

INTRODUCTION

The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.) approved Commissioners' Resolution Item 04-28 which urged: "...that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power 'to divide, dismiss, or dissolve churches in consultation with their members' (Book of Order, G-11.0103i – parallel reference in new Form of Government, G-3.0301a) 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, the General Assembly urges congregations considering leaving the denomination, presbyteries and synods to implement a process using the following principles:

- Consistency: The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.

- Pastoral Responsibility: The requirement in G-3.0301a to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.

- Accountability: For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-4.02) and specific issues of schism within a congregation. (G-4.0207) 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 against seeking civil litigation as a solution."

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The rationale supporting this resolution stated that it is easy to "emphasize the property trust responsibilities of presbytery/synod oversight to the exclusion of the pastoral responsibility of caring for the congregations (members staying and leaving) and the responsibility of public witness to Christ with the larger body of Christ and the community and world." Secondly, it was suggested that presbyteries should be consistent in communicating how they will respond to congregations seeking dismissal and that all parties should engage in a more grace-filled exchange.

PRINCIPLES AND PROCESS

As followers of Jesus, He calls us to live lives that glorify God; that advance the work of the Kingdom of God and that show forth his love in how we honor and relate to one another as colleagues and friends in the service of the Lord. While we desire to preserve the Peace, Unity and Purity of the PCUSA as long as is possible, we realize that, in these days of controversy, friends and colleagues may differ. Yet Jesus calls us to exercise his love even in the midst of disagreement. This love may be tested when some of us may come to the place where we sense that faithfulness to our understanding of Jesus' call and to our denomination may seem at odds. We may even feel the conviction that continued shared ministry within the boundaries of the PCUSA has become untenable. We do not believe it is proper to divide churches and denominations if it is avoidable. Separation should not be done lightly. But we believe that when it becomes clear that friends and colleagues can no longer walk together, that it is not conducive to the larger mission of the Presbytery or the PCUSA to engage in protracted disputes with a church desiring to depart over this congregation's property. Thus, we have sought to create a clear and respectful process by which these sad waters may be navigated; one that even in the midst of painful disagreement can still proclaim the love of Christ that binds us together.

STATEMENT OF VALUES OF THE PRESBYTERY OF TROPICAL FLORIDA

A. Unity

The congregations and members of the Presbytery of Tropical Florida seek to uphold one another, respect each other's integrity, and affirm freedom of conscience, even as we acknowledge significant differences in our views of what the Bible teaches about a number of issues. We desire to encourage peace and unity, while minimizing confrontation between our congregations and members, 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 in the world, for its sanctification, and for its service to God."(F-1.0202) Our spiritual unity is derived from the grace of the Lord Jesus Christ and the Love of God and the fellowship of the Holy Spirit. (2 Corinthians 13:14)

B. Decision-Making

Presbyterians have always celebrated and recognized significant differences of opinion on issues that matter. This ethos is currently noted in the historic language found at F-3.0105: ... "[W]e also believe that there are truths and forms with respect to which men 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." Our covenant demands that we strive to work together in peace and unity, even in the midst of our diversity. The duty is always to attempt to bring the estranged member back into the covenant community, and we promise to carry out that duty in our ordination vows. Through our theology we understand that "Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ." "Decisions shall be reached in councils by vote, following opportunity for discussion and discernment, and a majority shall govern." (F-3.0204 and F-3.0205) At the same time,

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the church is committed to being open to voices sharing minority opinions. At some points in our history, minority views eventually became those of the majority. Thus, the Constitution of the Presbyterian Church (U.S.A.) recognizes " 'The church reformed, always to be reformed according to the Word of God' in the power of the Spirit". (F-2.02) There are also times when members find it impossible to go along with the majority. The Presbytery encourages all presbyters and congregations to "...concur with or passively submit to" the vote and wisdom of the majority. (G-2.0105, footnote 1) If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal through dismissal to another Reformed body in accordance with our interpretation of the Trust Clause as found below.

C. Dialogue and Reconciliation

The goal of this Presbytery will always be reconciliation and continued engagement in relationship for all congregations within the Presbytery, without the threat of isolation, estrangement or blame. The Presbytery is to be a servant to the congregations God has entrusted to us, encouraging and supporting them toward becoming healthy, growing congregations. This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections are frayed over issues of conscience to the point of considering disaffiliation.

1 John 4:18 states: "There is no fear in love, but perfect love drives out fear. For fear has to do with punishment, and he who fears is not perfected in love."

The Presbytery's commitment to this passage in how we dialogue with each other means that we are committed to engage the leaders of a congregation or the congregation as a whole, without threat of punishment. It is likewise incumbent upon the leaders of congregations wrestling with issues of conscience to share their concerns with Presbytery leadership in a timely manner, being assured that the response will not be

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hostile, but instead one of prayerful dialogue and a commitment to act in love and in the best interests of the congregation as well as the Presbytery's mission.

