

1 Dear Presbytery of Los Ranchos Family,
2

3 We in Los Ranchos are blessed with a unity and a collaborative spirit that is admired
4 around the denomination.
5

6 However, we recognize that events over the past decade have strained relationships in
7 many governing bodies. Tensions since the 217th (2006) Birmingham General Assembly
8 have, in some instances, created stresses that have sometimes broken the bonds of presbytery
9 fellowship, resulting in some leaders and congregations choosing to disassociate themselves
10 from their presbytery and the PC(USA). As infrequent as these cases may be, the process is
11 extremely painful and confusing for all parties. Sometimes the behavior of Presbyterians has
12 become an embarrassing witness to non-Christians.
13

14 We are unaware of any church in our presbytery considering leaving our
15 denomination. On the contrary, most of our churches declare deep appreciation for their
16 membership in this presbytery. Nonetheless, your Council believes it would be prudent to
17 preempt confusion and mitigate disaffection by having a plan for addressing the kinds of
18 concerns and dynamics that sometimes start people down the painful path to schism.
19

20 In the pages that follow, you will find a series of possible responses for addressing
21 discontent at the earliest possible stages with the most conciliatory spirit. It is always our
22 hope that we never have to invoke these policies or employ these interventions. But if we do,
23 it is a plan for pastoral care and relational restoration. The policy calls for thoughtful and
24 attentive listening in an environment of respect and safety, and provides practical steps for
25 facing difficult decisions if we ever find ourselves in the sad situation of not being able to
26 reconcile a relationship. Should that happen, we want to be prepared to fulfill our stewardship
27 responsibilities and to minimize the confusion that comes with any potential for schism.
28

29 As your Council, we have two hopes for this document. First, that it be adopted as an
30 affirmation of our responsibility to treat one another lovingly, respectfully, attentively, and
31 pastorally. The desire shall always be reconciliation through a process that honors our Lord
32 Jesus Christ and his body, the Church. Second, we hope that this document might be a useful
33 resource to others. If it can be well used in even one other presbytery, we shall be gratified
34 for having been able to share our resources.
35

36 We value and are grateful for every congregation in our presbytery. We hope
37 everyone will see this policy as an affirmation of our oneness in Christ. It is a declaration of
38 our intent to be prepared for any difficulty and to act in an orderly and respectful manner--
39 honoring God and all of God's children. It is in this spirit that we, the Presbytery Council,
40 have prayerfully prepared this document and offer it to the presbytery for adoption.
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47 PROCEDURAL GUIDELINES FOR ADDRESSING CHURCHES WITHIN
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 49 THE PRESBYTERY OF LOS RANCHOS
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 51 CONSIDERING WITHDRAWAL FROM
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 53 THE PRESBYTERIAN CHURCH (U.S.A.)
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56 ¹The Presbyterian Church (U.S.A.) is an expression of the body of Christ described in 1
 57 Corinthians 12: “For just as the body is one and has many members, and all the members of
 58 the body, though many are one body, so it is with Christ. For in the one Spirit we were all
 59 baptized into one body.”
 60

61 Each particular church (congregation) “is understood as a local expression of the universal
 62 Church.” (G-4.0102) “It shall fulfill its responsibilities as the local unit of mission for the
 63 service of all people, for the upbuilding of the whole church, and for the glory of God.” (G-
 64 4.0104) “Each particular church of the Presbyterian Church (U.S.A.) shall be governed by
 65 (the) Constitution.” (G-4.0104)
 66

67 ² Together we affirm that our God is in control of the world we occupy. We order our affairs
 68 out of an abiding conviction that persons do not join the Presbyterian Church (U.S.A.) of their
 69 own volition, but are called to membership in this denomination by the sovereignty of God,
 70 and participate in its government through the work of the Holy Spirit. “A presbyterian polity
 71 recognizes the responsibility of all members for ministry and maintains the organic relation of
 72 all congregations in the church.” (Confession of 1967, § 9.40.)
 73

74 Each local congregation is the setting of a particular history of this fellowship; for its
 75 members it is the site of baptisms, of confirmations, of marriages, and of celebrations of the
 76 resurrection to join the communion of saints. Such significant personal experiences make the
 77 local congregation an indelible part of the lives of their members. These shared experiences
 78 are what most of us picture when we think of our home congregation-
 79

80 The presbytery of Los Ranchos is the precious fellowship of 59 congregations and fellowships
 81 stretching across a richly diverse region including southeast Los Angeles County plus all of
 82 Orange County. The presbytery’s first priority is to serve our congregations as they live out
 83 their part in God’s mission in our region.
 84

85 We describe our work in this **Mission Statement:**
 86 *the presbytery works in partnership with local congregations, the primary agents of*
 87 *ministry and evangelism, empowering them to fulfill the mission of Jesus Christ by:*
 88 • *Encouraging congregations to make disciples who are sent,*
 89 • *Nurturing reconciliation, communication, cooperation and connectionalism,*

¹ All references are to the 2006-2007 Book of Order and the By-Laws of the Presbytery of Los Ranchos as of the date of presbytery action to approve.
² This and the next paragraph are from “Advisory Opinion #19” of the Office of Constitutional Services.

