Report from the Bills and Overtures Committee

Part I: Proposed Changes to the Constitution from the 221st General Assembly
The Commissioners to the 221st General Assembly (Ruling Elders: Ella Banton, Bill Trautwein, and Adam Balic; Teaching Elders: Nicole Abdnour, Joy Laughridge, and Carl vom Eigen) have met twice as the Bills and Overtures Committee to formulate our recommendations to the Presbytery concerning the proposed changes to the Constitution made by the 221st General Assembly.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Name</th>
<th>PTB B&amp;O Recommendations</th>
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<tbody>
<tr>
<td>14-1</td>
<td>Confession of Belhar</td>
<td>Approve</td>
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<td></td>
<td>There are a number of resources available from the Office of the General Assembly that we commend to you for use as you consider the Confession of Belhar. They can be found at <a href="http://oga.pcusa.org/section/ga/ga221/ga221-belhar/">http://oga.pcusa.org/section/ga/ga221/ga221-belhar/</a></td>
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<td>This brochure answers frequently asked questions: <a href="http://www.pcusa.org/site_media/media/uploads/oga/pdf/belharbrochure.pdf">http://www.pcusa.org/site_media/media/uploads/oga/pdf/belharbrochure.pdf</a></td>
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<tr>
<td>14-A</td>
<td>Renunciation of Jurisdiction</td>
<td>Disapprove</td>
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<td>We agree with the advice of the Advisory Committee on the Constitution that this amendment appears to be punitive and does not value the process of working through the appropriate council to determine a fair and appropriate judicial outcome.</td>
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<tr>
<td>14-B-1</td>
<td>Final Assessment</td>
<td>Approve</td>
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<td>This clarifies language around preparation for ministry in the Book of Order.</td>
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<td>14-B-2</td>
<td>Accommodations</td>
<td>Approve</td>
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<td>Clarifies that presbytery minutes should include reasons for waivers and alternate means of assessment for individuals seeking ordination.</td>
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<td>14-C</td>
<td>Child Protection Policy</td>
<td>Approve</td>
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<td>Requires all councils of the church to adopt and implement child protection policies.</td>
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<td>14-D</td>
<td>Minimum Composition of a Presbytery</td>
<td>Approve</td>
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<td>This allows the synod and General Assembly to change the minimum composition of a presbytery on a case-by-case basis.</td>
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<td>14-E</td>
<td>Interreligious Stance</td>
<td>Approve</td>
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<td></td>
<td>Updates language and strengthens commitment to ecumenism and interfaith relations.</td>
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<tr>
<td>14-F</td>
<td>Marriage</td>
<td>Approve*</td>
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<td>We commend a number of resources about marriage that are available from the denomination. You can download them at <a href="http://oga.pcusa.org/section/ga/ga221/ga221-marriage/">http://oga.pcusa.org/section/ga/ga221/ga221-marriage/</a></td>
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The committee was unanimous in its recommendation of each amendment except for 14-F on marriage. The committee’s vote on 14-F was 5/1 to approve. Below is the rationale to approve from the committee members who voted for the approval as well as a rationale for disapproval from the committee member who voted against the amendment. Our hope is to model faithful disagreement while seeking to live and minister together within the unity of the body of Christ.

**Rationale for Approval:**
At General Assembly commissioners heard many poignant presentations for and against the amendment. We listened and discussed with a receptive spirit. The amendment was crafted with awareness to different biblical and theological interpretations of marriage and constructs a pathway forward upon which the church may celebrate the covenant of marriage as an act of discipleship within the bounds of conscience and conviction within the body of Christ. The overture to amend the Book of Order was carefully ‘perfected’ to note that a marriage between two persons may only be performed by a teaching elder and takes place in a church where it is legally allowed by the laws of the state or D.C. No minister must officiate at a marriage of two persons nor must any session approve any marriage ceremony on their property. The overture before us today was approved by 71% of the General Assembly commissioners and utilizes the same wording as the authoritative interpretation (which went into effect immediately after G.A.) regarding marriage between two people in contrast to the traditional marriage between a man and a woman.

We continue to pray for the congregations and members who feel let down by the decision, as well as those who support the decision. We would also invite you to join in prayer for reconciliation in our church as we realize our faith in Jesus Christ is more important than any of the issues where we disagree.

**Rationale for Disapproval:**
I remember that our friend Nancy Kahaian encouraged us constantly to always think the best of one another and particularly in those times when we found ourselves on opposite sides of a decision or issue. I bear this in mind as I express a dissenting voice, and I appreciate and respect what I believe are the good and compassionate impulses behind those who would vote in favor of the motion that is before us today. The call to make changes so that we can be better pastors, and friends, and spiritual brothers and sisters to men who are attracted to men and women who are attracted to women is a call that we need to hear and respond to, but reinterpreting Scripture and re-writing the Book of Order is not the right response because we are bound to uphold and adhere to the definition of marriage given in Genesis that both Paul and Jesus confirm. As much as we want may want to change it, God has not given us the authority to do it. Like many people, when I see that the gift of marriage is not given to everyone who wants it, whether they are gay or straight, I want God to give me an explanation. I want to know why good people, who love the Lord, and want only to love and be loved are asked and expected to be chaste and unmarried. It doesn’t seem fair or right to my way of thinking, but as I have wrestled with this issue the Holy Spirit seems to say to me again and again that it is not my way of
thinking that matters most. It is God’s way of thinking that matters, and instead of giving me the answers that I want, God asks me again and again to submit and to trust, and it is my conviction that God wants all of us to trust Him.

Voting against this proposed amendment is not intended to be and is not, in my mind, a vote against people who matter to God. Instead, it is a vote to love them well, maybe in a way that is harder for all of us. We are called to love unconditionally and to accept people where they are, but the Gospel offers more than acceptance. The Gospel offers the possibility of transformation and wholeness. The way through that transformation can be messy, and painful, and often much slower than we’d like, and so we need each other for friendship and support as we each make our way forward on that path. We need to elevate the blessing of spiritual friendship and work to strengthen it for the benefit of all of us. Ultimately, the goal for all of us, regardless of sexual orientation, is not marriage to a man or a woman, but our marriage to Christ. In and through everything in our lives, God is making us holy and ready for that day. Even in voting against this amendment, every one of us can trust in the faithfulness of God to complete the work that has been started in us. By faith, I will vote against this amendment and I urge you to do the same.

**Part II: Synod Boundaries**
The Bills and Overtures Committee recommends that the Presbytery of Tampa Bay support the process of discerning and envisioning new synod boundaries in order that the 221st General Assembly directive to consolidate to 10-12 synods can be accomplished by the 223rd General Assembly (2018). We recognize that in order for this to be accomplished that the boundaries for the Synod of the South Atlantic may shift and that this shift may affect the synod in which the Presbytery of Tampa Bay is lodged.
In 2010, the 219th General Assembly voted 525-150-3 to send the Belhar Confession to presbyteries for their votes. This was the result of an overture by the Committee on Theological Issues and Institutions.

While a majority of presbyteries (108-63) voted for the inclusion of the Belhar Confession into the Book of Confessions, it did not pass by a super-majority (at least 116 presbyteries) or by two-thirds.


In 2012, at the 220th General Assembly, a special committee was created to study Belhar, and to produce educational material about the confession. This committee, the General Assembly Special Committee on the Confession of Belhar, recommended to the 221nd General Assembly in 2014 sending Belhar back to the presbyteries for vote.

The 221nd General Assembly voted 551-87, or 86%, to send Belhar back to the presbyteries.
Nominating and Representation Committee Report
Stated Meeting of the Presbytery of Tampa Bay, 2/28/15
Fitz Conner, Chair

HR=Hillsborough Region
ER=East Region
WR=West Region
RE=Ruling Elder; TE=Teaching Elder
0=partial term less than one year (filling a vacancy), and are eligible for two more terms.
1=first term; 2=second term

Temporary Convener for the East Region
Richard Huggins, TE, ER, McLeod PC, Bartow

Commission on Church Vitality (CCV)
David Bonnema, TE, HR, 17-1; Chair

Commission on Ministry (COM)
Ann Wortman RE, ER, 17-2
Kenny Ellis, TE, ER, 15-0
Phillip Hollins, TE, WR, 15-0
David Drain, TE, ER, 16-1
Jun Pil Park TE, HR, 16-1
Jerry Smith, RE, WR, Chair

Commission on Preparation for Ministry (CPM)
David Shelor, TE HR 17-2
Lucia Oerter, TE HR 15-0
Deb Belusa, TE ER 15-0
Pat Miller, TE WR 17-1

Trustees
Dan Johnson, RE WR 17-2; Chair and President of the Board
Mike Peacock, TE HR 15-0
Earle Brown, RE WR 17-1

Cedarkirk
David Delph, TE ER 16-1
Nancy Donovan, RE HR 17-1

Beth-El
Mark Salmon, TE HR 17-1
Jack Banton, TE ER 15-0
The committee met by conference call. Present were committee members T.E. Kathleen Dain and T.E. John DeBevoise. R.E. John Frost was unable to be present. [For the record, approximately thirty time slots were reviewed for a possible meeting, none of which was an option for all three committee members.]

Also present as guests were Transitional Presbyter Charles Perrine and Stated Clerk Charles Willard.

John DeBevoise agreed to serve as chair of the committee, and the meeting was called to order at 2 p.m.

The enabling Presbytery action required

That the Moderator appoint a committee to prepare an amended version of the Presbytery of Tampa Bay’s Gracious Communion Process to be in compliance with the requirements for Gracious Dismissal Policies set forth in the following documents and to submit the revised Gracious Communion Process for consideration at a future stated Presbytery of Tampa Bay meeting:

a) General Assembly PJC’s decision of Oct. 28, 2012: Tom vs. the Presbytery of San Francisco,
b) Advisory Opinion 19 titled “The Trust Clause and Gracious Separation: Implementing the Trust Clause for the Unity of the Church,” and
c) “Frequently Asked Questions: Gracious Dismissal Policies after Tom vs. the Presbytery of San Francisco.”

The committee reviewed these three documents produced by the General Assembly and its offices as well as the Gracious Communion Process, which had been adopted by the Presbytery at its 25 May 2012 Stated Meeting. The Gracious Communion Process consists of three sections:

I. Who We Are Together – Guiding Principles
II. How We Relate and Communicate During Times of Conflict
III. How We Enact Constructive Engagement and Communal Discernment

The third section consists of a narrative introduction to the three concluding elements:

A. Discernment Steps
B. Presbytery Council – Action Steps for Reconciliation
C. Property Process

The committee agreed that the focus of its remit was the third section, and specifically, the three concluding elements. The committee reviewed a revision of the third section that had been prepared by the Stated Clerk and made a single change, replacing “Presbytery Council” with “Moderator” in the second line of Subsection B.

The committee voted to recommend to the Coordinating Team

1. That the Presbytery be asked to replace in their entirety Subsections A – C of Section III of the current Gracious Communion Policy with the following text:

A. Discernment Steps
When the Coach and Coordinator, Stated Clerk, or member of the Committee on Ministry becomes aware of discussions in the session of a member church regarding the possibility of withdrawing from the Presbyterian Church (U.S.A.), the Coach and Coordinator will immediately schedule a meeting with that session, to be attended by the Coach and Coordinator, Stated Clerk, and a
member of the Committee On Ministry (COM). The primary purpose of this meeting is to ascertain the level, seriousness, and stage of the movement to withdraw. Another purpose of such a meeting is to listen to the viewpoints of the ruling elders and moderator of that session. At this meeting, the Presbytery representatives should include the following points:

- A session does not have the authority to call a congregational meeting for a vote on whether to withdraw from the Presbyterian Church (U.S.A.) G-1.0503
- If any pastor has decided to surrender his/her ordination in the Presbyterian Church (U.S.A.), such pastor may not continue to serve that church. W-4.4003 (e)
- While a presbytery has broad discretionary authority under the Book of Order to determine property rights [within the context of determining the mission of Jesus Christ in the world (G-4.0201) and in its district (G-3.0303a) to dismiss a particular congregation within its geographic region (G-3.0301a)], the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the Presbyterian Church (U.S.A.) as a beneficiary of the property.
- If the congregation in question exercised the so-called property option at the time of the reunion in 1983, the initial discussion should include a review of the implications of this choice.

The Coach-Coordinator will promptly report to the Moderator with appropriate recommendations. The recommendations could range from no further action to a visitation team to an Administrative Commission.

