

Covenants and Gracious Dismissal

Presbytery of San Diego

The Faith:

Our God is a covenant-making and covenant-keeping God. Making covenant with us, God became our God and we became the People of God. God places us in covenant with each other. That we covenant with each other is required; what we covenant to be and do is ours to discern.

The congregations of the Presbytery of San Diego have covenanted together to live out the Faith, and to be faithful together in hearing God's call and obeying that call. Our vision is to plant new churches, revitalize existing ones, and align structure to vision.

Into this covenant each congregation has willingly come.

Just as there are clear means by which a congregation enters into the covenant, there are to be clear means by which a congregation may leave the covenant. The termination of this covenant relationship, if done by this Gracious Dismissal process, may involve schism, but is not itself alone an act of schism. It is understood that a congregation which begins the Gracious Dismissal process has attempted reconciliation with the Presbytery.

Nor is a congregation's departure to be done in isolation. We are in covenant. We live and discern together. By shared study of Scripture and our Presbyterian theology and polity, praying together, and sustained common conversation, the Presbytery and its congregations may reexamine their membership in the covenant.

True to the founding of our congregations and the covenants we have made together over the years, and true to the covenant we have made with congregations, Presbyteries, and Synods in the General Assembly of the Presbyterian Church (U.S.A.), the covenant may be completed only with a dismissal of the congregation by the Presbytery to another reformed body.

Dismissal of the congregation does not imply or require the Presbytery's relinquishment to the dismissed congregation of the subject church's property or of the subject church's assets.

The Practice:

1. Congregations who want to reexamine their membership in the covenant of the Presbytery of San Diego will do the following to discern God's will in these matters:

a. The Session of the congregation, through their Moderator and Clerk, will notify in writing the Stated Clerk of the Presbytery of San Diego their desire to reexamine their membership. The Stated Clerk will refer this matter to the Presbytery Executive Committee.

b. The Presbytery's Executive Committee shall compose a team of Presbytery representatives. The Session shall compose a team of congregational representatives (see i and ii below). This combined team shall be called the Joint Solution Team.

i. Presbytery representatives shall be nominated by the Presbytery's Nominating Committee and trained and commissioned by the Presbytery staff and/or others with specific expertise. This group shall function as a Presbytery Representative Pool elected by and accountable to the Presbytery.

ii. The Session shall elect congregational representatives. These representatives shall have a majority of its members not from the current Session. The congregation representatives shall join with the Presbytery representatives to form a Joint Solution Team to work to generate a joint solution to the request for dismissal. The number of congregational representatives shall be equal to the number of Presbytery representatives.

iii. The initial meeting of the Joint Solution Committee shall serve as an orientation, led by the Executive Presbyter.

c. The Joint Solution Team will meet with the Session within three months of notification. At that meeting, a process and its timing, either broadly or narrowly defined, will be agreed upon. It will include provisions for shared study of scripture, Presbyterian theology and polity, and prayer, sustained committed conversation between the congregation and its Session, and all appropriate and required due diligence as required by the "Trust Clause," our polity thereunder, and the Presbytery. These times together may be in formal meetings of the congregation called for no other purpose and at which no votes will be taken, or in less formal gatherings, again without vote.

d. This prayerful dialogue will be directed to a good faith exchange of ideas and information, seeking a solution consistent with the procedure and the health and mission of the Presbytery and the congregation. The Joint Solution Team shall have at least two meetings with the Session and at least one meeting with the congregation. (2010 PJC, G-3.0301a)

e. At the same time the Executive Committee of the Presbytery along with other Presbytery standing committees shall consider the effectiveness of the present ministry at the given location and/or the potential of other Presbytery ministries benefitting from the real property

location and or the selling of the real property. The Executive Committee of the Presbytery shall obtain from the Session a professional appraisal done by a certified commercial appraiser.

f. If there is a will to proceed, the Session may call a meeting of the congregation to request the Presbytery to dismiss them to another Reformed body. This meeting may not take place less than six months after the first meeting of the Session and the Joint Solution Team. The date, time, and place will be mutually agreed upon by the Session and the Presbytery. No less than a week prior to the congregation meeting, the Joint Solution Team shall host an informational meeting for the congregation, wherein the Team shall describe the purpose and history of their efforts, the content of their discussions (keeping such confidences of the Team as is appropriate), their eventual conclusions (and their dissents therefrom), and any other matters germane to their efforts. The Team shall provide copies (or summaries) of written materials on which they relied or consulted. Attendees shall be permitted to ask questions (and questions may be submitted by any member of the congregation who is not in attendance). All people present shall strive for candor, transparency, and graciousness in their discussions. No vote will be taken; however, if based on the communications received from those present, the Team may reconvene and discuss alterations to their proposed solution. There will be no votes at any subsequent informational meetings. At the ensuing congregation meeting, there will be one meeting at one location. No other unrelated business may be considered and there must be a vote on the request. If called, at least 30 days' notice will be mailed to all the active members of the congregation in advance of the meeting and shall include the nature and purpose of that meeting. At least 50% of the average weekly attending congregation over the past year must be present. The question to be put before the congregation shall be the question of dismissal as presented by the Joint Solution Team and as amended during the meeting. Matters related to timing of dismissal, and terms regarding disposition of property, both real and personal, and financial matters will be part of this vote. Ample time will be provided for those on both sides of the question to speak. The Joint Solution Team will have the privilege of the floor. Following discussion and prayer, a written ballot will be taken on the motion. The voting options will be Request Dismissal, Do Not Request Dismissal, or Abstain. If three-quarters ($\frac{3}{4}$) of the active members present and voting favor dismissal, the request shall go to the Presbytery.

g. The meeting of Presbytery, which will consider this request, must meet within three months of the congregational meeting requesting it to do so, or its next regularly-scheduled meeting, whichever is later.