- *Supporting congregations in development, revitalization, and mission, as together, we prayerfully receive empowerment from the Holy Spirit, instruction from the Scriptures and guidance from the Book of Confessions and the Book of Order.*

•
Among and throughout the congregations of our presbytery we work in partnership with one another to encourage one another in our discipleship. We believe we are better together than when we are apart. We work continually to deepen communication and partnership both in our most difficult challenges and in our greatest excitements and joys. We continually seek partnership and reconciliation within Christ's body, whether locally among ourselves or even with our partners in Africa and beyond.

Ever since Los Ranchos was formed in 1968 and throughout our rich history dating back over 100 years, we have on numerous occasions disagreed with one another over various issues. We always seek to speak and listen to one another with civility and love, "making every effort to preserve the unity of the Spirit in the bond of peace" (Ephesians 4:3). We give thanks to God that by God's grace we have never experienced the schism of a congregation choosing to leave the body of this presbytery. We grieve along with God's Spirit that in the history of our denomination, in other times and places, there have been grievously painful occasions of schism when members of the body could not be reconciled to one another.

The presbytery would grieve the loss of any of its churches or fellowships. The departure of a single one would diminish the presbytery's witness to Jesus Christ's love and unity and we would miss all of the precious gifts and insights of those sisters and brothers in Christ.

The PRIMARY goal of this presbytery will always be **reconciliation and continued relationship** for all congregations and fellowships within the presbytery. IN THE EVENT, HOWEVER, THAT A CONFLICT ARISES IN WHICH A CONGREGATION (THROUGH A FAIR AND OPEN PROCESS THAT INCLUDES THE SUPPORT AND COUNSEL OF PRESBYTERY) DETERMINES THAT IT CAN NO LONGER PARTICIPATE IN GOOD CONSCIENCE IN THE LIFE AND MINISTRY OF THE PRESBYTERY AND DENOMINATION, THE PRESBYTERY, DESIRING TO EXHIBIT THE KINGDOM OF HEAVEN TO THE WORLD, WILL SEEK TO SHEPHERD THE CONGREGATION THROUGH A POSITIVE, CONSTRUCTIVE TRANSITION CONSISTENT WITH CHAPTER VIII OF THE BOOK OF ORDER.

The following process outlines the steps we will use as a presbytery to respond pastorally when any one of our congregations, or leaders within, find their conscience to be in conflict with their ordination vows ("to be governed by our church's polity" and to "abide by its discipline" [G-14.0207.e; G-14.0405.b.(5)]) and/or the denomination. In such situations, ordained leaders should be guided by the Endnote to Chapter 6 of the Book of Order: [Plan of Union 1758] "That when any matter is determined by a major[ity] vote, every member shall either actively concur with or passively submit to such determination; or if his [sic] conscience permit him [sic] to do neither, he [sic] shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism."

136 **SECTION ONE -- PROCESS OUTLINE**

137 This process is based on the use of Response Teams, and/or a Special Review Team, and/or
138 (if left no other option) Administrative Commissions, all of which will be made up of trained
139 and committed Presbyters. What follows in Section One are general guidelines. (Detailed
140 duties and guidance for Response Teams, Special Review Teams, and Administrative
141 Commissions are found in later sections of this document.)

142
143 This policy anticipates four possible, overlapping levels of contention that could require
144 presbytery's response:

- 145 I. A congregation and/or its leadership indicate concern about their relationship
146 with the denomination;
- 147 II. A congregation and/or its leadership indicate concern about the implications of
148 Chapter VIII of the *Book of Order* regarding church property.
- 149 III. A congregation and/or its leadership indicates it is considering the option of
150 withdrawal from the Presbyterian Church (U.S.A.);
- 151 IV. A congregation and/or its leadership has initiated specific, concrete action to
152 withdraw—and/or is engaging in civil action regarding property matters.

153
154 We are aware that, within congregations, there may be members and leaders with
155 varying degrees of dissatisfaction, disaffection, and discontent. Across our congregations
156 there is a continuum of anxiety and confusion regarding the future of the church (local) and
157 Church (denomination). The result may be support for some kind of action to address
158 complaints, the extent of which varies from congregation to congregation. The broad
159 headings used here provide flexible starting points for shaping a response by the presbytery.
160 One of the first tasks of presbytery representatives will be to assess the degree and extent of
161 the concerns and to determine which level of response is most appropriate.

162 In doing so, presbytery will normally make use of the existing options for COM as set
163 forth in G-14.0502j. The responsibilities of “Teams” are clarified in the “Process Section”
164 beginning on page five.

165
166 Level I: DIALOGUE, DELIBERATION, AND DISCERNMENT: At this level, the objective is
167 primarily to provide a pastoral presence: to listen, to dialogue, and to bring about
168 reconciliation. At this point, it is hoped that serious and respectful conversations will lead
169 both the presbytery and the congregation to a better understanding of and deeper appreciation
170 for the concerns and issues of the other party—so they might explore together ways of
171 recovering a sense of mutual accountability to Christ and to one another, of shared mission
172 priorities, and of common commitment to the church of Jesus Christ.

173
174 Level II: EDUCATION AND NEGOTIATION: At this level, the objective is primarily to
175 provide a pastoral response to relational and polity concerns: to clarify, to educate, to explore
176 options, and to restore trust. This level indicates more intense feelings, more widespread
177 dissension, and more firm opinions. Conversations need to be directed toward helping the
178 congregation/leadership clarify what has given rise to concern about church property and/or
179 the reasons it may be considering the option of withdrawal, to explore the sources and validity
180 of the discontent, to seek to determine which reasons may be amenable to alternative

181 explanations and rationale, to explore together options to considering withdrawal, and to
182 determine if a mutual understanding of property can be reached.