B. Coordinating Team – Action Steps for Reconciliation

After receiving a report from the Coach and Coordinator, Stated Clerk, and COM member concerning their meeting with the session involved, the Moderator will ordinarily appoint an Administrative Commission (G-3.0109[b]) to work with the member church and its session concerning future steps and a path forward. Such an Administrative Commission will ordinarily include, at a minimum, one member of the Coordinating Team and one member of the Committee on Ministry. That session will be requested to create a commission, composed of a broad representation of the congregation, to work with the Administrative Commission to undertake a process of discernment to ascertain the will of the whole congregation.

No “town meetings” or congregational forums scheduled for this purpose shall be considered congregational meetings, and no formal votes shall be entertained or taken at such meetings in a discernment process.

If an Administrative Commission has been appointed, it may bring recommendations to the Coordinating Team for further action.

If one or more recommendations fall under the provisions of G-3.0301(a), the Moderator of the Presbytery may call a special meeting of the Presbytery to consider such recommendation(s). Any dismissal of the member church involved shall only be to a permanent presbytery or similar entity of another Reformed body.

C. Property Process

If any such Administrative Commission discerns that the member church involved prefers to be dismissed with property to another Reformed body and the Administrative Commission is prepared to support that preference, the commission shall immediately begin negotiations with the session of that church regarding the process and conditions of such dismissal with property. A primary guiding principle of a negotiation process will be the fulfillment of the fiduciary duty of the Presbytery under the Trust Clause (G-4.0203) to consider the interest of the Presbyterian Church (U.S.A.) as a beneficiary of the property, seeking all the while to create outcomes fair to all parties in the process.
Upon conclusion of such negotiations, the commission shall report to the Presbytery with recommendations on the request for such dismissal.

2. That the Presbytery be asked to dismiss the committee, whose members believe that they have completed the assigned task.

[A copy of the current Gracious Communion Policy is attached, with the text that the three sections in the motion replace printed in italics.]

Respectfully submitted,

Louis Charles Willard
Secretary, pro tem
PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
PRESBYTERIAN CHURCH (U.S.A.)

Wilber Tom, David Hawbecker, and
Thomas Conrad, Appellants (Complainants),

v.

Presbytery of San Francisco, Appellee (Respondent).

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Decision and Order
Remedial Case 221-03

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Arrival Statement

This filing before the Permanent Judicial Commission of the General Assembly (GAPJC or this Commission) is an appeal of a Decision of the Permanent Judicial Commission of the Synod of the Pacific (SPJC) rendered on March 23, 2012. The Notice of Appeal was received by the Stated Clerk of the General Assembly on May 10, 2012.

Jurisdictional Statement

This Commission finds that it has jurisdiction, that Appellants have standing to file the Appeal, that the Appeal was properly and timely filed, and that the Appeal states one or more of the grounds for appeal under D-8.0105.

Appearances

Wilbert Tom, David Hawbecker, and Thomas Conrad (Appellants), were represented by JoAn Blackstone. Presbytery of San Francisco (Presbytery or Appellee) waived its appearance at the hearing and chose to rely on its written submissions.

History

Presbytery formed a workgroup on December 11, 2008, to develop a policy regarding any church located in the Presbytery that wished to be dismissed from the Presbyterian Church (U.S.A.) (PC(U.S.A.)). Scott Farmer (Farmer), Senior Pastor, Community Presbyterian Church of Danville (Danville) served on that workgroup. While the exact date is unknown, it is not disputed that Danville had begun discussions regarding the dissolution of their relationship with the PC(U.S.A.) at the time of Farmer's selection to the policy workgroup.

Presbytery, at its September 15, 2009, stated meeting, adopted what was known as the "Gracious Dismissal Policy" (GDP) as a result of the recommendation of the policy workgroup. While the GDP acknowledged Book of Order G-8.0201 (now G-4.0203) (the Trust Clause) that
provides all property held by or for a congregation "is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)," the GDP interpreted the Trust Clause "to reflect the church's organic unity as it fulfills 'The Great Ends of the Church,' strengthening its ability to guide its member churches into their witness to the broader community." The GDP found that it was "the right of a congregation to seek and request dismissal with its property to another reformed denomination." The GDP also set forth that the Trust Clause was not to be used as a weapon to threaten civil action against a congregation over issues of conscience.

To mitigate financial impact on mission and ministry of Presbytery, the GDP requested the congregation seeking dismissal to pay Presbytery annually for five years: (1) funds to offset declining per capita and (2) funds to offset a declining contribution to the mission budget. The GDP did not mention payment of any other funds to Presbytery, such as payment for the value of the congregation's real property and other assets.

Five months after the adoption of the GDP by Presbytery, the session of Danville, of which Farmer was moderator, notified Presbytery in February 2010 of its intention to seek dismissal to the Evangelical Presbyterian Church (EPC). Pursuant to the GDP, a Presbytery Engagement Team (PET) was appointed by Presbytery during its stated meeting on April 13, 2010, to work with the session and congregation of Danville to effect reconciliation, if possible, or to negotiate the terms of the dismissal. Also pursuant to the terms of the GDP, Danville formed a Special Committee of the Congregation (SCC), on which Farmer participated, to negotiate with PET. During a called congregational meeting on September 12, 2010, Danville voted to seek dismissal from the PC(U.S.A.) pursuant to the terms negotiated by PET and SCC. The terms of the negotiation were subject to approval by Presbytery.

According to the testimony of members of PET, the GDP did not include a requirement to consider the value of the congregational property for the use and benefit of the PC(U.S.A.). Under the terms of the final agreement reached with PET, Danville agreed to make a lump sum payment of $108,640 to Presbytery to compensate for declining per capita. Additionally, Danville agreed to pay $42,000 per year for five years to support targeted PC(U.S.A.) ministries, missions and ministers. No other monies were contemplated or discussed by PET with SCC.

At its November 9, 2010, stated meeting, Presbytery conditionally approved the terms of the dismissal as set forth by PET and SCC. The resolution provides:

The effective date of [Danville's] dismissal will be November 10, 2010. If there is no stay or filing of a complaint during a 90-day waiting period, consistent with the interval identified in the Presbyterian Church (U.S.A.) Book of Order for the filing of stays and complaints, full implementation will occur on February 9, 2011.

At that same meeting, Presbytery voted to suspend the GDP. Subsequently, Presbytery adopted a new GDP which is not relevant to this appeal.

On February 2, 2011, within the 90-day time frame approved by Presbytery, Appellants filed a remedial complaint against Presbytery with the SPJC. On June 4, 2011, SPJC answered all the preliminary questions affirmatively under D-8.0105. An amended complaint was filed on October 14, 2011.
Trial was held on March 22, 2012. At the beginning of the trial, Appellants moved to disqualify a commissioner pursuant to D-7.0401b(2), alleging that the commissioner was predisposed to rule against Appellants as evidenced by the "tenor of his comments" set forth in an October 6, 2011, email. The motion was denied by SPJC.

During the trial a number of documents were offered for inclusion in the record. These documents included the PC(U.S.A.)'s Amicus Curiae Brief before the California Supreme Court and the Annual Statistical Report of Danville which had been sent to the Stated Clerk of Presbytery. The moderator sustained Presbytery's objections to the admission of these documents. The Appellants objected to the admission of other documentary evidence, including an email from a PET member summarizing her conversation with a representative of the Department of Constitutional Services within the Office of the Stated Clerk. Appellants' objections were overruled.

Additionally, while questioning a witness, a commissioner stated, "The agreement that you struck between the Presbytery and CPC Danville, my home church, also referred to as CPC, so Central, however, has several points in it with subpoints." Neither party made an objection regarding disqualification of this commissioner at that time for any possible conflict of interest, if the commissioner meant by his comment that Danville was his "home church."

On March 23, 2012, SPJC ordered that the action of Presbytery on November 9, 2010, dismissing Danville pursuant to the terms of the agreement, be affirmed.

On May 7, 2012, Appellants mailed their Notice of Appeal to the GAPJC and all other appropriate recipients. During the Presbytery stated meeting on May 8, 2012, the PET reported that the new implementation date of the agreement would fall between May 21 and May 26, 2012. Appellants believe that PET, at this stated meeting, was aware of the Notice of Appeal to the GAPJC.

On May 18, 2012, the GAPJC issued its preliminary order finding that it had jurisdiction, that the Appellants had standing to file the Appeal, that the Appeal was properly and timely filed, and that the Appeal stated one or more of the grounds for appeal under D-8.0105. Notice of such GAPJC decision accepting the Appeal was timely mailed to the parties. On May 21, 2012, Presbytery executed quitclaim deeds to Danville and Danville paid the per capita and mission funds pursuant to the agreement.

**Specifications of Error**

*Specification of Error No. 1: (Appellants' Specification of Error No. 1)* The proceedings of the Synod Permanent Judicial Commission (SPJC) were irregular, in that the decision is inconsistent with substantial evidence from the testimony of witnesses at the trial, that in determining the terms of its dismissal of a large suburban church the Presbytery of San Francisco (Presbytery) failed to consider or to understand the meaning of the property trust clause (G-4.0202, formerly G-8.0201) or that the church property in question was in fact unequivocally owned by the Presbyterian Church (U.S.A.).
This Specification of Error is sustained.

See the rationale below Specification of Error 7.

Specification of Error No. 2: (Appellants' Specification of Error No. 10) The SPJC erred in constitutional interpretation, in that it failed to apprehend or give effect to the plain meaning of the language of the express trust now at G-4.0203 (formerly G-8.0201) in the context of a church seeking dismissal, that all property held by a congregation “is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).”

This Specification of Error is sustained.

See the rationale below Specification of Error 7.

Specification of Error No. 3: (Appellants' Specification of Error No. 11) The SPJC erred in constitutional interpretation, in that it failed to consider or give effect to a relevant Authoritative Interpretation (AI) of the Book of Order (Request 9-88), an answer provided by the General Assembly of 1988 on the recommendation of the Advisory Committee on the Constitution (ACC) which, in the context of a presbytery’s response to a church seeking dismissal, interprets the property trust clause to require proper consideration to be given to the interests of the Presbyterian Church (U.S.A.) as provided in Chapter VIII. This AI goes on to say, “in particular, G-8.0201 recognizes the principle that all property for or by a particular church is held in trust for the use and benefit of the Presbyterian Church (U.S.A.) Thus the Presbyterian Church (U.S.A.) is a party in interest when a presbytery takes action with respect to a request to dismiss a church with its property.”

This Specification of Error is sustained.

See the rationale below Specification of Error No. 7.

Specification of Error No. 4: (Appellants' Specification of Error No. 12) The SPJC erred in constitutional interpretation, in that it failed to consider or give effect to a subsequent AI of the property trust clause, in an answer provided by the General Assembly in 1989 on the recommendation of the ACC: “When dealing with a request by a church for dismissal with its property pursuant to G-11.0103i and G-11.0103y, the presbytery is responsible for exercising the express trust provisions of G-8.0201 recognizing and protecting the interests of the Presbyterian Church (U.S.A.). Separate consideration should be given to the questions of dismissing the congregation, the disposal of property, and the relationships of ministers of Word and Sacrament.” “Each request for dismissal should be considered in the light of the particular situation and circumstances involved.”

This Specification of Error is sustained.

See the rationale below Specification of Error No. 7.

Specification of Error No. 5: (Appellants' Specification of Error No. 13) The SPJC erred in constitutional interpretation, in that it disregarded testimony of members of the Presbytery’s
PET who had negotiated the terms of dismissal of the CPCD and whose recommendation the Presbytery had adopted. This testimony demonstrated, among other things, a consistent failure to understand the meaning of the property trust clause as expressed in the Book of Order, a failure to have read or considered relevant Authoritative Interpretations of the Constitution, an apparent failure to understand that the PC (U.S.A.) owned the church property, a failure to grasp the fact that a transfer of the real property without consideration amounted to a gift, an exclusive reliance on the Presbytery’s previously approved dismissal policy as understood by members of the PET, a failure to understand how to apply the trust clause other than in the context of specific process steps in the policy, and a belief that the policy precluded even having a discussion about having the church property remain in the hands of the denomination or asking for any payment for the property upon its transfer.

This Specification of Error is sustained.

See the rationale below Specification of Error No. 7.

**Specification of Error No. 6:** (Appellants' Specification of Error No. 14) The SPJC erred in constitutional interpretation, in that it upheld the Presbytery’s action as being within its discretion as trustee of the church property, based on Presbytery’s contention that the transfer of the property without consideration would serve “the Great Ends of the Church” and further the “total ministry and witness for Christ,” thus making any further recognition of the property trust unnecessary or inappropriate.

This Specification of Error is sustained.

See the rationale below Specification of Error No. 7.