Dialogue recognizes that our Reformed tradition includes broad historical differences between the great doctrines and themes of the church, and the specific theories and models which different communities have found useful in seeking to understand those doctrines in the practice of their faith. A Reformed stance allows room for a variety of legitimate perspectives and valid models of "essentials" that allow an understanding of underlying mysteries. Graciousness on both sides acknowledges this validity and seeks to honor rather than to demonize one another.

D. The Property Trust Clause

According to the Book of Order of the Presbyterian Church (U.S.A.) (G-4.0203):

All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).

As a Presbytery, we recognize that chapter four of the FOG states that except where otherwise provided, "all property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.). . . is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)" and that congregations may leave the PCUSA in possession of their property. (FOG G-4.0204; G-4.0205; G-40207) We affirm the responsibility of the Presbytery to provide for and insure the mission and government of the Church throughout its geographical district. (FOG G-3.0301) We also affirm to each congregation their right to seek dismissal under chapters three and four, and we ask all of our congregations to act with love,

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forbearance, dignity and discretion in pursuing this right . (FOG G-4.02; G-3.0303f) We further affirm that formerly PCUS churches have additional property rights under G.4.0208 that may not be amended. Provided this policy and its procedures, guidelines and standards are followed by all members of the Presbytery, the Presbytery and congregations desire and intend to avoid litigation against one another in secular courts in light of our mutual recognition of these respective rights in this regard, as defined and set forth in the FOG. In the Spirit of the Apostle Paul, we peacefully seek to first resolve any disagreements as brothers and sisters in Christ before seeking any civil remedies afforded by law in the State of Florida.

When it becomes clear that friends and colleagues can no longer walk together, it is not conducive to the larger mission of the Presbytery or the PCUSA to engage in protracted disputes with a church desiring to depart over this congregation's property even though that property is held in trust by the PCUSA. 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 rather than adversarial with 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.

INITIAL PROCESS

Presbytery Response Team

Realizing that several congregations may choose to enter this process simultaneously, and aware that Presbytery resources may be inadequate, a Single Team, the Presbytery Response Team ("PRT"), shall be appointed by Presbytery Council with the power to work with any and all congregations desiring to follow this process for a 24 month period following the passage of this policy. The PRT shall be authorized to request additional members from Presbytery Council when necessary to effectively

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counsel and interact with the various congregations seeking dismissal. So as not to unduly burden current Presbytery staff and volunteers, Presbytery Council shall be authorized, during the 24-month period following the adoption of this policy, to utilize part-time paid Presbyters as necessary. Subsequent to this 24-month period there will be a new PRT (which may include prior members) appointed by Presbytery Council for each church wishing to exercise these procedure.

Initial Contact and Exploration

When a Session notifies the Presbytery that a congregation may be in disagreement with Presbytery and/or the denomination to the extent of considering withdrawal from the Presbyterian Church (U.S.A.), this information should be brought immediately to the attention of Presbytery Council for action. The PUPAC shall initiate initial communication and discussion with that Session and church staff.

If it appears that progress can be made toward reconciliation through continued and constructive dialogue, congregational leadership and the representatives from the PUPAC will establish a mutually agreeable timeline for talks to be held and proceed to engage in such dialogue. If not, then the Session will proceed with the steps outlined below.

The First Congregational Meeting .

- The Session of a church shall call a congregational meeting for the purpose of discussing the question, "Shall our congregation request dismissal to another Reformed body of its choice?" Due notice of such meeting shall be given orally from the pulpit of the church at regular church worship services on two successive Sundays, the first of which shall be at least ten days prior to the meeting. The required quorum shall be as follows: one fourth of the active membership of the congregation.*

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At this meeting the representatives from the PRT will be present. These representatives shall have the privilege of the floor with the right to speak. At this meeting no vote for any purpose shall be taken.

- *Following this meeting, the Session may elect to call a second special congregational meeting no sooner than three months from the date of the congregational meetings held for consideration of dismissal.*
- *Upon notice that the Session is electing to call such a meeting, the entire PRT shall begin working with the Session to review the terms of dismissal, review any further meetings with the congregation to discuss dismissal and review the property and financial records of the congregation. The Session will provide to the PRT copies of 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 Session and the PRT will review these documents to determine whether Presbytery, Synod or any Presbyterian Church (U.S.A.) body is named therein and/or is exposed to any liability claims which exist 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 Presbyterian Church (U.S.A.) or to refinance such indebtedness through an independent creditor without support from Presbytery, Synod, or the Presbyterian Church (U.S.A.). Appropriate action must also be taken to amend any organizational documents, as necessary, and to ensure that adequate insurance coverage of all property is maintained until dismissal is completed. Similarly, if the congregation has established a foundation or received grants or endowment(s), related documentation must be examined to identify any terms or restrictions affected by the proposed dismissal or involving Presbytery, Synod or the*

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Presbyterian Church (U.S.A.) Corrective action must be taken as appropriate.