183

184 Level III: PROACTIVE ENGAGEMENT: At this level, **the congregation** has made clear
185 its intent to determine whether or not it will seek to withdraw from the denomination. **By its**
186 **actions, the congregational leadership and/or the congregation itself has begun limiting**
187 **the presbytery’s options for response.** The objective at this level is to name what is
188 happening, make clear the possible consequences, and to initiate actions to intervene in the
189 process to protect the constitutional rights of those members who wish to remain part of the
190 Presbyterian Church (U.S.A.). At this level, a very different set of skills and powers will be
191 needed: a “Special Review Team” will become the primary agent of the presbytery for
192 addressing the concerns and its emphasis will be on Administrative Review and
193 accountability.

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195 Level IV: ADMINISTRATIVE COMMISSION: At this level, **the congregation and/or its**
196 **leadership** has made public its intention to schism and/or has taken some kind of formal
197 step(s), ecclesiastical and/or civil, to withdraw from the denomination. Regrettably, such
198 actions create a barrier that restricts the use of the preferred pastoral responses used at Levels
199 I through III. The objective at Level IV is thus to identify and protect the “true church” as
200 defined at G-8.0601 {“*If there is a schism within the membership of a particular church...the*
201 *presbytery shall determine if one of the factions is entitled to the property because it is*
202 *identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This*
203 *determination does not depend upon which faction received the majority vote with the*
204 *particular church at the time of schism.*”³) and to respond to legal challenges to the
205 constitution of the Presbyterian Church (U.S.A.). An Administrative Commission will be
206 charged with all powers necessary to protect the presbytery’s mission and fiduciary
207 responsibilities and may be required to assume original jurisdiction.

208

209 Under no circumstances may a Response Team, Special Review Team, or
210 Administrative Commission negotiate for, obligate the presbytery to, or engage in
211 any conversation or action that is or could be considered contrary to G-8.0201,
212 8.0301, 8.0401, 8.0600, 8.0601. Only the presbytery acting in a called or stated
213 meeting can dismiss a congregation.

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217 ⁴The church is not a voluntary association of those who share the
218 same opinions and experiences, but is an organic body called into
219 existence by God that celebrates and transmits through the ages the name
220 and knowledge of Jesus Christ. The constitutional provisions under which
221 congregations hold property for the benefit of the Presbyterian Church
222 (U.S.A.) arise out of and reflect the theological conviction that this
223 denomination constitutes one indivisible body, which itself is part of the

³ In 2006, the denomination rejected an amendment that would have 1) deleted the words “true church” and 2) allowed a 60% vote of the active membership to determine the fate of that church’s property.

⁴ This paragraph is from “Advisory Opinion #19” of the Office of Constitutional Services.

224 body of Christ, and which encompasses not only the visible church today
225 but our forebears and heirs in the one holy, catholic, and apostolic church.

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229 **SECTION TWO: THE PROCESS:**

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231 The presbytery’s comprehensive process for engaging congregations so disaffected as to
232 consider withdrawing from the denomination is based on the use of four potentially sequential
233 responses (depending on where in the congregational process the presbytery becomes
234 involved). Level I and II will involve representatives from the Committee on Ministry acting
235 as a pastoral Response Team. Level III would empower a Special Review Team appointed by
236 Council. At Level IV, an Administrative Commission, appointed according to the provisions
237 of the Standing Rules would be employed. These delegations progressively increase in
238 formality, scope of tasks and authority.

239
240 **I. PARTNERING THROUGH PASTORAL PRESENCE: DIALOGUE AND DISCERNMENT**⁵

241 When the leadership of the presbytery becomes aware, either through formal
242 congregational action or through informal contacts with church leaders or members, that a
243 congregation is in serious disagreement with the governance of the denomination, the
244 Executive Staff or presbytery Council (or its Docket Committee⁶) may notify the Moderator
245 of the Committee on Ministry and either the COM or Council may direct the Executive
246 Presbyter to offer to make a pastoral visit (personally or by his designee) to determine if a
247 pastoral visit by a Committee on Ministry Response Team⁷ [G-11.0502j(1)(2)] would be
248 appropriate. Team members will be selected by the Moderator of the Committee on Ministry
249 from among COM members and former members who have indicated a willingness to serve
250 in this capacity and (when possible) have been trained to do so. It is always hoped that all
251 issues can be resolved in a mutually satisfactory manner.
252

⁵ Working in good faith (Covenant Agreement) toward a mutually agreeable resolution includes (but is not limited to) the following:
a. Ministers and Elders are open and honest in their communications with the presbytery and congregation;
b. Ministers, Elders, and Officers provide all requested information and documents in a timely fashion;
c. Ministers, Elders, and Officers protect the rights of officers and members who desire that the congregation remain a congregation of the Presbyterian Church (U.S.A.);
d. Ministers, Elders, and Officers refrain from any unilateral changes to By-Laws/Standing Rules, the way assets are held and managed, and the filing of any civil action.