**Specification of Error No. 7:** (Appellants' Specification of Error No. 15) The SPJC erred in constitutional interpretation, in that its decision would indicate that a presbytery has unfettered discretion with respect to church property being used by a congregation seeking dismissal to another Reformed denomination, while the Book of Order places the fiduciary and related responsibilities of a trustee of the property on the presbytery.

This Specification of Error is sustained.

Presbytery voted to approve the transfer of the valuable Danville property unless a complaint or stay was filed within 90 days. A complaint was so filed. Following the ruling by SPJC, a new implementation date for the agreement was set. In the interim, an appeal was filed to this Commission and accepted with a preliminary order being entered May 18, 2012. Nevertheless, on May 21, 2012, Presbytery executed a quitclaim deed to Danville before this Commission was able to conduct the hearing on this appeal.

Presbytery, having transferred title while this case was pending, argued that the transfer of title renders the case moot because the quitclaim deed had been signed and could not be revoked.
Notwithstanding the transfer of title, in cases where circumstances prevent a remedy, this Commission may exercise its declaratory authority to provide guidance to lower councils and prevent future violations. Daniel J. McKittrick v. The Session of the West End Presbyterian Church (Remedial Case 215-5, 2003).

The Book of Order provides in G-8.0201 (now G-4.0203) that:

All property held by or for a congregation, 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.).

Under the Trust Clause, a presbytery’s discretionary authority to determine property rights, while broad, must be guided by the presbytery acting as a fiduciary for the benefit of the PC(U.S.A.), the beneficiary of the Trust Clause. A congregation’s financial and all other assets are also understood to be covered by the Trust Clause. Chesterbrook Taiwanese PC v. National Capital Presbytery, Remedial Case 217-12, 2006.

Under the fiduciary obligations inherent in the Trust Clause, a presbytery must take into consideration the PC(U.S.A.’s) use and benefit of the property in every decision concerning its disposition. To comply with the Trust Clause, the presbytery must consider the interest of PC(U.S.A.) as a beneficiary of the property. Payments for per capita or mission obligations are not satisfactory substitutes for valuations of the property held in trust. (G-4.0203)

The Trust Clause 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 PC(U.S.A.), 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.

Based on an examination of the record, this Commission finds that the GDP developed by Presbytery, its implementation, and SPJC in its trial decision, failed to duly consider the economic interests of the PC(U.S.A.). Such consideration is essential. SPJC’s exclusion of documents which were the most convincing evidence of the position of PC(U.S.A.) in regard to the Trust Clause and of the financial position of Danville, strongly supports the allegation of erroneous interpretation. Failure to consider the property value and the PC(U.S.A.’s) beneficial interest in the property was a fatal omission of the trustee's duty to the PC(U.S.A.).

The justification given by Presbytery for dismissal of the Danville church with property, which included only “Great Ends of the Church” and avoidance of litigation, was erroneously upheld by SPJC. While certainly valid, such considerations alone are not sufficient to satisfy the due diligence requirement imposed by the Trust Clause. SPJC erred in finding that due consideration had been given to the interest of the PC(U.S.A.) as the trust beneficiary under the Constitution. Due diligence, of necessity, will include not only the spiritual needs of the
congregation and its circumstances, but an examination of the congregation’s financial position and the value of the property at stake. It is undisputed that Presbytery failed to make such an examination. SPJC erred in failing to require that financial due diligence be undertaken by Presbytery.

**Specification of Error No. 8:** (Appellants' Specification of Error No. 2) The proceedings of the SPJC were irregular, in that one of its commissioners made a comment, before a witness could answer a question, to the effect that the attorney-client privilege would preclude answering the question, and cast doubt on the witnesses’ ability to waive the privilege.

This Specification of Error is not sustained.

There was no error in having the question of attorney-client privilege raised by a commissioner. If the moderator was incorrect in finding that the witness could not waive the privilege, such ruling was harmless because ultimately the witness was allowed to testify concerning the information objected to.

**Specification of Error No. 9:** (Appellants' Specification of Error No. 3) The proceedings of the SPJC were irregular, in that in questioning a witness one of its commissioners made reference to, and quoted, a provision of the Book of Order that was not in effect at the time of the disputed action (G-4.0201), thus providing misleading support for the Presbytery’s position.

This Specification of Error is not sustained.

References to provisions of the Book of Order are not evidence. They may be incorrect or untimely but they have no impact without a determination or decision being based on the provisions that are considered.

**Specification of Error No. 10:** (Appellants' Specification of Error No. 4) The proceedings of the SPJC were irregular, in that one of its commissioners belatedly revealed, near the conclusion of the trial in which he had materially participated as described at 2. and 3., above and at other times during the proceedings, that the “Danville church” (the church that was to have been dismissed by the Presbytery under the disputed terms), was his home church. In addition, there is nothing from the record that would indicate other than the same commissioner’s full participation in the SPJC deliberations that followed the trial, despite the appearance of a significant conflict of interest.

This Specification of Error is not sustained.

Having reviewed the record, it is clear the commissioner was not referring to Danville as his home church. Support for this conclusion can be found in that there was no objection or question of conflict of interest raised by anyone after his statement.

**Specification of Error No. 11:** (Appellants' Specification of Error No. 5) The SPJC erred in declining to receive as proper evidence the Amicus Curiae Brief of Clifton Kirkpatrick et al. in support of the position of the Episcopal Church before the Supreme Court of California in the
Episcopal Church Cases. This brief sets forth the official legal position of the Presbyterian Church (U.S.A.) with respect to church property as provided in the property trust clause in the Book of Order.

This Specification of Error is sustained.

Failure to receive the *Amicus Curiae* Brief into the record was an abuse of discretion in that it was a clear statement of the legal position of the PC(U.S.A.) as it related to the Trust Clause. Recognition of the legal position of the PC(U.S.A.) as the beneficiary under the Trust Clause is integral to any presbytery analysis concerning disposition of church property.

**Specification of Error No. 12:** (Appellants' Specification of Error No. 6) The SPJC erred in declining to receive as proper evidence the Annual Statistical Report for the Community Presbyterian Church of Danville (CPCD), which was sent by its Clerk of Session to the Stated Clerk of the Presbytery of San Francisco. Appellants believe this report provides useful information concerning the number of members and financial strength of CPCD, matters which the Presbytery failed to consider but should have considered in negotiating the terms of its dismissal.

This Specification of Error is sustained.

The failure to receive the report on Danville was an abuse of discretion because it provided relevant information which should have been considered as part of the dismissal.

**Specification of Error No. 13:** (Appellants' Specification of Error No. 7) The SPJC erred in receiving as proper evidence a copy of an E-mail communication from a member of the Presbytery Engagement Team (PET), the ad hoc committee that was charged with negotiating the terms of dismissal with representatives of CPCD, to the other members of the PET, describing her telephone conversation with a third party, despite her testimony that there was no follow-up discussion of its contents on the part of the PET and hence no indication that the PET based its actions on that conversation or E-mail message.

This Specification of Error is not sustained.

There was no abuse of discretion by SPJC in receiving such evidence.

**Specification of Error No. 14:** (Appellants' Specification of Error No. 8) The SPJC erred in receiving as proper evidence a copy of an E-mail communication from a member of the PET to the other members of the PET in which she related her understanding of the reasons for the CPCD Sessions’ desire to leave the PC(U.S.A.). At no time was any evidence testimony produced to suggest that the Presbytery’s terms of dismissal were influenced in any way by the matters discussed in that communication.

This Specification of Error is not sustained.

There was no abuse of discretion by SPJC receiving such evidence.
**Specification of Error No. 15:** (Appellants' Specification of Error No. 9) For the reasons stated at 10 (Appellants' 4) and 14 (Appellants' 8), above, there was a manifestation of prejudice in the conduct of the case.

This Specification of Error is not sustained.

This Commission did not sustain either Specifications of Error No. 10 or No. 14 (Appellants' No. 4 and No. 8). Therefore, there was no manifestation of prejudice as a result of the conduct alleged in those Specifications of Error.

**Decision**

When the lower council's actions cannot be undone, this Commission may exercise its declaratory authority to provide guidance to lower councils and to prevent future violations.

When a congregation seeks dismissal under G-11.0103i (now G-3.0301a), it is the responsibility of the presbytery to fulfill its fiduciary duty under the Trust Clause. This fiduciary duty requires that the presbytery exercise due diligence regarding the value of the property of the congregation seeking dismissal. Due diligence, of necessity, includes not only an evaluation of the spiritual needs of the congregation and its circumstances but also financial analysis of the value of the property at stake. Payments for per capita or mission obligations are not satisfactory substitutes for the separate evaluation of the value of the property held in trust.

**Order**

IT IS THEREFORE ORDERED that the Decision of the Synod of the Pacific Permanent Judicial Commission is affirmed in part and reversed in part as set forth above.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Pacific report this Decision to the Synod of the Pacific at its first meeting after receipt, that the Synod of the Pacific enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of San Francisco report this Decision to the Presbytery of San Francisco at its first meeting after receipt, that the Presbytery of San Francisco enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

**Absences and Non-Appearances**
Commissioner Mary Charlotte McCall was not present and did not participate in this decision. Commissioner Patrick Notley did not participate in this decision.

**Concurring Opinion of H. Clifford Looney and Terry Epling**

We concur in the majority decision.

Transfers of property remain within the discretion of Presbytery but the Presbytery must be mindful of the interest of the PC(U.S.A.) in maintaining the presence of the denomination to meet the needs of that affected Community including that portion of the church membership that wishes to remain within the PCUSA.

We also join in the majority’s conclusion that the language of the Gracious Dismissal Policy adopted by the Presbytery of San Francisco did not require adequate consideration of property retention issues. The needs of future congregations, the involved debt, the probability that a substantial number of dissenting members may be enabled to continue a PCUSA congregation would compel retention of a property or equity facilitating those or similar interests are all matters to be considered to be involved in the Presbytery trustee’s decision. The Gracious Dismissal Policy did not require the PET to deal with those aspects of the dismissal decision.

However erroneous the omissions of the GDP, and the construction given by its PET, it may well have been within the discretion of the Presbytery to dismiss the Danville church with its property.

Many factors other than the attempt to be “gracious” with the Danville congregation may have been considered. Those include:

This Danville congregation acquired these assets and had been paying on them and had been successful in meeting the need of a Presbyterian witness for the Christian faith in this community for many years;

The church had tried development of other PC (USA) churches in the area without success;

Only 4% of the congregation voted against the dismissal decision;

The PET felt, apparently with substantial basis, that the needs of the community for Presbyterian witness to the faith would be met by this church as it was constituted, and that no plan for an additional church was presently feasible, so that there was no need to use any of the equities of the property interests of the church for that purpose; and that no resources of the denomination had been used in the form of loans, nor was there any remaining indebtedness which was not being assumed by the Danville church.

In short, there may have been no apparent reason to require retention by the PC (USA) of any property interest. With the evidence in that stature, the burden of proof that the Complainant would had to have met to show an abuse of discretion by the Presbytery would have been heavy.
The testimony of Lois Quick (record p. 262 & 286) indicates that the properties were encumbered by about three million dollars in debt that the Danville congregation agreed to pay in accepting the property. Rev. Kathy Runyeon indicates at page 174 of the record that the Presbytery had no competing plans for the property.

The facts here presented to the PET are not ones that suggest that there would be substantial benefit from retaining the property. What the Presbytery did in securing additional mission and per capita payments may or may not have been sufficient to “balance the books” in this particular scenario, but it was within their discretion once they exercised due diligence and considered all the factors inherently required by the fiduciary duty of a trustee.

Certificate

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 221-04, Wilbert Tom, David Hawbecker, and Thomas Conrad, Appellants (Complainants), v. Presbytery of San Francisco, Appellee (Respondent), made and announced at Louisville, KY this 28th day of October 2012.

Dated this 28th day of October, 2012.

______________________________________________
Bradley C. Copeland Moderator
Permanent Judicial Commission of the General Assembly

______________________________________________
Jay Lewis, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by Federal Express Next Day Air, directing C. Laurie Griffith to deposit it in the mail at Louisville, KY, this 28th day of October, 2012.

JoAn Blackstone, Counsel for Appellant (Complainant)
Linda Lee, Committee of Counsel for Appellee (Respondent)
Stated Clerk, Synod of the Pacific
Stated Clerk, Presbytery of San Francisco
General Assembly Permanent Judicial Commission
I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to Joyce Lieberman, on October 28, 2012.

______________________________________________
Jay Lewis, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, in Louisville, KY on October 28, 2012, Remedial Case 221-04 Wilbert Tom, David Hawbecker, and Thomas Conrad, Appellants (Complainants), v. Presbytery of San Francisco, Appellee (Respondent), and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, KY on October 28, 2012.

