date of the covenant agreement between the session and the Presbytery shall remain in effect throughout the process for that particular congregation even if the Process is amended or rescinded by the Presbytery during the process.

Covenant Agreement

In order to: promote the ongoing faithfulness of our members in the work of the Mission of God through Jesus Christ; exercise “mutual forbearance”; treat others with respect regardless of theological and ecclesiological differences; and work for fairness to all parties in our decisions, therefore, the Council of the Presbytery of Tres Rios and the congregation of the

_____ Church of

_____, Texas, covenant to follow the Reconciliation and Dismissal Process and abide by its terms as a way of discerning God’s will for the relationship between the congregation and the Presbytery of Tres Rios.

Date _____

Pastor

Moderator - Presbytery of Tres Rios

Clerk of Session

Stated Clerk – Presbytery of Tres Rios

**THE PRESBYTERY OF TRES RIOS
ALTERNATIVE PROCESS
FOR A CHURCH CONSIDERING OR SEEKING DISMISSAL
FROM THE PRESBYTERIAN CHURCH (U.S.A.)**

The Presbytery of Tres Rios has established a Reconciliation and Dismissal Process for member churches considering dismissal from the denomination and strongly encourages pastors, sessions and congregations to engage in the process outlined.

Recognizing that there may be churches that either choose to seek dismissal from the PC (U.S.A.) without covenanting to abide by the Reconciliation and Dismissal Process or that may choose to abandon that process before completing it while continuing to seek dismissal from the denomination, the Presbytery establishes this Alternative Process for Churches Seeking Dismissal from the PC (U.S.A.).

The intent of this Alternative Process is to provide guidelines for a gracious, decent, and orderly interaction between the Presbytery and churches seeking dismissal outside of the guidelines defined in the Reconciliation and Dismissal Process.

ALTERNATIVE PROCESS

When the Presbytery is notified that a church has taken steps to request dismissal from the PC (U.S.A.) without complying with the Reconciliation and Dismissal Process or that a church that was proceeding under the Reconciliation and Dismissal Process fails to complete it but is requesting dismissal, then the Presbytery will respond by following these guidelines.

A. ADMINISTRATIVE COMMISSION

1. Pursuant to G-3.0109b page 46-47 (5), the Moderator of Presbytery shall nominate and the Presbytery shall elect, an Administrative Commission (“AC”). The primary task of the AC is to “attempt to inquire into and settle the difficulties” of the church in question. The authority of the AC will be specifically defined for the situation. Powers of the AC may include authorization for the AC to assume jurisdiction in whole or in part over the affairs of the church with the power to act in place of the session.
2. The Stated Clerk of Presbytery will conduct a training session for members of the AC to apprise them of the powers that are delegated to the AC, and the facts and circumstances that prompted the formation of the AC.
3. Powers granted to the AC by the Presbytery may include the authority for the AC:
 - a. to determine whether a schism exists within the congregation (G-4.0207, pages 62 - 63);
 - b. If schism exists, to determine if one of the factions of the congregation represents *the true church within the PC (U.S.A.)* (G-4.0207, pages 62 - 63);
 - c. to make recommendations to the Presbytery to dissolve pastoral relationships or to place pastors on administrative leave. When requisite authority is given by the Presbytery, the AC may dissolve pastoral relationships (G-3.0109b, page 46);

- d. to request records of the session (G-3.0108b, page 45), “*If a higher governing body learns at any time of any irregularity or delinquency by a lower governing body, it may require the governing body to produce any records and take appropriate action.*”;
- e. to examine and copy whatever records of the congregation that may be relevant (e.g., how money is held, title to property, title policies, surveys, insurance documents, financial statements and records, budgets, tax returns, bank and account statements, mortgages or other loan documents, corporate articles, bylaws, and charters – especially changes in any of these).
- f. to assume original jurisdiction (in whole or in part) in any case in which it determines that the session is unable or unwilling to manage wisely the affairs of its church (, G-3.02 and G-3.0201, pages 48 - 49);
- g. to freeze the assets of the congregation and approve expenditures;
- h. to secure the building, grounds and other property of the congregation for the use and benefit of the PC (U.S.A.);
- i. to determine if and when a meeting of the congregation is appropriate for the purpose of voting to seek dismissal from the PC (U.S.A.);
- j. to call that congregational meeting, and provide the moderator and clerk for that meeting and to report results of the congregational vote to the Presbytery;
- k. to authorize oversight of the church, its ministry and its property by a group within the congregation that has been identified as “*the true church within the PC (U.S.A.)*” (G-4.0207, pages 62 - 63);
- l. to propose to the Presbytery any recommendation for the disposition of the property held by or for the Presbyterian Church (U.S.A.), and the assumption of the liabilities of the church, if there is no group within the congregation that has been identified as *the true church within the PC (U.S.A.)*, or if such group cannot or does not assume responsibility for the church, or its property or liabilities;
- m. to consider the conformity with the PC (U.S.A.) (in matters of doctrines and order) of the proposed receiving body or denomination to which a congregation has, or may, request dismissal, and to propose to the Presbytery any recommendation regarding same for the Presbytery’s consideration and action.
- n. to fulfill any other responsibilities as assigned by the Presbytery, or as may be necessary or appropriate in connection therewith or in connection with those set forth above.

B. CONGREGATIONAL MEETING

1. The AC shall keep the Presbytery informed of significant actions taken and shall make recommendations directly to the Presbytery for all actions that require the Presbytery's approval.
2. One of the powers of the AC is to determine when or if a meeting of the congregation is appropriate for the purpose of voting to seek dismissal from the PC (U.S.A.) to another Reformed denomination. Prior to any such vote, the leadership of the church shall furnish to the AC written verification that they will receive the church upon dismissal from the PC (U.S.A.). The Presbytery or AC may request any other written information about that denomination, such as doctrine, governance and permanence. The call for the congregational meeting shall be in accordance with the notice and quorum requirements of that congregation.
3. A request for withdrawal shall be by two-thirds vote of the active membership of the congregation as recorded in the Annual Statistical Report for the immediately preceding year. By such vote the congregation must adopt a resolution requesting that the Presbytery dismiss the church to a specified Reformed denomination that is in correspondence with the General Assembly of the PC (U.S.A.) and is a member of ecumenical bodies in which the PC (U.S.A.) is also a member. The resolution shall specify whether dismissal is sought with all or part the church's property or without the church's property. If dismissal is sought with part of the property then the resolution shall specify the property to be retained.

C. DISPOSITION OF CHURCH PROPERTY

1. Disposition of the property of the church shall be resolved in accordance with the provisions of G-4.0207, pages 63 – 62 (Property of Congregation in Schism) and G-4.020, pages 61 – 63 (Exceptions) of the Book of Order.
2. A minority of the church congregation may choose to elect new church leadership and assume responsibility of the property subject to the jurisdiction of the AC or sell the property to the majority with the approval of the Presbytery (if required).

If the minority does not or cannot assume responsibility for the property within a reasonable period of time (as determined by the AC), then the AC may recommend that the Presbytery dismiss or dissolve the congregation, or dispose of the property, or take other appropriate action.

3. The AC may consider the following options for the disposition of the church property if there is no faction of the congregation that can or does assume responsibility for the church property as a continuing congregation of the PC (U.S.A.):
 - a. Sell, transfer, lease or otherwise dispose of the property to a third party;
 - b. Retain the property for a new church development, or hold, use and apply the property for another mission of the Presbytery;
 - c. Sell, lease or transfer the property to the membership of the dismissed congregation upon terms acceptable to the Presbytery on condition that the church is dismissed to another Reformed denomination.