⁶ The Docket Committee consists of the Moderator and Vice-Moderator of Presbytery, the Moderator of Council, the Executive Presbyter and the Stated Clerk

⁷ Response Teams may be as few as two or as many as four, depending on the size of congregation and anticipated level of conflict. The initial Response Team may request additional members, for specific tasks or to complete its assignment. If more than two visits are required, the Response Teams shall observe the following guidelines:
1. The Response Team shall keep all concerned parties informed;
2. Send a letter to session outlining task and process;
3. Where appropriate, take steps to inform the congregation of the task and process
4. The team shall have “one-on-one” conversation with the pastor.
5. Implement a behavioral Covenant Agreement between the leadership and the presbytery.
6. Communicate often with the presbytery leaders, COM, and the presbytery Council and provide a final written report to Committee on Ministry and/or Council.

253 The first task of a COM Response Team will be to engage the pastor and session in
254 conversations designed to determine the degree of dissatisfaction/dissension—and the
255 intensity of negative feelings. Within one week of completing its initial visit(s), the COM
256 Response Team shall provide a written report and recommendations to the Committee on
257 Ministry or Docket Committee of Council, whichever is most timely and appropriate. If,
258 during the initial visit(s), the team determines that progress can be made toward reconciliation
259 through continued dialogue and discernment, the team will normally recommend specific
260 actions for mediation by the Response Team and proceed as follows.

261 The purpose of a Response Team is to engage the leaders of the congregation and/or
262 the congregation as a whole (as circumstances dictate), in a time of prayer and conversation
263 aimed at understanding the concerns, the sources of dissatisfaction, and the options for the
264 church and the presbytery as the church understands them. The Response Team may find it
265 also needs to provide pastoral support if the minister is in conflict with the Session or other
266 leadership in the church. If the initial visit(s) leads to resolution of the situation, no further
267 action is required and to God be the glory.
268

269 Dialogue and deliberation shall continue until such time as the presbytery and
270 congregation publicly acknowledge that the matter has been resolved to their satisfaction. .

271 If the leaders/session refuse to receive a Response Team [see G-10.0102p(5)
272 “...welcoming representatives of the presbytery on the occasions of their visits; ... ”], then G-
273 11.0502j(3) may be invoked. [“(COM) may act to correct the difficulties if requested to do so
274 by the parties concerned, or if authority is granted by the presbytery for the specific case.”]
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276

277 LEVEL II: PROVIDING A PASTORAL RESPONSE: EDUCATION AND NEGOTIATION

278 When the leadership of the presbytery becomes aware, either through formal
279 congregational action or through informal contacts with church leaders or members, that a
280 congregation and/or its leaders are raising questions regarding Chapter VIII of the *Book of*
281 *Order*; or in the event that a COM Response Team’s efforts at the first level are unsuccessful;
282 the presbytery Council or COM shall appoint (or continue) a Response Team to engage the
283 leadership and/or congregation in a process of Education and Negotiation under the
284 provisions of G-14.0502j(2)(3). The primary objective at this level is to assess the options
285 available to all parties and determine what form of involvement has the most realistic
286 potential for success. Based on that assessment the Response Team will make a full report,
287 with recommendations, to the COM or presbytery Council. The presbytery Council will
288 determine what information is appropriate to communicate to the presbytery and, together
289 with the COM, determine whether additional intervention by the presbytery promises to be
290 productive. If additional intervention is deemed appropriate, and the COM Response Team
291 indicates a need for more specific skills, individuals (not necessarily members of COM) with
292 gifts needed in this specific situation may be recruited by COM and/or Council to assist the
293 Response Team.

294 ~~This stage may include formal and informal conversations with members,~~
295 ~~collectively and/or individually. It shall also have as a component an opportunity to reflect~~
296 ~~with the Session regarding their constitutional responsibilities, ordination vows, and the~~
297 ~~potential consequences of failure by Pastors, Elders or the congregation to abide by provisions~~
298 ~~of the Constitution. If questions and concerns are addressed by such intervention and the~~

299 ~~leaders and congregation accept (even if reluctantly) the denomination’s position regarding~~
 300 ~~property, the presbytery and session shall record such agreement in their records. Such an~~
 301 ~~agreement must be reported to the presbytery.~~

302 ~~[If no such agreement can be reached and the leadership/congregation takes action to~~
 303 ~~move to Level III dissension and/or violates a Covenant Agreement (see Endnote), the COM~~
 304 ~~Response Team shall immediately report this to the COM and/or presbytery Council which~~
 305 ~~shall recommend to the presbytery formation of a Special Review Team {see Level III} or~~
 306 ~~formation of an Administrative Commission {see Level IV}.]~~

307
 308 IN THE EVENT IT IS DETERMINED (IN WRITING) THAT THE LEADERS AND CONGREGATION
 309 ARE NOT CONTESTING THE “TRUST” LANGUAGE OF THE CONSTITUTION, BUT DO WISH TO
 310 EXPLORE THE OPTION OF WITHDRAWING FROM THE DENOMINATION, THE COM RESPONSE TEAM
 311 SHALL REQUEST A SPECIAL REVIEW TEAM BE APPOINTED TO CONTINUE THE CONVERSATION.