_____________________________________
Joyce Lieberman, Assistant Stated Clerk
Advisory Opinion

The Trust Clause and Gracious Separation:
Implementing the Trust Clause for the Unity of the Church

What is the Trust Clause?
G-4.0203 of the Book of Order states:

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 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 Presbyterian Church (U.S.A.)

Presbyterian congregations emerge from the collective gifts of God’s people and often include direct gifts from individuals, other congregations, presbyteries, synods, and the General Assembly. These gifts are not regarded as given for a single generation, but are held in trust for this generation and for future generations to come. Indeed, “the Trust Clause 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 Presbyterian Church (U.S.A.), 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.”

Accordingly, the idea of holding property in trust has long been a part of the Presbyterian theology as well as a practice recognized by the U.S. Supreme Court (Watson v. Jones, 80 U.S. (13 Wall.) 679 (1872).

How does church unity relate to the Trust Clause?
“There is one Church, for there is one Spirit, one hope, ‘one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all’ (Eph. 4:5-6) (F-1.0302(a))

Our polity reflects this theology of unity and oneness and the Book of Order reminds us that “unity is God’s gift to the Church in Jesus Christ” and “in Christ the Church is one, it strives to be one.” Along these lines, the 217th General Assembly (2006) called upon "every member of the Presbyterian Church (U.S.A.) to witness to the church’s visible oneness, to avoid division into separate denominations that obscure our community in Christ, and to live in harmony with other members of this denomination, so that we may with one voice together glorify God in Jesus Christ, by the power of the Holy Spirit; and all sessions, congregations, presbyteries, and synods to renew and strengthen their covenanted partnership with one another and with the General Assembly.”

Further, G-3.0101 reminds us, “the mutual interconnection of the church through its councils is a sign of the unity of the church. Congregations of the Presbyterian Church (U.S.A.), while possessing all the gifts necessary to be the church, are nonetheless not sufficient in themselves to be the church. Rather, they are called to share with others both within and beyond the congregation the task of bearing witness to the Lordship of Jesus Christ in the world. This call to bear witness is the work of all believers. The particular responsibility of the councils of the
church is to nurture, guide, and govern those who witness as part of the Presbyterian Church (U.S.A.) to the end that such witness strengthens the whole church and gives glory to God.”

Furthermore, “the congregation is the basic form of the church, but it is not of itself a sufficient form of the church. Thus congregations are bound together in communion with one another, united in relationships of accountability and responsibility, contributing their strengths to the benefit of the whole, and are called, collectively, the church.” Accordingly, the church is not a voluntary association of those who share the same opinions and experiences, but is an organic body reflecting unity in diversity and called into existence by God that celebrates and transmits through the ages the name and knowledge of Jesus Christ. The constitutional provisions under which congregations hold property for the benefit of the Presbyterian Church (U.S.A.) arise out of and reflect our theological conviction that this denomination constitutes one indivisible body, which itself is part of the body of Christ, and which encompasses not only the visible Church today but also the one, holy, catholic, and apostolic Church of our heirs and forbearers (F-1.0302).

**HOW DOES MISSION RELATE TO THE TRUST Clause AND CHURCH PROPERTY?**
The Book of Order in G-4.0201 affirms, “the property of the Presbyterian Church (U.S.A), of its councils and entities, and of its congregations, is a tool for the accomplishment of the mission of Jesus Christ in the world.” Each local congregation “is the church engaged in the mission of God in its particular context” with a particular history. For its members, the congregation is the site of baptisms, confirmations, marriages, and celebrations of the resurrection to join the communion of saints. Such significant personal experiences make the local congregation an indelible part of the lives of their members. These shared experiences are what most of us picture when we think of our home congregation.

Yet, we also affirm that the “congregation is the basic form of the church, but it is not of itself a sufficient form of the church” and our polity recognizes that purpose of the trust clause is not only to support the witness and mission of a particular congregations, but also to support the mission and witness of the whole Presbyterian Church (U.S.A.). Indeed, it is “the particular responsibility of the councils of the church is to nurture, guide, and govern those who witness as part of the Presbyterian Church (U.S.A.) to the end that such witness strengthens the whole church and gives glory to God.” Along these lines, as a council of the church, the presbytery is responsible for developing “the strategy for the mission of the church in its district” and has the responsibility and power to organize, receive merge, dismiss and dissolve congregations in consultation with their members. Further, the presbytery has the responsibility to assist congregations in developing mission and participating in the mission of the whole church. Accordingly, it is important for the presbytery to prayerfully discern and consider the mission of the church in its district and of the whole church as it decides whether to dismiss or dissolve a congregation.

**WHO HAS THE AUTHORITY TO DISMISS A CONGREGATION?**
Presbyteries are responsible for upholding the trust clause and congregations may only be dismissed upon the approval of their presbytery. In accordance with G-4.0207, "the relationship to the Presbyterian Church (U.S.A.) of a particular church can be severed only by constitutional action on the part of the presbytery.” As noted above, the presbytery is responsible for the mission and government of the church throughout its geographical district and has the power
organize, receive merge, dismiss and dissolve congregations in consultation with their members.\textsuperscript{16}

**Can a congregation vote to seek dismissal? Does a congregation have a unilateral right to depart from the PC(USA)?**

No. There is not a unilateral right of a Presbyterian Church (U.S.A.) congregation to depart from the denomination or its presbytery of membership. Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting.\textsuperscript{17} No authority is given to a congregation or to session to vote to leave the denomination.\textsuperscript{18} While a presbytery may consult with a congregation about dismissal in the form of listening sessions, hearings, or other consultations, these consultations are merely for the benefit of informing the presbytery as it considers a request for dismissal.\textsuperscript{19} Along these lines, our church has long recognized that “by giving to presbytery rather than to session or congregation the power to dismiss a church, the constitution of this denomination guarantees a formal meeting of presbytery as the forum in which loyalist minorities of whatever size might press their claims that they were sufficient in numbers and dedication to continue a church in its connectional relationship within this denomination.”\textsuperscript{20} Further, in seeking to negotiate with a congregation seeking dismissal, presbyteries have an obligation to see that secular litigation is used as a last resort.\textsuperscript{21}

Here, it is also important to note that freedom of conscience is limited for teaching elders, ruling elders and deacons under G-2.0105 and does not encompass the calling of congregational meetings to seek dismissal, moving churches to seek dismissal from the denomination or obstructing constitutional governance of the church.\textsuperscript{22} There may not be any secret acts by the pastors and sessions diminishing a church's connection to the Presbyterian Church (U.S.A.). Further, congregations that fail to abide by the principles of Gracious Separation "have breached important responsibilities and duties."\textsuperscript{23}

**Does a congregation have to be dismissed to another reformed body?**

Yes. Dismissal to another reformed body is a requirement through authoritative interpretations of PC(USA) constitutional provisions.\textsuperscript{24} Through authoritative interpretation the General Assembly held:

> Presbyteries may dismiss congregations to other ecclesiastical bodies of this denomination, and to denominations whose organization is conformed to the doctrines and order of the Presbyterian Church (U.S.A.). No congregation may be dismissed to independent status, or to the status of a nondenominational congregation.\textsuperscript{25}

The requirement of dismissal to another reformed body goes back to historical reformed understandings of the importance and need to continue the reformed family as well as our reformed theology. Further, dismissal to "another Reformed body" was also the language used during reunion and is found in the *Book of Order* under the “Articles of Agreement.”\textsuperscript{26} Accordingly, if the presbytery discerns it should dismiss the congregation to another reformed body, then the Presbytery should dismiss “pending reception into another reformed denomination” so that the congregation does not end up in independent status if another reformed denomination refused to admit the congregation into the denomination.

**Who determines whether the receiving body is another reformed body?**
“It is the responsibility of the dismissing presbytery to determine whether the receiving body meets these standards, and this responsibility cannot be delegated to any other entity within the presbytery (such as an administrative commission). Thus the General Assembly may not determine in advance whether a particular denomination or its constituent bodies qualify under these standards.”

In exploring this matter, presbyteries should consider such questions as whether the receiving body is:

1) doctrinally consistent with the essentials of Reformed theology as understood by the presbytery;
2) governed by a polity that is consistent in form and structure with that of the Presbyterian Church (U.S.A.); and
3) of sufficient permanence to offer reasonable assurance that the congregation is not being dismissed to de facto independence.

Further, “failure on the part of the presbytery thoroughly to explore and adequately to document its satisfaction in these matters may thus violate, however unintentionally, the spirit of the polity of the Presbyterian Church (U.S.A.).”

**MAY A PRESBYTERY DELEGATE ITS FINAL DECISION TO DISMISS A CONGREGATION TO AN ADMINISTRATIVE COMMISSION?**

While a presbytery could delegate dismissal of a congregation to an Administrative Commission, such a decision is of such missional importance to a presbytery that the entire presbytery would likely wish to discern such a matter together.

**CAN A PRESBYTERY DISMISS ITSELF OR ALL OF ITS CONGREGATIONS?**

No. A presbytery cannot release itself, or all of its congregations, for only the General Assembly and the synod working together itself can organize, divide, unite, or combine presbyteries or portions of a presbytery.

**WHAT ARE GRACIOUS DISMISSAL POLICIES?**

At the direction of the 219th General Assembly (2008), the Stated Clerk of the Presbyterian Church (U.S.A.) sent a resolution to the presbyteries, synods and sessions, “indicating the will of the assembly 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’ with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.” Accordingly, Gracious Dismissal Policies may be used by councils to offer clarity and guide their process when discerning whether and how a particular congregation could be dismissed from the PC(USA).

**HOW DO GRACIOUS DISMISSAL POLICIES RELATE TO THE TRUST CLAUSE (G-4.0203)?**

In the recent General Assembly Permanent Judicial Commission (GAPJC) case, Tom v. Pby of San Francisco, the GAPJC authoritatively interpreted how the Trust Clause found in the Book of Order at G-4.0203 interacts with Gracious Dismissal Policies. The GAPJC held that while a presbytery has broad discretionary authority under the Book of Order to determine property rights [within the context of determining the mission of Jesus Christ in the world (G-4.0201) and in its district (G-3.0303a) to dismiss a particular congregation within its geographic region (G-
3.0301a], the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the Presbyterian Church (U.S.A.) as a beneficiary of the property.

**What must be in a Gracious Dismissal Policy?**
A presbytery has broad discretionary authority to determine the mission of Jesus Christ in its district and may 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. The presbytery must also consider a congregation’s financial position and valuation of property and take into consideration the Presbyterian Church (U.S.A.)’s use and benefit of the property in every decision concerning disposition of property. Accordingly, the Gracious Dismissal Policy should include this duty among the procedures listed within the Policy.

**Must a Gracious Dismissal Policy or Implementation of a Gracious Dismissal Policy Include Consultation with Any of the General Assembly Entities?**
No, a presbytery has discretionary authority to determine the mission of Jesus Christ in its district when deciding whether to organize, merge, dismiss or dissolve a congregation. This discretionary authority includes the presbytery’s consideration of a congregation’s financial position and valuation of the property.

**May a Gracious Dismissal Policy (or any bylaw or policy of the presbytery) delineate the circumstances in which a presbytery will dissolve, dismiss or merge a congregation?**
No. Since the presbytery must determine its mission when discerning whether to dissolve, dismiss or merge a congregation, dismissal of a congregation requires that the presbytery make the decision about dismissal in each separate case after careful consideration of all the circumstances. A presbytery may not discern ahead of time the circumstances in which a presbytery will dismiss a congregation.

“Dismissal of a congregation now requires, as it always has with the single exception of Article 13, that the presbytery make the decision about dismissal in each separate case after careful consideration of all the circumstances.”

**May a Gracious Dismissal Policy Describe How and When Property Will Be Used and/or Distributed Among Congregational Entities?**
No. A presbytery is required to determine its mission, including the use and distribution of real and personal property, after careful consideration of all the circumstances on a case by case basis.