The Second Congregational Meeting

- *At the congregational meeting to request dismissal the PRT will represent the Presbytery. The PRT will be tasked with working with the church's leadership in simply ensuring a decent and orderly process by which the wisdom of this request can be discerned as God's call for both this congregation and the larger mission of the Presbytery. As part of this process, the following guidelines are intended to guide this act of separation.*
- *Due notice of such meeting shall be given orally from the pulpit of the church at regular church worship services on two successive Sundays, the first of which shall be at least ten days prior to the meeting.*
- *At least one-third (1/3) of the active membership shall be present.*
- *The PRT of the Presbytery along with related Presbytery staff shall be present throughout and shall have the right to speak.*
- *The question to be discussed is: "Shall our congregation request dismissal to another Reformed body of its choice?"*
- *Ample time shall be provided for both speakers wanting dismissal and those wanting to stay with the PCUSA.*
- *After discussion and prayer, a secret written ballot shall be taken on this question, the only choices being "Request dismissal" or "Do not request dismissal."*
- *If two-thirds (2/3) of those active members present and voting, vote to request dismissal, the request shall go to the Presbytery.*
- *Subject to acceptable terms of dismissal negotiated between the PRT and congregation as discussed below, Presbytery will normally grant such requests that pass by a two-thirds (2/3) majority of those present and voting at the properly noticed congregational meeting.*

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- *If at least five members, present and voting, contest the regularity of the second meeting, they shall send the details of the allegation to the Stated Clerk of the Presbytery, who shall convene the Permanent Judicial Commission to render a decision.*

TERMS OF DISMISSAL

A. Status of Minister Members of Presbytery

If a congregation is to be dismissed by Presbytery, one of the paramount concerns of this process is to assure that the rights and status of minister members are considered and handled properly. Ministers may request transfer to the Reformed body to which the congregation is requesting dismissal, or they may remain as members of Presbytery. Transfers may be requested concurrently with the congregation's request or they may occur separately. If transfer is not requested concurrently, the minister may request to be placed on inactive status by Presbytery, which will allow the minister to continue to seek calls within the Presbyterian Church (U.S.A.), or to become a member-at-large if their call at the church ends; or be granted permission to labor outside the bounds of the Presbytery as pastor of the church which has been dismissed. This service to a dismissed congregation will automatically be designated by the Presbytery as a validated ministry of the Presbytery, for a period of up to 12 months following the dismissal of the congregation. (G-2.0503) Ministers will automatically be granted permission to serve as pastor of the dismissed congregation. (G-3.0307) The status of this ministry as a validated ministry and said permission will be reviewed annually by the Committee on Ministry of the Presbytery.

Transfers to another Reformed body will normally be approved unless the minister is the subject of a pending judicial or investigative action.(per D-10.0105) The reasons for not granting transfer may be communicated by Presbytery's Stated Clerk to appropriate persons. Ministers who transfer to another Reformed body will, of course, always be welcome as visitors at meetings of Presbytery.

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B. Status of Members Under Care of Presbytery

Special attention should be given to members of the congregation who are preparing for ministry and are under the care of Presbytery. Each member under care, together with his/her liaison from the Committee on Preparation for Ministry (CPM), should be advised immediately of the congregation's desire to seek dismissal. The member under care will be given the option of being dismissed with the congregation or transferring their membership to another congregation within Presbytery and/or the Presbyterian Church (U.S.A.). If a transfer to another congregation within Presbytery and/or the Presbyterian Church (U.S.A.) is requested, PRT and the CPM liaison will assist the member in seeking a waiver of the usual six-month requirement for church membership in order to maintain care status.

C. Status of Members of the Congregation

It is important that, throughout the dismissal process, both the Session and PRT communicate carefully so that divisiveness is minimized between those in the congregation who wish to withdraw and those members who want to remain in the Presbyterian Church (U.S.A.). After formal voting by the congregation and Presbytery has been completed, all members will be contacted regarding their membership status by the clerk of the session, who will then communicate the membership status of those who wish to remain in the PCUSA to the Stated Clerk of Presbytery.

D. Issues of Property

Property should not be a weapon by which order and discipline are to be maintained. But the interests of the various constituencies must be guarded in a fair and equitable way.

A congregation that is convinced that to be faithful to the Lord Jesus they must disassociate from the PCUSA and Tropical Florida Presbytery should do so in a way that seeks to promote the unity of that congregation. Closely divided congregations

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should remain as they are and where they are as a consensus has not yet been achieved.