312 IN THE EVENT IT IS DETERMINED THAT “TRUST” LANGUAGE IS ONE OF THE MAJOR AREAS
 313 OF CONTENTION, AND THE LEADERS AND CONGREGATION ARE CONTESTING THE TRUST
 314 LANGUAGE, THE COM RESPONSE TEAM SHALL IMMEDIATELY REPORT THIS TO THE PRESBYTERY
 315 COUNCIL WHICH SHALL RECOMMEND TO PRESBYTERY WHAT IT BELIEVES TO BE THE MOST
 316 APPROPRIATE RESPONSE.

317
 318 If at any time the COM Response Team determines that the controversy is the work of a
 319 special interest group or other minority and is not representative of the congregation, the
 320 Response Team may recommend that an Administrative Commission be appointed/elected for
 321 the purpose of working alongside the session in support of the majority.

322
 323 The Response Team may also, at any time, request and may be given by Council the powers
 324 of G-9.0408, “Special Administrative Review”, to continue the process.

325
 326 The Stated Clerk’s office shall prepare, in cooperation with attorneys, a summary of
 327 constitutional provisions related to property to be available to COM Response Teams and
 328 Council Review Teams and for congregations seeking understanding of the issues related to
 329 church property.

330
 331 **LEVELS III & IV: PRESERVING AND PROTECTING THE PRESBYTERY’S MISSION**

332
 333 **The primary goal of Los Ranchos presbytery is for all congregations to continue as an**
 334 **integral and valued part of our PCUSA community.** The secondary goal is fiduciary
 335 responsibility for the maintenance and protection of all assets held in trust for the mission and
 336 ministry of the Presbyterian Church (U.S.A.).⁸

337
 338 A **Special Review Team** is intended to serve situations beyond Level I and II’s more informal
 339 and pastoral-partnership response--but not requiring the formal, constitutional intervention of
 340 an Administrative Commission. Special Review Teams will have significant latitude to

⁸ This is consistent with the Presbytery of Los Ranchos’ provisions for adequate insurance; the requirement for an annual full Financial Review; the oversight of encumbrances upon property; and the development of new congregations. Because G-8.0201 makes clear that all property is held in trust for the PC(USA), the presbytery is responsible for enforcing this trust and has the power to decide disposition of real property, G-8.9491.

341 continue dialogue, provide education, and negotiate--with the availability of limited
342 intervention and constitutional authority if warranted.

343

344 If congregational leadership appears to be taking any formal action, civil or ecclesiastical,
345 toward separation or withdrawal from the denomination, the Special Review Team shall be
346 bypassed and an Administrative Commission employed under the provisions of Level IV.

347

348 Level III: PROACTIVE ENGAGEMENT

349 **Special Review Team**

350 Paraphrasing G-4.0301d, e., Presbyterians seek not only to do the will of our congregations,
351 but to seek together to find and be faithful to the will of Christ. Decisions shall be reached in
352 governing bodies by vote, following discussion, and a majority vote shall prevail. We have
353 always affirmed that the Holy Spirit works most clearly through the “collected wisdom” of
354 the church as expressed in G-1.0400.

355

356 If the presbytery’s pastoral presence is unsuccessful (no agreement can be reached to be
357 recorded), or when the presbytery leadership becomes aware, either through formal
358 congregational action or through informal contacts with church leaders or members, that a
359 congregation has indicated it is preparing to withdraw from the Presbyterian Church (U.S.A.),
360 but has not yet taken any formal action—internally or externally⁹--to do so, the presbytery
361 Moderator, in consultation with the Docket Committee, shall appoint a Special Review Team
362 to engage the church leadership and/or congregation in a process of Education and
363 Negotiation. (G-9.0408, G-9.0409, G-9.0410, G-9.0411). The Special Review Team shall
364 consist of three to seven (3-7) members, balanced as reasonably as possible between Ministers
365 of Word and Sacrament and Elders. Where possible, these persons shall be chosen from
366 people identified as having training or experience appropriate for such service.

367

368 The appointment of a Special Review Team will be communicated in writing to the
369 congregation and Session immediately upon its formation. Included in the notice will be 1)
370 instructions that, except for a New Member Class already started, the Session may not add or
371 remove members until the work of the Review Team is completed, 2) that attendance at
372 worship, by name, must be recorded until the work of the Review Team is completed, and 3)
373 a reminder to Session regarding their constitutional responsibilities, ordination vows, and the
374 potential consequences of failure by Pastors, Elders or the congregation to abide by provisions
375 of the Constitution. (G-11.0103t(2))

376

377 The primary objective of the Special Review Team is to initiate or continue dialogue, assess
378 the options available to all parties, educate the congregation and its leaders regarding their
379 responsibilities and determine if actions short of withdrawal have a reasonable possibility of
380 success. The Special Review Team shall have significant latitude to operate at multiple levels
381 of education and negotiation, to interview anyone with a stake in the outcome, and may be
382 delegated administrative intervention authority, as circumstances warrant:

⁹ “Internal” can include such actions as attempt to change by-laws or articles of incorporation, to remove dissenting members, to remove records from the premises, etc. “External” can include filing civil actions, setting up an independent corporation, releasing statements to the public media, etc.