**How must a Gracious Dismissal Policy be implemented?**
Even if the presbytery’s Gracious Dismissal Policy does not include the fiduciary duty under the Trust Clause, the presbytery should ultimately exercise this fiduciary duty before making its decision about dismissal. In *Tom v. Pby of San Francisco*, the GAPJC stated that this would include exercising due diligence regarding the value of the property of the congregation seeking dismissal which would include doing a financial analysis of the value of the property. The presbytery must be informed of this financial analysis before it votes on a dismissal. Providing this information gives the presbytery and congregation the information needed to make an informed decision regarding dismissal of the congregation.
**What Types of Gracious Dismissal Policies Would Not Be Constitutional?**

Any Gracious Dismissal Policy that precludes a presbytery from taking into account the Trust Clause fiduciary duty before deciding whether to dismiss a congregation on a case-by-case basis would be unconstitutional. Possible examples of policies that would preclude this analysis on a case-by-case basis are:

1. Policies that only require a percentage vote from the congregation for the presbytery’s approval of terms of dismissal including only taking into account the spiritual needs or desires of current membership and not the breaking of the historic relationship of the members who came before.

2. Policies that only require the consideration of per capita and/or mission financial obligations are not sufficient to meet the fiduciary duty under the Trust Clause to consider the interest of the Presbyterian Church (U.S.A.) as a beneficiary of property.

3. Policies that require the payment by the congregation of a set percentage of assets prior to approval for dismissal. This would serve to preclude a case-by-case analysis.

**What Is the Presbytery’s Role Regarding Records of a Congregation Seeking Dismissal?**

Presbyteries have a constitutional responsibility to safeguard the historic records of congregations that choose to leave the denomination. According to the *Book of Order*, G-3.0107, ownership of the records of dismissed or dissolved congregations passes to the presbytery, and clerks are charged with the safekeeping of records that must be maintained in perpetuity. Depositing records with the Presbyterian Historical Society, the official archives of the Presbyterian Church (U.S.A.), is a recommended means of preservation. The Presbyterian Historical Society (PHS) offers stated clerks and administrative commissions several options that may help ease the conflict over records while ensuring that vital materials are preserved by the denomination. The desire of departing congregations to have continued access to records may be a point of contention. By choosing to microfilm the original records and digitize the microfilm, presbyteries, congregations and PHS will all have access to the materials. In sum, PHS provides presbyteries with the capacity to: 1) Place original materials on deposit; 2) Place materials on deposit and microfilm them; 3) Deposit, microfilm and digitize records; or 4) microfilm, digitize and return the original records to the congregation.

**Is a Presbytery’s Decision to Dismiss a Congregation Subject to Review?**

Yes, a presbytery’s decision to dismiss a congregation is subject to review and if a presbytery fails to carry out its constitutional responsibilities, the synod may be required to intervene by undertaking review of the presbytery's processes and decisions. If the synod finds that the presbytery has not been faithful to its mission, the synod may direct the presbytery to appropriate action. If a presbytery is unable or unwilling to carry out these constitutional responsibilities, the synod may assume jurisdiction over the presbytery's powers to divide, dismiss or dissolve congregations, identify true church, and hold property in trust for the use and benefit of the Presbyterian Church (U.S.A.).

**What Role Does the Trust Clause Play with Regard to Congregational Loans?**
The Trust Clause provides important support and safeguards for the low-cost loan programs for Presbyterian Church (U.S.A.) congregations provided by the Presbyterian Investment and Loan Program, Inc. (PILP) and the General Assembly Mission Council (GAMC). The PILP makes low-cost loans to Presbyterian Church (U.S.A.) congregations for new buildings and renovations and without the trust clause, presbyteries would be unlikely to guarantee loans and without guarantees PILP’s ability to assist congregations would be significantly impaired.\textsuperscript{46} Most church building projects cannot be financed by congregations from their current receipts and many congregations depend on loans from PILP, the GAMC’s Church Loan Program, or commercial lenders to complete these projects. Generally, these loans are secured by first lien mortgages on the property of the borrowing congregation. The property of the congregation provides the collateral for these loans and is a potential source of repayment should the borrowing congregation not be able to repay the loan. In addition to being secured, these loans are guaranteed by the presbytery of jurisdiction of the borrowing congregation. This means the presbytery is responsible to pay back the loan should the borrowing congregation fail to pay. The presbyteries have confidence in guaranteeing these secured loans due in part to the fact that church property is held in trust under G-4.0203. Further, G-4.0204 states:

Whenever property of, or held for, a congregation of the Presbyterian Church (U.S.A) ceases to be used by that congregation as a congregation of the Presbyterian Church (U.S.A.) in accordance with this Constitution, such property shall be held, used, applied, transferred, or sold as provided by the presbytery.

Under G-4.0204, when a congregation ceases to exist or leaves the denomination, the congregation’s property (which includes, but is not limited to, its real property, building, and other assets such as investments) is subject to the control of the presbytery of jurisdiction. The presbytery continues to be responsible for mission of the Presbyterian Church (U.S.A.) in the area of the departing congregation, and the presbytery can use the property to implement that mission. If the departing congregation has a secured loan with PILP, guaranteed by the presbytery, the presbytery would have the ability to retain the property or the presbytery could use the property to raise funds to satisfy the presbytery’s responsibility under the guaranty. As noted above, a presbytery may discern and give some or all of this property to a departing congregation, but this choice will not result in a release of the obligation to repay the secured loan and/or in the release of the guaranty.

If a congregation has a secured loan with PILP and/or the GAMC and chooses to leave the denomination or is dissolved by a presbytery, the terms of the loan provide that the loan is accelerated and becomes immediately due and payable. The guarantee of the presbytery is not satisfied until the loan is paid in full. Our connectional system and the fact that property owned and used by congregations is held in trust for the Presbyterian Church (U.S.A.) allows the denomination to assist local congregations by providing low interest mortgages through national entities such as PILP and the Church Loan Program. The assurances and protections given under the trust clause help enable these programs to make loans secured by mortgages of the underlying property which are more financially beneficial for the congregations than traditional loan sources.

In the current economy and in the aftermath of the banking crisis, it has become increasingly difficult for small and mid-size congregations to obtain financing for capital projects from banks.
It is often new, young, or struggling congregations that need the resources of the denomination the most and the PILP is able to meet these needs of these and other Presbyterian Church (U.S.A.) congregations. Without the current trust clause of the Book of Order, it is important to recognize that presbyteries would be unlikely to guarantee loans and without guarantees PILP’s ability to assist congregations would be significantly impaired.

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1. G-4.0203
2. PJC (2012, 221-03 Tom et. al. vs. Pby of San Francisco)
3. This necessity for adoption of G-4.0203 arose from court decisions that changed the permissible role of courts in determining disputes as to church property. Until a few years before the adoption of G-4.0203, courts determining property disputes sought to determine from the doctrinal documents of a denomination whether the property of local congregations was held in trust for the larger church (this was referred to as the “implied trust” analysis). However, in 1979, the United States Supreme Court found that this type of inquiry into the doctrine of a denomination was an improper intrusion into the First Amendment right to freedom of religion. Accordingly, the courts were required to determine property disputes without seeking to interpret a denomination’s doctrine (the so-called neutral principles of law analysis). For Presbyterians, this change in the legal framework the civil courts applied suggested specific reference in property matters in a denomination’s constitutional documents was prudent. Section G-4.0203 provides that explicit understanding of the long held Presbyterian understanding. As such, it was not a change in our Presbyterian polity, but rather an attempt to protect the denomination’s polity against changes in the permissible framework of legal analysis applied by the civil courts.
4. In John 17:20-21, Jesus prayerfully desires unity in the Church saying: 20“My prayer is not for them alone. I pray also for those who will believe in me through their message, 21 that all of them may be one, Father, just as you are in me and I am in you. May they also be in us so that the world may believe that you have sent me. Paul picks up on this theme in Galatians and Ephesians: Galatians 3:28 says “There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus.” Ephesians 4:3, “Make every effort to keep the unity of the Spirit through the bond of peace.” Along these same lines, F-1.0301 reminds us that our “church is called to be a community of love, where sin is forgiven, reconciliation is accomplished, and the dividing walls of hostility are torn down.”
6. G-3.0101
7. G-1.0101
8. See F-1.02 “Jesus Christ is the Head of the Church;” see also F-1.0403
9. G-4.0201
10. G-1.0101
11. G-3.0101
12. G-3.0301; G-3.0303(a)
13. G-3.0301(a)
14. G-3.0301(c)
15. G-4.0207
16. See G-3.0301; G-3.0303(a)
17. GA (218th, Item 4-20); see also PJC (Sundquist v. Heartland, Remedial Case 219-03, 2008)
18. See G-1.0503 and G-3.02
19. Sundquist v. Heartland, Remedial Case 219-03
21. Sundquist v. Heartland, Remedial Case 219-03
22. Sundquist v. Heartland, Remedial Case 219-03
23. Sundquist v. Heartland, Remedial Case 219-03
24. GA (2008, 14, 15 Item 07-13). For more information on authoritative interpretations see G-3.0501c and G-6.02
25. GA (2008, 14, 15 Item 07-13). Along these lines, The General Assembly Permanent Judicial Commission has found that "[a]n 'independent' or 'congregational' Presbyterian church is an anomaly which runs counter to the notion
that we are a 'family' of churches and dismissal must therefore be made to another church within the family group … … The … presbytery had no constitutional right to dismiss … the churches to independent status. … The policy of not allowing members and ministers to be cut loose with no ties indicates the historic Presbyterian policy of ecclesiastical connectionalism. This policy likewise forbids … dismissal to independency” (PCUS 1973, pp. 119-121, Anderson v. Synod of Florida).

26 See the Book of Order Appendix B, Article 13 (page B. 13). The “Articles of Agreement” are cited here for historical purposes and do not carry constitutional authority.

27 GA (2008, 14, 15 Item 07-13).
29 GA (2008, 14, 15 Item 07-13).
30 Sundquist v. Heartland, Remedial Case 219-03; see also (PCUS 1976, 92, Strong v. Synod of Mid-South)
31 G-3.0502(e)
1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly 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) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.
2. 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-11.0103i 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-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with "caring for the flock."
   • Gracious Witness: It is our belief that 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.

33 PJC (2014, 221-03, Tom et al v. Pby of San Francisco)
34 See F-1.0302; F-1.0303; F-1.0304.
35 However, in considering each congregation on a case-by-case basis, it is important to recognize that one of the entities of the General Assembly or a synod may have created with the congregation and the presbytery a direct financial interest in the property or assets and thus must be consulted by the presbytery. For example, The Presbyterian Church (U.S.A.) Investment and Loan Program (PILP) regularly extends loans to congregations which are secured by the property and/or guarantee of payment from a presbytery. A presbytery that is considering the dismissal or dissolution of a congregation with a secured or unsecured loan from PILP must, as a part of the presbytery’s fiduciary interest under the Trust clause, consult with the Presbytery Investment and Loan Program.
39 PJC (2014, 221-03, Tom et al v. Pby of San Francisco)
40 G-3.0107 states, “each council shall keep a full and accurate record of its proceedings. Minutes and all other official records of councils are the property in perpetuity of said councils or their legal successors. When a council ceases to exist, its records shall become the property of the next higher council within whose bounds the lower council was prior to its cessation. The clerk of each council shall make recommendation to that body for the permanent safekeeping of the body’s records with the Presbyterian Historical Society or in a temperature and humidity controlled environment of a seminary of the Presbyterian Church (U.S.A.).”
The PHS microfilming program creates archival-quality film at a reduced cost for PC(USA) entities, and if requested, PHS will arrange for the production of a digital edition of the microfilm in PDF or JPEG format at cost. Presbyteries may opt to pay for microfilming (and digitization) or ask the departing congregations to cover the costs. After the records are microfilmed, stated clerks may decide to place the original records on deposit at PHS or return them to the departing congregation as part of a gracious dismissal agreement.

For more information about these processes, please contact: Presbyterian Historical Society, 425 Lombard Street, Philadelphia, PA 19147. Phone (215)-627-1852. Email: refdesk@history.pcusa.org or via the web at: www.history.pcusa.org

Updated February 2014
FREQUENTLY ASKED QUESTIONS
GRACIOUS DISMISSAL POLICIES AFTER TOM V. PBY OF SAN FRANCISCO
(GAPJC Remedial Case 221-03)

WHAT ARE GRACIOUS DISMISSAL POLICIES?
In 2008, at the direction of the 219th General Assembly, the Stated Clerk of the Presbyterian Church (U.S.A.) sent a resolution to the presbyteries, synods and sessions, “indicating the will of the assembly 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’ with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.” Accordingly, Gracious Dismissal Policies may be used by councils to offer clarity and guide their process when discerning whether and how a particular congregation could be dismissed from the PC(USA).