- *If the PRT in their process of consulting with members of the congregation sense that they are overwhelmingly united in their conviction to disassociate from the PCUSA, then the PRT will recommend to the Presbytery that the congregation be allowed to depart with their property. (This determination of consensus during the member consultation phase has historically been determined by the polling of the congregation taken during the congregational meeting noted above.*
- *If this polling results in at least 80% of the gathered congregation in this duly called congregational meeting favoring departure from the PCUSA, then normally the PRT will recommend that the congregation be dismissed with all of its property with the following provisions:*
 - *In consideration of the ongoing work, ministry and life of the Presbytery the departing congregation will make a voluntary gift of three years of its per capita assessment. (This would be due over a three year period.) In addition, a departing congregation will make their usual presbytery missions pledge for the next three years as well. (This will give the Presbytery time to make the necessary adjustments going forward.) Full payment may be made prior to the three year time line. Any congregation that makes such financial contributions to the Presbytery subsequent to the adoption of these procedures, guidelines and standards, then such action shall become a binding agreement between that congregation and the Presbytery in the State of Florida.*

Congregations who cannot achieve such a high level of unity but still can show high majorities desiring to depart (at least 66%) can still do so with their property but must work out a property settlement with the PRT that provides a proportional settlement for the worship needs of the

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minority. This could be done through providing a designated fund through the Presbytery for the minority or by making a settlement to a sister congregation for the minority with which it may associate and worship and serve the Lord. Once this settlement has been determined, the PRT can then recommend to the Presbytery the approval of this settlement and dismissal of this congregation with its property as part of its report at the Presbytery meeting noted below.

- *In making these recommendations on property, the PRT will assess the needs of the congregation, those wishing to continue in the PCUSA, and the overall mission of the Presbytery.*

THE MEETING OF PRESBYTERY

At the meeting of Presbytery to consider a request for dismissal, the Presbytery shall:

Hear from the PRT on what recommendations they bring regarding the request for dismissal, based on the guidelines noted above. As part of this report, the Presbytery will hear from representative(s) of the congregation in favor of dismissal and representative(s) of those wishing to remain in the PCUSA. The Presbytery will also be informed:

- *of any financial contributions to the congregation by the Presbytery, Synod or General Assembly,*
- *of what provisions will be made for those members who wish to remain in the PCUSA, and for any Ministers of Word and Sacrament, Christian Educators or Commissioned Lay Pastors associated with the congregation.*
- *on how the congregation's dismissal would affect the larger mission and ministry of the Presbytery.*

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It should be noted that renegotiation of the terms for dismissal through use of amendments from the floor of Presbytery would invalidate months of work between the PRT and the congregation. Therefore, the proposal should be presented as a whole, with the understanding that the final agreement has been reached by good faith negotiations between the PRT and the congregation. The motion to accept the terms of the settlement and dismiss the congregation should be preceded by a two-thirds (2/3) vote required to limit amendments and debate.

The effective date of dismissal will occur no earlier than thirty (30) days after the Presbytery vote.

THE VOTE

After hearing from the PRT and allowing for discussion and prayer, the Presbytery shall then vote by written ballot on this question: "Shall the congregation of _____ be dismissed to this Reformed body: _____ with these financial arrangements for its property and with these arrangements noted below?

The only choices shall be "Yes" or "No".

- If a majority of those present and voting, votes in favor, the Congregation shall be dismissed with the approved financial arrangements for its property.*

ACTUAL DEPARTURE

A final worship service will be conducted in which representatives of the Presbytery, the congregation and the new Reformed denomination will meet, worship, and transfer the congregation to its new denominational home. As part of this worship gathering, both representatives of the Presbytery and the departing congregation will offer prayers on each other's behalf, give thanks for the years of ministry shared together, and share words of blessing even as we go separate ways.

MINISTERIAL CONDUCT

Recognizing that chapters 3, 4 and 5 of the FOG provide that a presbytery may dismiss congregations from the PCUSA and allow a congregation to retain ownership and possession of their property, we affirm that it is our policy not to take action to remove a pastor or session solely as a result of a decision to discuss, withdraw or seek dismissal to another Reformed denomination. As this process moves forward, it will be expected that elders and pastors engaged in these difficult decisions will conduct themselves in a way that will promote the Peace, Unity and Purity of the Church, including both in the local church and throughout the Presbytery, and exhibit the love of Jesus Christ.

Imputation of bad or immoral motives should not be a part of our conduct toward one another or toward local congregations or toward the Presbytery.

How we treat one another will reflect and impact directly our witness to Christ in South Florida. Faithfulness to that witness compels us to conduct ourselves in a way that honors God and one another if we are to expect God's blessing to reside upon our ministries going forward. We cannot conduct ourselves in such a way as to disqualify ourselves or bring dishonor upon ourselves or the Gospel in the eyes of neighbors and potential members from our communities.