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1. IF THE CONGREGATION INDICATES TO PRESBYTERY A DESIRE TO NEGOTIATE AN AMICABLE WITHDRAWAL FROM THE DENOMINATION CONSISTENT WITH CHAPTER VIII OF THE FORM OF GOVERNMENT AND PARAGRAPH 114 FF OF THIS DOCUMENT, THE SPECIAL REVIEW TEAM MAY SEEK AUTHORITY FROM PRESBYTERY TO ENGAGE IN SUCH NEGOTIATIONS AND TO EXTEND ANY DEADLINES THAT MAY BE IN EFFECT;

2. to request records of the session (G-12.0102n, G-12.0304, G-13.0103k, n) (G-9.0408) “if a higher governing body learns at any time of any irregularity or delinquency by a lower governing body, it may require the governing body to produce any records and take appropriate action;” and G-4.0301f “a higher governing body shall have the right of review and control over a lower one...” including all mailing lists;

3. to request whatever records may be relevant (i.e., how money is held, title to property, insurance documents, mortgages or other loan documents, corporate officers, corporate articles, bylaws, charters – especially changes in any of these). The Review Team will be careful to look for recent (within past two years) changes or modifications to articles of incorporation, bylaws, or deeds. The presbytery is entitled to see such changes in legal documents (G-9.0408 and G-4.0301f);

4. to determine, after reviewing the proceedings of the session and congregation or from any other information as may come to its attention, whether, a) the proceedings have been faithful to the mission of the whole church (G-9.0409a(4)); b) the lawful injunctions of a higher governing body have been followed;

5. to give directives (G-9.0410) on behalf of the presbytery; a. “It is ordinarily sufficient for the higher governing body to record in its own proceedings, and in those under review, its approval, disapproval, or correction. If necessary, the higher governing body may direct the lower governing body to reconsider and correct an irregularity or cure a delinquency” (G-9.0410); b. The type of directive will depend on the issues (examples: don’t call a congregational meeting, don’t transfer assets, don’t encumber property, don’t elect new officers, etc.);

(the following may be granted if it appears it is or is becoming a Level IV situation)

6. to recommend whether an administrative commission should be appointed (G-9.0503).

7. to initiate Disciplinary process by filing charges against any Minister of Word and Sacrament and/or any Elder whom the Review Team believes is in violation of their Ordination Vows or to implement the provisions required to invoke G-6.0502; {This provision is not permitted if a Covenant prohibiting such action is in place};

8. if the Session refuses to act in good faith and/or makes any public statement of intent to--or actually takes any action to--withdraw from the denomination, to immediately inform the Moderator of the Presbytery.

If additional expertise is needed to assist the Review Team, individuals with skills needed in the specific case may be recruited

If no agreement can be reached and/or the leadership and/or congregation impedes or delays the Special Review Team’s work, and/or leadership and/or the congregation persists in

432 discussions or planning regarding AN ADVERSARIAL withdrawal from the denomination, ~~or~~
433 ~~takes concrete action to withdraw from the denomination~~¹⁰, the Special Review Team shall
434 immediately report such actions to the presbytery Council.

435

436 If, at any time, the Special Review Team determines that the move toward separation or
437 withdrawal from the denomination is the work of a special interest group and not
438 representative of the congregation, the Special Review Team shall report to the presbytery
439 Council and recommend the formation of an Administrative Commission at the earliest
440 possible time for the purpose of intervening in support of the majority.

441

442 The Special Review Team shall keep all appropriate parties informed:

443

1. Send a letter to the Session outlining tasks and process.

444

2. Send a letter to the congregation, including each member if warranted, outlining
445 tasks and process.

445

446

3. Maintain communication with the presbytery Council Docket Committee
447 throughout its work.

447

448

449 The Special Review Team will complete its work within ninety (90) days of appointment
450 and submit a final report, with recommendations, to the presbytery Council no later than
451 thirty (30) after completing its work. Presbytery Council shall determine what will be
452 reported to the Presbytery and in what format.

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LEVEL IV: ADMINISTRATIVE INTERVENTION

456

Normally, the primary task of an Administrative Commission is to attempt to “settle the
457 difficulties” G-9.0503a(4) without recourse to civil action by any party; insuring that “the
458 great ends of the church” are fulfilled. As used in this process, an Administrative
459 Commission is the presbytery’s and denomination’s advocate in response to an
460 adversarial situation created by the decisions and actions of the leaders of a
461 congregation.

462

463

Any Administrative Commission formed to address questions of withdrawal from the
464 denomination and/or of property will be trained by the Stated Clerk and an attorney
465 familiar with the trust provisions of the denomination. The Stated Clerk staffs all
466 Administrative Commissions.

467

468

If an Administrative Commission is formed during or following the work of a Special
469 Review Team, that Team shall organize and transfer all of its records to the
470 Administrative Commission, with a summary of the issues, its work and pending matters.
471 Members of a Special Review Team may also serve on a subsequent Administrative
472 Commission.