No less than a week prior to the Presbytery meeting, the Joint Solution Team shall host an informational meeting for the Presbytery, wherein the Team shall describe the purpose and history of their efforts, the content of their discussions (keeping such confidences of the Team as is appropriate), their eventual conclusions (and their dissents therefrom), and any other

matters germane to their efforts. The Team shall provide copies (or summaries) of written materials on which they relied or consulted. Attendees shall be permitted to ask questions (and questions may be submitted by any member of the congregation who is not in attendance). All people present shall strive for candor, transparency, and graciousness in their discussions. No vote will be taken; however, if based on the communications received from those present, the Team may reconvene and discuss alterations to their proposed solution. There will be no votes at any subsequent informational meetings.

At the subsequent Presbytery meeting, which may be either a stated or called meeting, the Presbytery will:

- hear from members of the congregation requesting dismissal;
- hear from members of the congregation opposing dismissal;
- hear from the Joint Solution Team;
- be informed of any financial contributions or obligations related to this congregation through its relationship with any governing body of the PC(USA);
- hear whether the denomination to which this church wishes to be dismissed is a Reformed body;
- be informed of how this congregation's dismissal would affect the mission and ministry of the congregation and of the Presbytery;
- hear from anyone not described above who wishes or is asked to address the Presbytery, provided such testimony is not duplicative of testimony previously given.

Among the questions the Presbytery will consider is, failing to affect reconciliation, whether one of the factions is the true church (as that term is understood in our Book of Order and Book of Confessions). This determination is to be on the basis of the marks of the true church as named in our constitution: the true preaching of the Word of God, the right administration of the sacraments of Jesus Christ, and ecclesiastical discipline uprightly administered (3.18, 5.134-5). Property or its value will not be awarded to any church that is not true.

After discussion and prayer, the Presbytery, exercising its responsibility to discern shall deliberate and vote on the question of dismissal as presented by the Joint Solution Team and as amended during the meeting. Matters related to timing of dismissal, and property and financial matters will be part of this vote. These matters are to be fully negotiated and known in the call to the meeting of the presbytery. The votes cast must be "yes," "no," or "abstain."

h. If dismissal is granted by the Presbytery, full consideration of the disposition of the property(s) shall have been made with careful recognition of the provision in G-4.0201 – "the property...is a tool for the accomplishment of the mission of Jesus Christ in the world" -and of the provision of G-4.0203 – "all property...is held in trust ...for the use and benefit of the

Presbyterian Church (U.S.A.)". The full commercial appraised value of the property or properties is to be known, as well as the value of the church's other assets, such as, but not limited to bank accounts, memorials, designated accounts, equipment, furnishings, real property, vehicles, revenue sources, etc. The presbytery may dismiss the congregation with or without the property(s) and, if with, then with full consideration of its commercial appraised value.

The value attributed to the property and assets of the subject church will not be limited to the monetary value. Considerations shall be given to the value of the continuing presence and ministry of the dismissed congregation with that property; the value of a new or existing congregation newly planted by the Presbytery within that property; the value of other continuing and new ministries of the Presbytery with the realized monetary value from the sale or lease of the property; and the other missional interests of the Presbytery.

At the meeting of the Presbytery amendments to the recommended motion(s) are to be permitted, following proper rules for amending motions.

2. If the Joint Solution Team cannot reach agreement, a new Joint Solution Team will be assigned. No members of the prior Joint Solution Team shall serve again on the new Joint Solution Team. If the decision of the Presbytery is to reject the proposed joint solution, the Joint Solution Team will attempt to resolve the impasse. If a solution is approved by Presbytery, but the Session and congregation do not accept that action, they shall be deemed to have rejected the offer to be dismissed and the Joint Solution Team will enter into conversations with the Session to help the congregation move forward in its ministry as a member of the Presbytery of San Diego. The expectation is that a congregation will normally not seek dismissal again for at least three years.

3. A congregation or its leadership which does not sincerely invite its covenant partner, the Presbytery, into its process of considering a request for dismissal, will have by that inaction, invited the Presbytery to initiate other parts of the covenant, including but not limited to the formation of an administration commission with all the powers that the Presbytery may grant.

Our Gracious Dismissal Policy is evolving as questions of PC(USA) polity, including our Book of Order, are addressed by adopted Synod and/or GA policies, and by judicial decisions, such as Sundquist et al. v. Heartland Presbytery, Toms et al. v. Presbytery of San Francisco, Magee et al. v. The Presbytery of New York City, and Locke, et al. v. Presbytery of San Diego. Other guidance is likely to be handed down. Our intent is to comply fully, both in substance and procedure, with all applicable requirements. Congregants and clergy within our Presbytery, as well as the Joint Solution Team, are directed to those source materials.