HOW DO GRACIOUS DISMISSAL POLICIES RELATE TO THE TRUST CLAUSE (G-4.0203)?
In the recent General Assembly Permanent Judicial Commission (GAPJC) case, Tom v. Pby of San Francisco, the GAPJC authoritatively interpreted how the Trust Clause found in the Book of Order at G-4.0203 interacts with Gracious Dismissal Policies. The GAPJC held that while a presbytery has broad discretionary authority under the Book of Order to determine property rights [within the context of determining the mission of Jesus Christ in the world (G-4.0201) and in its district (G-3.0303a) to dismiss a particular congregation within its geographic region (G-3.0301a)], the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the PC(USA) as a beneficiary of the property.

WHAT MUST BE IN A GRACIOUS DISMISSAL POLICY?
A presbytery has broad discretionary authority to determine the mission of Jesus Christ in its district and may 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. The presbytery must also consider a congregation’s financial position and valuation of property and take into consideration the PC(USA)’s use and benefit of the property in every decision concerning disposition of property. Accordingly, the Gracious Dismissal Policy should include this duty among the procedures listed within the Policy.

MUST A GRACIOUS DISMISSAL POLICY OR IMPLEMENTATION OF A GRACIOUS DISMISSAL POLICY INCLUDE CONSULTATION WITH ANY OF THE NATIONAL ENTITIES OF THE GENERAL ASSEMBLY?
No, a presbytery has discretionary authority to determine the mission of Jesus Christ in its district when deciding whether to organize, merge, dismiss or dissolve a congregation. This discretionary authority includes the presbytery’s consideration of a congregation’s financial position and valuation of the property.
**How must a Gracious Dismissal Policy be implemented?**
Even if the presbytery’s Gracious Dismissal Policy does not include the fiduciary duty under the Trust Clause, the presbytery should ultimately exercise this fiduciary duty before making its decision about dismissal. In *Tom v. Pby of San Francisco*, the GAPJC stated that this would include exercising due diligence regarding the value of the property of the congregation seeking dismissal which would include doing a financial analysis of the value of the property. The presbytery must be informed of this financial analysis before it votes on a dismissal. Providing this information gives the presbytery and congregation the information needed to make an informed decision regarding dismissal of the congregation. (This is not all that different from presenting the financial implications for decisions to be made at the General Assembly).

**WHAT TYPES OF GRACIOUS DISMISSAL POLICIES WOULD NOT BE CONSTITUTIONAL?**
Any Gracious Dismissal Policy that precludes a presbytery from taking into account the Trust Clause fiduciary duty before deciding whether to dismiss a congregation on a case-by-case basis would be unconstitutional.

Possible examples of policies that would preclude this analysis on a case-by-case basis are:

1. Policies that only require a percentage vote from the congregation for the presbytery’s approval of terms of dismissal including only taking into account the spiritual needs or desires of current membership and not the breaking of the historic relationship of the members who came before.

2. Policies that only require the consideration of per capita and/or mission financial obligations are not sufficient to meet the fiduciary duty under the Trust Clause to consider the interest of the PC(USA) as a beneficiary of property.

3. Policies that require the payment by the congregation of a set percentage of assets prior to approval for dismissal. This would serve to preclude a case-by-case analysis.

**UPDATED NOVEMBER 2012**

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   1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly 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) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.
   2. 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-11.0103i 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-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with "caring for the flock."

• Gracious Witness: It is our belief that 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.

2 PJC (2014, 221-03, Tom et al v. Pby of San Francisco)
3 See F-1.0302; F-1.0303; F-1.0304.
4 However, in considering each congregation on a case-by-case basis, it is important to recognize that one of the entities of the General Assembly or a synod may have created with the congregation and the presbytery a direct financial interest in the property or assets and thus must be consulted by the presbytery. For example, The Presbyterian Church (U.S.A.) Investment and Loan Program (PILP) regularly extends loans to congregations which are secured by the property and/or guarantee of payment from a presbytery. A presbytery that is considering the dismissal or dissolution of a congregation with a secured or unsecured loan from PILP must, as a part of the presbytery’s fiduciary interest under the Trust clause, consult with the Presbytery Investment and Loan Program. See also Advisory Opinion: Trust Clause and Gracious Separation: Implementing the Trust Clause for the Unity of the Church for a more extensive discussion of this particular duty.

5 PJC (2014, 221-03, Tom et al v. Pby of San Francisco)
GRACIOUS COMMUNION PROCESS

Constructive Engagement & Communal Discernment*

(*Subtitle from the Theological Task Force on Peace, Unity, and Purity of the Church (2006))

At the February 25, 2012 Stated Meeting of the Presbytery of Tampa Bay the following motion was approved: “That a committee, representing the theological diversity of our Presbytery, be named by the moderator to write a gracious dismissal process. And that this gracious dismissal process be presented to the presbytery at its next meeting in May.” The Moderator named the following presbyters to serve on the committee which held its first meeting on April 19th: Ruling Elders Ellie Threlkel (First PC/Winter Haven), David McNabb (Palma Ceia PC/Tampa), Sue Moore (Trinity PC/Clearwater); Teaching Elders: Ken Shick (Hyde Park PC/Tampa), Jean Cooley (Westminster PC/Lakeland) and Carl vom Eigen (Church on the Bayou PC/Tarpon Springs). Nancy Kahaian, Transitional Presbyter, serves as staff to the committee.

The committee presents the following statement of our gracious communion as we formulate a new mission design and practice as a presbytery and how it relates a process for gracious dismissal where reconciliation cannot be achieved. We have been guided by Ephesians 4:15-16, “…by speaking the truth with love, let’s grow in every way into Christ, who is the head. The whole body grows from him as it is joined and held together by all the supporting ligaments. The body makes itself grow in that it builds itself up with love as each one does their part.” (CEB)

I. Who We Are Together – Guiding Principles

The following quotations from The Form of Government set the context for our life together.

The congregation is the church engaged in the mission of God in its particular context. The triune God gives to the congregation all the gifts of the gospel necessary to being the Church. The congregation is the basic form of the church, but it is not of itself a sufficient form of the church. Thus congregations are bound together in communion with one another, united in relationships of accountability and responsibility, contributing their strengths to the benefit of the whole, and are called, collectively, the church. (G-1.0101)

The polity of the Presbyterian Church (U.S.A.) presupposes the fellowship of women, men, and children united in covenant relationship with one another and with God through Jesus Christ. The organization rests on the fellowship and is not designed to work without trust and love. (G-1.0102)

The following quotations from the Theological Task Force on Peace, Unity, and Purity of the Church provide an understanding of how we serve together through the means of Constructive Engagement and Communal Discernment.

Presbyterian polity is an expression of deep theological convictions about the church’s . . .

• Unity: Christ is not divided. We give witness to our oneness under Christ, the head of the church, by good-faith participation in a disciplined and ordered life together.

• Purity: Truth, holiness, and righteousness matter as pathways to discipleship, in both the life of the church as a body and the lives of its members. Ultimately, the church cannot simply agree to disagree on important matters of faith and practice. Church polity must provide ways
for serious disagreements to be resolved. But resolution by merely technical or legal means will 
not endure because it does not address the conflict of convictions that gave rise to the 
disagreement in the first place. Only a resolution with theological integrity can be sustained.

- Peace: the pursuit of truth takes place in a community where differing voices are not only respectfully 
engaged but also honored as full partners in our common pursuit of God’s will for the church.

For decisions that have a significant impact on the life of the church, particularly those that are complex and 
potentially divisive, time is needed for corporate study of Scripture, gathering of information, prayerful 
reflections, mutual questioning, careful listening, and collective weighing of options. For clearer discernment 
of the mind of Christ, and for the sake of the unity of the church, all voices should be heard, including those 
who may be affected by the potential outcome of a decision.

Adversarial debate tends to set positions in opposition to one another and to mask the needs, values, interests, 
and concerns that underlie those positions. Participants in a debate are tempted to defend their positions at all 
costs and to resist attentiveness to other views, mutual submission in love, and the leading of the Holy Spirit 
through collaborative exploration.

II. How We Relate and Communicate During Times of Conflict

The Tampa Bay Presbytery recognizes and honors its responsibility to the sessions of its member churches in 
that the:

- “Presbytery, being composed of the teaching elders and commissioners elected by the session of 
congregations within its district, has a particular responsibility to coordinate, guide, encourage, 
support, and resource the work of its congregations for the most effective witness to the broader 
community. In order to accomplish this responsibility, the presbytery has the authority to: ...
  
    - Counsel with a session concerning reported difficulties within a congregation, including:
      (1) advising the session as to appropriate actions to be taken to resolve the reported difficulties,
      (2) offering to help as a mediator, and
      (3) acting to correct the difficulties if requested to do so by the session or if the session is unable 
or unwilling to do so, following the procedural safeguards of the Rules of Discipline. 
      (G3.0303)

    - and has the responsibility to work with each church, session and teaching elder (pastor) toward 
      “promoting the peace and harmony of congregations and inquiring into the sources of 
congregational discord” (G-3.0301c) when discord is identified.

Likewise, each session, pastor and congregation recognizes that:

- “The session shall have responsibility for governing the congregation and guiding its witness to 
the sovereign activity of God in the world, so that the congregation is and becomes a community 
of faith, hope, love, and witness. As it leads and guides the witness of the congregation, the session 
shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and 
Reformed congregations have identified themselves throughout history (F-1.0303) and the six 
Great Ends of the Church (F-1.0304).” (G3.0201, paragraph 2)

and that:

- “Sessions have a particular responsibility to participate in the life of the whole church through 
participation in other councils. It is of particular importance that the sessions:
welcome representatives of the presbytery on the occasions of their visits;

propose to the presbytery, or through it to the synod and General Assembly, such measures as may be of common concern to the mission of the church; (G-3.0302)

III. How We Enact Constructive Engagement and Communal Discernment

This process is meant to provide guidelines for a gracious, decent and orderly way for interaction between the Presbytery and a member church congregation that is considering withdrawal from the denomination. Our gracious, decent and orderly expectations exist among all partners in the process.

The Presbytery of Tampa Bay affirms the basic principle that the Presbyterian Church (U.S.A.) strives to be a church modeled on the body of Christ as described in 1 Corinthians 12: 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…” (Book of Order, G-1.0202).

The Presbytery further affirms that freedom of conscience with respect to the interpretation of Scripture is to be maintained provided that teaching and ruling elders and other church officers adhere to the essential of the Reformed faith and polity as expressed in The Book of Confessions and the “Form of Government” (Book of Order G-2.0105).

In the history of our denomination there have been times of great turmoil and disagreement. Some of these disagreements have been so divisive and irreconcilable as to create schisms and separations in this part of the body of Christ. Our church polity provides broad guidance for managing relationships between and among our congregations. Drawing upon this guidance, the Presbytery of Tampa Bay has developed the following process for response to and reconciliation with congregations that may be considering withdrawing from the Presbyterian Church (U.S.A.).

The goal of this Presbytery will always be reconciliation and continued relationship for all congregations within the Presbytery. The following process outlines the steps we will use as the Presbytery of Tampa Bay to respond to situations where our congregations, and their elected leaders, find themselves in divergence from the Presbyterian Church (U.S.A.) polity or in conflict with their ordination vow to be governed by our church’s polity and to abide by its discipline.

A. Discernment Steps

When the Transitional Presbyter or successor, Stated Clerk, or member of the Committee on Ministry becomes aware of discussions in a session of a member church regarding the possibility of withdrawing from the Presbyterian Church (U.S.A.), the Transitional Presbyter or successor will immediately schedule a meeting with that session, to be attended by the Transitional Presbyter or successor, Stated Clerk, and a member of the Committee On Ministry (COM). The primary purpose of that meeting will be to ascertain the level, seriousness and stage of the movement to withdraw. Another goal of such meeting will be to listen to the viewpoints of the ruling elders and moderator of that session.

At such a meeting, the Clerk and the Presbyter may make the following points:

- A session does not have the authority to call a congregational meeting for a vote on whether to withdraw from the Presbyterian Church (U.S.A.) G-1.0503
If any pastor has decided to surrender his/her ordination in the Presbyterian Church (U.S.A.), such pastor may not continue to serve that church. W-4.4003 (e)

If it is clear that a substantial majority of the session involved favors withdrawal, the above-listed presbyters who have attended the session meeting shall so report to the Presbytery Council. The Council then may require the aforementioned session to undertake a process of discernment to ascertain the will of the whole congregation. No “town meetings” or congregational forums scheduled for this purpose shall be considered congregational meetings, and no formal votes shall be entertained or taken at such meetings in a discernment process.

B. Presbytery Council – Action Steps for Reconciliation

After receiving a report from the Transitional Presbyter or successor and Stated Clerk and COM member concerning their meeting with the session involved, the Presbytery Council may appoint a visitation team to work with the member church and its session concerning future steps and a path forward. Such a visitation team ordinarily will be composed of, at a minimum, two members of the Council and one member of the Committee on Ministry. That session will be requested to create a commission, composed of a broad representation of the congregation, to work with the visitation team.