472

¹⁰ This can include, but is not limited to filing civil action (Temporary Restraining Orders, suits, etc.), setting up an independent 503(c) corporation, releasing statements to the public media, acting to change By-Laws or Incorporation papers in violation of the Book of Order, engaging outside counsel whose practice includes substantial emphasis on litigating church property cases, etc

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A. If civil and/or ecclesiastical (judicial) action is taken by leaders of or by a congregation to withdraw from the denomination and/or to challenge Chapter 8 of the Book of Order, **the leaders and/or congregation are choosing to assume an adversarial position in opposition to the presbytery**, its Mission, and the Constitution of the Presbyterian Church (U.S.A.). In such situations, the Moderator of the presbytery or Stated Clerk has authority to appoint, in consultation with any two members of the Docket Committee, an Administrative Commission with all of the powers listed above (pp. 8-9), and any or all of the following additional powers:

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1. to determine whether a schism exists within the congregation (G-8.0601, G-11.0103);
2. to determine which members represent the true church (G-8.0601); the Administrative Commission is authorized to utilize whatever legal and constitutional means are necessary to make this determination.
3. to make recommendations to the presbytery to dissolve pastoral relationships; or "...when it finds that the church's mission under the Word imperatively demands it." G-11.0103o, the Administrative Commission may dissolve pastoral relationships, G-9.0503a(4); consistent with the provisions of the Constitution regarding such action (including but not limited to G-6.0501, G-6.0502 and G-6.0503 – "Renunciation of Jurisdiction") and subject to review by the presbytery.
4. to take all legal action necessary to freeze the assets of the church (real and liquid);
5. to take all legal action necessary to freeze the membership rolls of the church effective as of the date of the formation of the Administrative Commission;
6. to take all legal action necessary to secure the building, grounds and other property of the church for the use and benefit of the Presbyterian Church (U.S.A.);
7. to determine if and when a meeting of the congregation is appropriate for the purpose of voting to withdraw from the Presbyterian Church (U.S.A.);
8. to call congregational meetings, and provide the moderator and clerk for that meeting and to determine who is an Active member entitled to vote;
9. to report the results of all congregational votes to the presbytery and the presbytery Council;
10. to authorize oversight of the church, its ministry and its property to a viable faction of the congregation that has been identified as the true church within the Presbyterian Church (U.S.A.) according to the provisions of G-8.0601;
11. to take all legal action necessary to secure the mailing lists of the church in order to be able to communicate directly with all members and contributors;
12. to propose (in the event there is no viable faction of the congregation that has been identified as the "true church" within the Presbyterian Church (U.S.A.)) to the presbytery the recommendation for the disposition of the property held by or for the church, and the assumption of the liabilities of the church; *{this may include, if consistent with Form of Government, a recommendation to dismiss to another Reformed body, with or without compensation to the presbytery}*
13. to secure professional counsel as needed, including entering into any necessary contracts for services;
14. to engage denominational officials in obtaining assistance in protecting the legal rights of the presbytery;

- 519 15. to secure whatever civil interventions may be necessary to protect the interests of
- 520 the presbytery;
- 521 16. to assume original jurisdiction if facts in evidence so warrant such action;
- 522 17. to dissolve the congregation if facts in evidence so warrant such action;
- 523 18. to take all legal and ecclesiastical actions necessary to protect the interests of the
- 524 presbytery.

525
 526 And to provide the next Stated Meeting of the presbytery, in a manner consistent with
 527 G-9.0505b(1), full details of the above—including names of the Commission members
 528 and the full text of powers given the Commission.

529
 530 B. Council shall approve a \$25,000 initial budget for necessary expenses. The
 531 Administrative Commission must seek additional Council approval for expenses above
 532 \$25,000, in \$25,000 increments.

533
 534 C An Administrative Commission may be appointed (according to the above) in
 535 anticipation of actual action by a congregation—but may not initiate work until approved
 536 to do so.

537
 538
 539 **RESPONSE TEAMS, SPECIAL REVIEW TEAMS, AND ADMINISTRATIVE**
 540 **COMMISSIONS:**

541
 542 **TRAINING AND COMPOSITION:**

543 If warranted, a pool of at least 5 persons will be recruited and trained to be involved in the
 544 above situations. It shall be the goal to have a pool of no fewer than 10 persons available for
 545 Response Teams, Special Review Teams, and/or Administrative Commissions. Potential
 546 Team members shall be accepted/recruited on the basis of experience in the Presbyterian
 547 Church (U.S.A.) and this presbytery, commitment to the denomination’s Constitution
 548 (especially the understanding of mutual accountability set forth in Chapters 1 & 4), desire to
 549 serve Christ’s Church, familiarity with the issues, and specific skills needed as implied above.

550
 551 Training may include such skills/information as listening, negotiation processes, legal issues
 552 related to property, conflict management, accounting, and polity issues related to property.

553
 554 Response Teams shall be appointed by the Moderator of the Committee on Ministry and
 555 reported to Council. Special Review Teams shall be appointed by the Moderator of the
 556 Council or Moderator of Presbytery and reported to the presbytery with responsibilities listed.
 557 Administrative Commissions shall be created in a way consistent with the Constitution and
 558 Standing Rules of the presbytery. When possible, at least ½ of any Administrative
 559 Commission provided for above shall come from the pool of persons trained as above. The
 560 remainder of the Administrative Commission shall be drawn from members within the
 561 presbytery and may include individuals with special skills, training or experience in civil
 562 and/or ecclesiastical law and/or forms of alternative dispute resolution.