With the concurrence of the Presbytery and in consultation with the Presbytery Board of Trustees, the Council may convert or expand as appropriate the visitation team into an administrative commission (G-3.0109(b)), which may bring recommendations to the Council for further action.

If such recommendation(s) is/are under the provisions of G-3.0301, the Moderator of the Presbytery may call a special meeting of the Presbytery to consider such recommendation(s). Any dismissal of the member church involved shall only be to a permanent presbytery or similar entity of another Reformed body.

C. Property Process

If/when any such administrative commission reports to the Presbytery that the member church involved wishes to be dismissed with property to another Reformed body, the commission shall immediately begin negotiations with the session of that church regarding the process and conditions of such dismissal with property. A primary guiding principle of a negotiation process will be to create outcomes fair to all parties in the process. Upon conclusion of such negotiations, the commission shall report to the Presbytery with recommendations on the request for such dismissal.

Approved by Presbytery of Tampa Bay, May 24, 2012
The Presbytery is being asked to replace in their entirety Subsections A – C of Section III of the Current Gracious Communion Policy. I am in substantive agreement with what is recommended. However, I move to amend that motion by inserting into the text the words in bold print below and removing the words that are struck through.

A. Discernment Steps

When Coach and Coordinator, Stated Clerk, or member of the Committee on Ministry becomes aware of discussions in a session of a member church regarding the possibility of withdrawing from the Presbyterian Church (U.S.A.), the Coach and Coordinator will immediately schedule a meeting with that session, to be attended by the Coach and Coordinator, Stated Clerk, and a member of the Committee On Ministry (COM). The primary purpose of that meeting is to ascertain the level, seriousness and stage of the movement to withdraw. Another purpose of such a meeting is to listen to the viewpoints of the ruling elders and moderator of that session.

At this meeting, the Presbytery representatives should include the following points:

• A session does not have the authority to call a congregational meeting for a vote on whether to withdraw from the Presbyterian Church (U.S.A.) G-1.0503

• If any pastor has decided to surrender his/her ordination in the Presbyterian Church (U.S.A.), such pastor may not continue to serve that church. W-4.4003 (e)

• While a presbytery has broad discretionary authority under the Book of Order to determine property rights [within the context of determining the mission of Jesus Christ in the world (G-4.0201) and in its district (G-3.0303a) to dismiss a particular congregation within its geographic region (G-3.0301a)], the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the Presbyterian Church (U.S.A.) as a beneficiary of the property.

• If the congregation in question exercised the so-called property option at the time of the reunion in 1983, the initial discussion should include a review of the implications of this choice. The Coach-Coordinator will promptly report to the Moderator with appropriate recommendations. The recommendations could range from no further action to a visitation team to an Administrative Commission.

B. Coordinating Team – Action Steps for Reconciliation

After receiving a report from the Coach and Coordinator, Stated Clerk, and COM member concerning their meeting with the session involved, the Moderator will ordinarily shall appoint an Administrative Commission (G-3.0109[b]) to work with the member church and its session concerning future steps and a path forward. Such an Administrative Commission will ordinarily include, at a minimum, one member of the Coordinating Team and one member of the Committee on Ministry. That session will be requested to create a commission, composed of a broad representation of the congregation, to work with the Administrative Commission to undertake a process of
discernment to ascertain the will of the whole congregation including the number of members who desire to remain part of the PC(USA).

No “town meetings” or congregational forums scheduled for this purpose shall be considered congregational meetings, and no formal votes shall be entertained or taken at such meetings in a discernment process.

The Administrative Commission must have access to and keep copies of all written and oral communications between the pastor, the session and the congregation regarding continuing membership and participation in the PC(USA).

If an Administrative Commission has been appointed, it may bring recommendations to the Coordinating Team for further action.

If one or more recommendations fall under the provisions of G-3.0301(a), the Moderator of the Presbytery may call a special meeting of the Presbytery to consider such recommendation(s). Any dismissal of the member church involved shall only be to a permanent presbytery or similar entity of another Reformed body.

C. Property Process

If any such Administrative Commission discerns that a majority of the members of the member church involved prefers to be dismissed with property to another Reformed body and the Administrative Commission is prepared to support that preference (depending in part on the number of members of the congregation who prefer to remain in the PC(USA)), the commission shall immediately begin negotiations with the session of that church regarding the process and conditions of such dismissal with property. A primary guiding principle of a negotiation process will be the fulfillment of the fiduciary duty of the Presbytery under the Trust Clause (G-4.0203) to consider the interest of the Presbyterian Church (U.S.A.) as a beneficiary of the property, seeking all the while to create outcomes fair to all parties in the process.
ACTION ITEMS FOR PRESBYTERY

That inquirer Kelly Fitzgerald (Peace, Clearwater) be advanced to candidacy. 2-19-2015
That inquirer HyunWoo Lee (Pinellas Park Korean) be advanced to candidacy. 2-19-2015

ACTION TAKEN BY THE CPM ON BEHALF OF THE PRESBYTERY

That Becky Bryan (Christ, Largo) be enrolled as an inquirer. Becky is applying for enrollment at Princeton Theological Seminary. 1-22-2015
That Bruce McVey (First, Brandon) be enrolled as an inquirer. Bruce will be enrolled at Union Presbyterian Seminary. 2-19-2015

INFORMATION FOR PRESBYTERY

CPM granted scholarships to the five inquirers/candidates who are currently enrolled in seminaries. A new scholarship application form has been created and will be available at the presbytery website to all enrolled inquirers/candidates in late spring for consideration in mid-summer.

The CPM has spent considerable time revising the former CLP guidelines to become a manual for Commissioned Ruling Elders (CRE) that will be in concert with the current Book of Order as well as current practices in the Presbytery of Tampa Bay. These revisions were completed on February 19, 2015. COM will be consulted regarding text that relates to their responsibilities. It is anticipated that the final document will be ready for approval by the presbytery at its July meeting.

The Financial Support Information (p. 22) of the CPM handbook has been updated to reflect current practices.

Since the last Presbytery meeting, we have met with Becky Bryan, Kelly Fitzgerald, HyunWoo Lee and Bruce McVey.

In addition, CPM has also kept in contact with the following inquirers:
Katherine Ginn (St. Andrews, Dunedin) who is studying through University of Dubuque Theological Seminary).
Stephanie Dion (St. Andrews, Dunedin) who is studying at Princeton Theological Seminary.

Those who are under care and are in the candidacy phase are:
Denise Lay (First, Inverness) who is studying through University of Dubuque Theological Seminary).
Michael Lyle (First, St. Petersburg) who is studying at Princeton Theological Seminary.
Meghann Pabst (First, Brandon) who is studying at Union Presbyterian Seminary.
Felinto Almeida (St. Andrews, Dunedin) who graduated from the Presbyterian Seminary of Northern Brazil.
Biographical Information

Paul S. Suich, Ph.D.

I grew up in Aiken, South Carolina and became a Christian in High School. I joined a Presbyterian Church and attended Davidson College (a Presbyterian USA school) where I majored in Psychology. I chose Davidson because the first page of the student handbook stated, “Jesus Christ is the central fact and figure of history.” I moved to Atlanta, GA to complete a Masters in Community Counseling at Georgia State University and the Psychological Studies Institute (PSI). At PSI I studied Biblical and Systematic theology as well as the Integration of Psychology and Theology. I married my wife, Cynthia, and we moved to Augusta, GA where I worked at the Mental Health Center as a Counselor for five years. I then earned a doctorate in Counseling Psychology from the University of Georgia. Afterwards, I directed the Augusta Counseling Center for First Presbyterian Church, Augusta, GA for 10 years prior to moving to Lakeland.

For the last fourteen years I have been the Director of the St Andrew Ministries of First Presbyterian Church. The ministry has three elements. I provide an annual seminar that raises an issue relevant to the congregation and our community such as marriage, parenting, dying, mental illness, etc. I provide regular teaching and group processing opportunities such as classes, support groups, and pre-marital counseling to help equip members of the congregation. Finally, I do some individual and family counseling. I have also been privileged to assist in our worship services and preach several times per year.

My wife and I had two sons, Joshua and David. My older son is computer programmer in Augusta, GA. He and his wife gave me a grandchild to make me happy in my later years. My younger son is completing a Ph.D. in Physical Chemistry at the University of California, Berkley.
The Reformation doctrine of vocation teaches that God himself is active in everyday human labor, family responsibilities, and social interactions. Scripture clearly teaches that God equips every believer in definitive ways to be part of the building up of the body of Christ. God calls some to be pastors, teachers, and others to have a prophetic voice in the body. I believe, after some 24 years of service to the Church of Jesus Christ as a Christian Counselor on staff with a local church and another 10 years of professional practice, that my gifts and calling have been amply substantiated. I rely on the ongoing guidance of the Spirit through the Word of God, the counsel of the wise, and my own sense of integrity as verifications of this intangible sense of calling.

I believe that the Reformed tradition is the best and most faithful understanding of the complex writings of the New and Old Testaments of Scripture. I began life lost and therefore was dead in trespasses and sins. The Holy Spirit of God called me to life, repentance, and faith, which is itself a gift of God. Receiving that gift of the One, True Word of God, I have also come to receive the Scriptures as the revelation of God, adequately preserved for our instruction in faith and righteousness. While we do not have the original manuscripts, what we do have is amazingly reliable and powerful enough to bring me into conformity with the image of Christ. I believe that Christ died for my sins according to the Scriptures. I find that the Creeds, Catechisms, and statements of faith which we use to ground our denomination show the development of theological thought over the last 20 centuries, and I find that they are excellent ways to have those necessary conversations about who we are and what we believe. The earliest creeds address the nature of Christ as the Son of God, the God of all creation, and the Spirit of God who is poured out upon us in these last days of the age. The Reformation creeds and catechisms address the recovery of a Biblical and Systematic Theology that begins with the Scriptures rather than the traditions of Patristic thought. Finally, the Reformed Tradition has been reforming itself over the last five centuries and our more recent creedal statements reflect the best elements of the current Reformed Tradition as it interacts with the Enlightenment, Democracy, racial prejudice, and war.

Being Presbyterian is more of a statement of government than of theology, per se. As we read in the Scriptures of the appointment of elders and deacons for the oversight of the flock from the earliest times of the Church, the people of the Reformation sought to recover that system of government. I have in the back of my Bible, a genealogy of Presbyterian denominations. It is a genogram of the divorces and remarriages that have taken place amongst Presbyterians in America over the last 300 years. What stuns me about being Presbyterian is how divisive we can become. We have split into factions with the same ardent desire of the Corinthians after Paul left for Ephesus. We are fracturing even now. I feel very strongly that the present flight of the unhappy to new denominations is an action contrary to the calling of God’s people.

The two New Testament sacraments, baptism (a one-time marking our cleansing from sin and resurrection to life in Christ) and the Eucharist (an ongoing marking the giving of our Lord’s body and blood on our behalf) are primary callings of the minister. Were we to fail to grasp the essential and primary nature of these tasks to proclaim the Lord’s death and resurrection by way of the Eucharist until He returns, we run the very real danger of making the ministry to be something of our own construction instead of His calling. We live in a generation that values the therapeutic over holiness, that values economic gain over sacrifice, that values self-esteem over humility. The sacraments have personal efficacy, body-life efficacy, and they enact the gospel message to the community in which the Church exists. Likewise, the proclamation of the gospel
through regular proclamation of the Word in teaching and preaching- integrated words and actions- is an essential task of the Minister. We live amid a generation that is neither Biblically literate nor has a sense of the import of the Word of God for their lives. Faithful preaching is another crucial element of ministry.
Presbytery of Tampa Bay
Report of the Coordinating Team for the Stated Meeting, 2/28/15
Rev. Dr. Mike Loudon, Chair

Recommendations for Presbytery Action
1. The Coordinating Team nominates Terry Dennis, (RE, FPC, Lakeland), as the Treasurer for the Presbytery of Tampa Bay.
2. The Coordinating Team will present a slate of nominees for the Nominations and Representation Committee.
3. The Coordinating Team recommends the following for presbytery approval:
   “That the Presbytery of Tampa Bay acknowledges its relationship with the Presbyterian Camp and Conference Ministries of Southwest Florida, Inc., approved the programmatic purposes of the organization and agrees that the presbytery will exercise oversight and responsibility for the organization, its programs and its financial integrity.”
4. The Coordinating Team recommends approval of the Covenant and Agreement with Beth-El Farm Worker Ministry, which was included in the papers posted online on 2-20-15 for this meeting.

Actions by the Coordinating Team by Meeting:
6. The Temporary Stated Clerk, Laurie Palmer (TE, Designated Pastor, St. Andrew, New Tampa) was elected the Recording Clerk for the Coordinating Team.
7. Elected a Temporary East Region Convener, Richard Huggins (TE, McLeod PC, Bartow).
8. Approved the following schedule of meetings in 2015 for the CT, all starting at 1:00 PM: January 15, February 12, March 19, April 16, May21, June 25, August 13, September 10, and October 15.
9. Accepted Trinity Presbyterian Church’s, Clearwater, invitation to host the February 28, 2015 Stated Meeting of the Presbytery of Tampa Bay.
10. CT brought nominees for the Nominations and Representation Committee. They will be contacted for election at the 2/28/15 presbytery meeting.
11. Approved the creation of a committee to revise the Personnel Policy and Process Handbook. Marsha Rydberg, (RE, Palma Ceia, Vice-Moderator) agreed to chair.
12. Approved Cedarkirk as the recipient of the February 28, 2105 worship offering.
13. Faith, Seminole sale proceeds:
   a. Approved receiving Per Capita at the 2012 rate over three years, 2014-2016 for a total of $45,831.
   b. Approved mission support for the Synod of South Atlantic for $17,733 over three years.
c. The tithe of the appreciation of real property is $120,931.

The CT voted to recommend that a task group be appointed to write a plan for churches to apply for funds for revitalization or for a new worshipping community in Seminole. CCV would oversee the distribution of the funds consistent with the May 8, 2014 Stated Presbytery Meeting. The Trustees will review. Task Group: David Baker (TE, Woodlawn, St. Petersburg), Marsha Rydberg (RE, Palma Ceia, Vice-Moderator), Dan Johnson (RE, Peace Memorial, Clearwater), Terry Dennis (RE, FPC, Lakeland), and Charlie Perrine (HR, Chapel in the Grove, Lakeland).

14. Accepted McLeod Presbyterian Church’s, Bartow, invitation to host the July 23, 2015 Stated Meeting of the Presbytery of Tampa Bay. February 12, 2015

15. David Drain (TE/HR), co-chair of the search committee for the Stated Clerk and Communications Manager position, presented the Ministry Information Form for the position. The CT approved it. The MIF is listed on the Church Leadership Connection (CLC) website.

16. Approved the formation of a three-person Administrative Commission for Westminster Presbyterian Church, Lakeland as it seeks Joint Congregational Witness with Church in the Meadows, Cooperative Baptist, also in Lakeland.

17. Approved the formation of a five-person Administrative Commission for Westminster Presbyterian Church, St. Petersburg, to take original jurisdiction of the session.

Information Items

18. The CT met on January 15, 2015 and February 12, 2015. Meetings were opened and closed in prayer.

19. The Administrative Commission for Haines City (Gracious Communion) has begun its work. The Administrative Commission for Pasadena, St. Petersburg (Gracious Communion) will begin its work soon.

20. Nominating and Representation Committee, Fitz Conner, Chair, met several times in January and February in an effort to fill the many Commission/Committee vacancies. Its report was sent out with the papers posted on 2/20/15 for the presbytery meeting.

21. Trustees: Dan Johnson, Chair;

St. Andrew, New Tampa: Dan Johnson, Steve Lockhart, Administrative Commission for St. Andrew; Terry Dennis, Trustees; Patrice Hatley, Coach and Coordinator; met with two representatives from St. Andrew, New Tampa and Laurie Palmer, Designated Pastor, St. Andrew, New Tampa regarding St. Andrew’s financial plan proposal. This plan went to the full Trustees meeting on January 13. The St. Andrew’s representatives and Laurie Palmer were invited to the Trustees’ February 17 meeting.

22. Commission on Preparation for Ministry: Sue Moore, Chair, reported that there will be two Inquirers moving to Candidacy, and two or three seeking to become Inquirers at the 2/28/15 presbytery meeting.
Commission Ruling Elder: CPM will discern a plan at great length in order to set up a process. CPM could possibly bring a CRE plan to a presbytery meeting this year.

23. Commission on Ministry: Jerry Smith reiterated the imbalance in the number of churches in the Regions. Honorably Retired pastors: 34 of 88 responded to a survey sent as to how they’d be willing to serve presbytery. There will be three Honorable Retirements at the 2/28/15 presbytery meeting.

24. Commission on Church Vitality: John Fullerton reported that a list of coaches for church revitalization is being developed.


26. Coach and Coordinator, Patrice Hatley:

   Patrice is making use of Presbytery Leader Formation, a three-year continuing education process provided by Synod. This includes the use of an assigned coach. Patrice also has a 90-day EP Companion as she begins her work as Coach and Coordinator.

   Patrice is required to become a Certified Coach. She chose a program through Auburn Seminary and will be out 1/19-23/15 to begin the process.

   Patrice, Kathi Trautwein (TE, Trinity PC, Clearwater), and Jim Gregory (RE, Forest Hills, Tampa) will attend the Board of Pensions Eastern Regional Conference in Philadelphia on 4/29-30/15.

Coordinating Team Members
Mike Loudon, Chair (TE, RE, FPC, Lakeland)
John Fullerton, Moderator of the Presbytery of Tampa Bay (TE, WR, St. Andrews, Dunedin)
Marsha Rydberg, Vice-Moderator of the Presbytery of Tampa Bay (RE, HR, Palm Ceia)
Patrice Hatley, Coach and Coordinator
Earle Brown, Treasurer, RE, WR, St. Andrews, Dunedin
Terry Dennis, Assistant Treasurer, RE, ER, FPC, Lakeland
Sue Moore, Chair of Commission on the Preparation for Ministry (RE, WR, Trinity, Clearwater)
Jerry Smith, Chair of Commission on Ministry (RE, WR, Northeast PC)
Dan Johnson, Chair of Trustees, RE, WR, Peace Memorial PC, Clearwater
Fitz Conner, Chair of the Nominating and Representation Committee
Laurie Palmer, Recording Clerk (no vote, TE, Hillsborough Region, Designated Pastor, St. Andrew, New Tampa; Temporary Stated Clerk)
BETH-EL FARM WORKER MINISTRY, INC. AND PRESBYTERY OF TAMPA BAY, PEACE RIVER PRESBYTERY, AND THE MISSIONS MINISTRY TEAM OF THE MINISTRY COUNCIL OF THE CUMBERLAND PRESBYTERIAN CHURCH

INTRODUCTION:
Beth-El Farm Worker Ministry, Inc. (BFWMI) exists as a ministry and Covenant Partnership with the Presbytery of Tampa Bay, the Peace River Presbytery of the Presbyterian Church (USA), and the Missions Ministry Team of the Ministry Council of the Cumberland Presbyterian Church and their constituent congregations. This ministry provides encouragement and assistance to farm workers and their extended family members through open opportunities for worship, participation in Christian educational programs and secular programs with various partners in service.

BFWMI is directly related to the three aforementioned Presbyterian Corporations (PCs) through the Board of Directors (BoD) of the BFWMI corporation. In addition, each of the three PCs must approve any change in its Articles of Incorporation and By-Laws.

This covenant and agreement specifies further the relationship and accountability of BFWMI to the PCs and is to be a contract among the signing parties.

COVENANT:
Beth-El Farm Worker Ministry, Inc. covenants:

1. To provide encouragement and assistance to farm workers and their extended family members through open opportunities for worship, participation in Christian educational programs and secular programs with various partners in service.

2. To hold properties for the PCs by deed-in-trust, consistent with the General Assemblies’ church order and any applicable civil statutes.

3. To account to the PCs for its activities by:
   a. Reporting at an annual Consultation, typically on the third Wednesday of November, to coincide with the last scheduled BFWMI BoD meeting of the year when executives of each PC will be present, or their appointed representatives.
   b. Submitting an annual audit prepared by an independent certified public accounting firm.
   c. A policy of open books, minutes, and policies will be available. Authorized PC representatives may inspect any of the above upon reasonable notice.
   d. Maintaining and reporting adequate insurance coverage.
   e. Reporting, consulting, and other communicating with the members of the BoD who are members of the respective PC.

4. To plan for major property development, and to request consultation with representatives of the PCs prior to submitting plans for approval to BFWMI and PCs.

5. To be in prayer for all of the covenant partners, their churches, and leadership on a regular basis.
The Presbyteries of Tampa Bay and Peace River, and the Missions Ministry Team of the Ministry Council of the Cumberland Presbyterian Church covenant:

1. To share in the ministry of BFWMI by:
   a. Appointing electors to the Annual Consultation, as defined in the By-Laws for the purpose of electing the next class of BFWMI Directors at said meeting.
   b. Providing financial support for the programs and facilities.
   c. Offering pastoral oversight and care for the staff.

2. That the President and Vice President of the BFWMI Board of Directors (or their designee) shall have access to the meetings of the councils and/or committees, e.g., Committee on Church Vitality and the budget process of the PCUSAs, according to the standing rules of each PC. That the President and Vice President of the BFWMI Board of Directors (or their designee) shall request access to the meetings of the Missions Ministry Team and the Ministry Council of the Cumberland Presbyterian Church.

3. That the Executive Director of BFWMI or President of the Board of Directors shall have the privilege of the floor at the meetings of the PCUSAs. That the Executive Director of BFWMI or President of the Board of Directors shall request the privilege of the floor at the meetings of the Missions Ministry Team and the Ministry Council of the Cumberland Presbyterian Church.

4. To provide access to the constituent churches through regular reports at stated meetings and through the inclusion of BFWMI in communication efforts of the PCs such as newsletters or relevant materials.

5. That the PCs shall share in the financial support of the mission of BFWMI including program, staff, maintenance and property development. That PCs further covenant to be present at the annual consultations with representatives of BFWMI to discuss each PC’s share of funding for the following year, and to review BFWMI’s proposed budget, maintenance and development needs, and overall programs. To confirm the amount of mission support for the current year by the first stated meeting of the year. Ordinarily this will be paid in equal payments as determined by the PCs. The PCs may contribute funds in addition to the budgeted amount.

6. To provide invitation to participate in discussions related to any significant changes in the funding of mission support.

7. To recognize that donations from churches and individuals may be requested and received by BFWMI at any time.

8. That upon recommendation by the BFWMI Board of Directors, to consider approval of participation in BFWMI by other interested parties.

9. That if a member PC withdraws from the corporation, the property rights of the PC shall be recommended by the BFWMI Board to be divided equally among the two remaining PCs, as noted in this Covenant and Agreement.

10. To be in prayer for BFWMI staff, the BoD and constituents on a regular basis.
SIGNATURES:

This covenant and agreement, entered into this ________ day of _________________, _______ shall be in effect indefinitely with comprehensive review and evaluation, as deemed necessary by any of the covenant partners described herein. Because of the sacred nature of covenant relationships, amendments shall require concurrence by the Board of Directors of BFWMI and each of the PCs.

Beth-El Farm Worker Ministry, Inc.

By: __________________________  ______________________________
President     Witness
Date:_______________   Date:________________

Presbytery of Tampa Bay, Inc.

By: __________________________
Moderator
Witness

By: __________________________
Corporate Officer
Witness
Date:________________________

Peace River Presbytery, Inc.

By: __________________________
Moderator
Witness

By: __________________________
Corporate Officer
Witness
Date:____________________

Missions Ministry Team of the Ministry Council of the Cumberland Presbyterian Church

By: __________________________
MMT Leader
Witness
Date:_____________________
COVENANT AND AGREEMENT  Rev 12/18/2014

SIGNATURES:

This covenant and agreement, entered into this ______ day of ________, ______ shall be in effect indefinitely with comprehensive review and evaluation, as deemed necessary by any of the covenant partners described herein. Because of the sacred nature of covenant relationships, amendments shall require concurrence by the Board of Directors of BFWMI and each of the PCs.

Beth-El Farm Worker Ministry, Inc.

By: [Signature]
President
Date: 01/21/15

Witness: [Signature]
Date: 01/21/15

Presbytery of Tampa Bay, Inc.

By: [Signature]
Moderator

By: [Signature]
Corporate Officer
Date: [Signature]
Witness

Peace River Presbytery, Inc.

By: [Signature]
Moderator

By: [Signature]
Corporate Officer
Date: 01/15/2015

Witness: [Signature]

Witness: [Signature]

Missions Ministry Team of the Ministry Council of the Cumberland Presbyterian Church

By: [Signature]
MMT Leader
Date: 01/18/2014

Witness: [Signature]