563

564 Administrative Commissions on Property: Due to legal strategies being recommended to and
565 adopted by churches considering and/or seeking to withdraw from the Presbyterian Church
566 (U.S.A.), the presbytery shall create and maintain a pool of names of individuals prepared to
567 assume their responsibilities immediately upon formation of a commission. This pool shall
568 normally have at least 8 people: at least 2 should be attorneys with experience in litigation
569 and/or trust laws, and or contract law, and/or real estate, commercial and business law; at least
570 two shall be professionally certified accountants; and at least two shall have
571 administrative/managerial training and experience. The Moderator of the presbytery shall
572 have authority, as needed and permissible, to increase the number of members on an
573 Administrative Commission beyond seven.
574

575 The presbytery delegates to the presbytery Council the authority to add, remove or
576 replace members of a Special Review Team or Administrative Commission when it is
577 apparent that some member(s) need relief, or are unable to fulfill their responsibility, or
578 specific skills or gifts are needed, or because an individual's participation is counter-
579 productive.
580

581 Any changes in the Standing Rules necessary to accomplish the above shall be presented to
582 presbytery at the same time as this Policy.
583

584 STAFF SUPPORT: The Executive Presbyter (or his/her designee) shall provide staff support
585 to Response Teams and Special Review Teams. The Stated Clerk may help staff Response
586 Teams and Special Review Teams and shall staff any Administrative Commission.
587

588 FINAL REPORT: the presbytery shall receive the final report of Special Review Teams and
589 Administrative Commissions (G-9.0505a) (and may, at Council's discretion, receive reports
590 from Response Teams), act on any remaining recommendations and confirm actions, and
591 dismiss the Team(s) or Commission(s) upon the completion of their work.
592

593 FINAL REVIEW: Any settlement or agreement made with a congregation is subject to final
594 approval by the presbytery. (G-9.0505a)
595
596

597 ENDNOTE:

598 The following is suggestive to groups working at any of the levels.

599 Continuing conversations and dialogue may be dependent on developing a Covenant
600 Agreement to maintain the status quo during this time.

601 Such an agreement would specify boundaries for each party. The document would
602 preclude any or all of the following (and any additional items mutually agreed to):

- 603 ○ sale or transfer of any of the property of a particular church (or entity thereunder)
- 604 without the presbytery approval or lien placed upon property;
- 605 ○ modifications of bylaws or other corporate papers;
- 606 ○ institution of civil or ecclesiastical (judicial) actions or proceeding against any
- 607 governing body or member thereof;
- 608

609 [see “*Behavioral Covenants in Congregations*”, Gil Rendle, Alban]
610

611 [This list is to be considered suggestive and not exhaustive.]

612 Such agreement would also toll (stop the running of) any statutes of limitations upon
613 civil or ecclesiastical action.

614 The agreement would terminate upon the earlier of (1) either party violating it or (2)
615 either the church or the presbytery gives the other 10 days written notice of the termination.
616 The agreement would be intended to create a “safe zone” for the parties to hold conversations
617 free of threats or the fear of actions that would escalate tension or alienate affection.
618

619

620 GLOSSARY OF TERMS USED

621

622 **Administrative Commission:** A commission (Chapter 9 of Form of Government) appointed
623 according to the provisions of the Standing Rules for the purpose of addressing clear and
624 obvious attempts to withdraw from the denomination or engage in civil dispute over property.
625 It must have 7 or more individuals, as nearly as possible equal in numbers of Elders and
626 Ministers of Word and Sacrament. It has any and all powers specifically delegated to it in its
627 commission.
628

629

630 **Constitution:** The governing document of the PCUSA. It consists of 1) The Book of
631 Confessions and 2) The Book of Order (Form of Government, Directory for Worship, and
632 Rules of Discipline).

633

634 **Covenant Agreement:** A signed agreement between a congregation’s leadership and
635 Presbytery Response Team or Special Review Team, defining what boundaries are necessary
636 to insure creation of a “safe space” for conversations and negotiations to occur.

637

638 **Council:** A committee provided for in the Constitution and the By-Laws of the Presbytery
639 for the purpose of coordinating the work of Presbytery and acting on its behalf between stated
640 meetings. It consists of the Executive Staff, elected officers, moderators of committees, and
641 representatives elected by the presbytery.

642

643 **Docket Committee:** A sub-committee of the Presbytery Council composed of the Moderator
644 and Vice-Moderator of Presbytery, the Moderator of Council, the Executive Presbyter, and
645 the Stated Clerk. It is responsible for determining the Council docket, drafting the presbytery
646 docket, and for oversight of the work of the Council.

647

648 **Minister of Word and Sacrament:** A person ordained and/or installed by the PCUSA.
649 They may serve in a congregation, a validated ministry, or be Honorably Retired. The
650 Moderator of a Session must be a Minister of Word and Sacrament (or a Commissioned Lay
651 Pastor).

652

653 **PCUSA:** The Presbyterian Church (U.S.A.); the denomination of which Los Ranchos
Presbytery and its congregations are an organic and legal part.

654

655 **Presbytery of Los Ranchos:** The governing body of the PCUSA for PCUSA congregations
656 in Orange County and parts of Los Angeles County. It's responsibilities and powers are
657 defined by the Constitution.

658

659 **Response Team:** A group of 2-4 individuals appointed by the Moderator of COM for the
660 purpose of providing a pastoral response at Level I or Level II of concern in a manner
661 consistent with the provisions of the Constitution.

662

663 **Special Review Team:** A group of individuals, appointed by the Moderator of the
664 Presbytery, to intervene when a congregation is actively considering withdrawal from the
665 denomination. It may have any or all of the powers enumerated in this document. The
666 authority for doing so is defined in the Constitution, especially Chapter 9 "Special
667 Administrative Review".