

Proposed Policy Concerning the Dismissal, Dissolution, Merger, Consolidation of a Congregation of the Presbytery of Detroit

I. Introduction

12 For just as the body is one and has many members, and all the members of the body, though many, are one body, so it is with Christ. 13For in the one Spirit we were all baptized into one body and we were all made to drink of one Spirit. 14Indeed, the body does not consist of one member but of many. 15If the foot would say, "Because I am not a hand, I do not belong to the body," that would not make it any less a part of the body. 16And if the ear would say, "Because I am not an eye, I do not belong to the body," that would not make it any less a part of the body. 17If the whole body were an eye, where would the hearing be? If the whole body were hearing, where would the sense of smell be? 18But as it is, God arranged the members in the body, each one of them, as he chose. 19If all were a single member, where would the body be? 20As it is, there are many members, yet one body. 21The eye cannot say to the hand, "I have no need of you," nor again the head to the feet, "I have no need of you." 22On the contrary, the members of the body that seem to be weaker are indispensable, 23and those members of the body that we think less honorable we clothe with greater honor, and our less respectable members are treated with greater respect; 24whereas our more respectable members do not need this. But God has so arranged the body, giving the greater honor to the inferior member, 25that there may be no dissension within the body, but the members may have the same care for one another. 26If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it. 27 Now you are the body of Christ and individually members of it.

- 1 Corinthians 12:12-27 (NRSV)

"Strengthening and Transforming Our Congregation to be Missional, Pastoral and Prophetic"

- Mission Statement, Presbytery of Detroit

The mission of God in Christ gives shape and substance to the life and work of the Church. In Christ, the Church participates in God's mission for the transformation of creation and humanity by proclaiming to all people the good news of God's love, offering to all people the grace of God at font and table, and calling all people to discipleship in Christ. Human beings have no higher goal in life than to glorify and enjoy God now and forever, living in covenant fellowship with God and participating in God's mission.

- Book of Order PC(USA) F-1.01

It is the prayer and vision of the Presbytery of Detroit that the congregations and leaders commit ourselves in the “new and living way” of Jesus Christ. We encourage one another in the love and hope that Jesus demonstrated and revealed. We support the congregations within its bounds to be effective in ministry and mission, witnessing to the greater unity of the Presbyterian Church (U.S.A.) [PCUSA] and Christ’s Church worldwide. We are a connectional denomination, in which each part of our body is concerned about every other part. As a Presbytery we seek to lift each other in love. When one particular congregation is experiencing difficulty, is in decline, or is feeling estranged from Presbytery or denomination, all of our congregations suffer, as Paul writes in 1 Corinthians 12:12-27.

The Presbytery of Detroit affirms that remaining part of the Presbyterian Church (U.S.A.) is the best way to carry out our commitment to Christ and our commitment and vows to the PCUSA. We affirm that property of particular churches is held in trust for the whole denomination in accordance with G-4.0203 and G-4.0205 and with the applicable portions of Michigan Nonprofit Corporations Act and other applicable state law.

We affirm the Presbytery’s responsibility to preserve the witness and resources of the Presbyterian presence of the past and the future. We affirm our abiding commitment to reconciliation and continued healthy relationships between the Presbytery and our congregations. We affirm that we are all responsible for each other’s well-being and that the primary approach to the congregations within our Presbytery’s bounds should be positive, pastoral, and spiritual to strengthen the relationships one to another.

Yet, despite our communal prayer for unity, mutual support, life and vitality there may come instances where a particular church may petition the Presbytery to be dismissed, dissolved, merged, or consolidated with another congregation (G-3.03a; G-4.0205) in accordance with this policy, procedures and those of the Board of Trustees and Committee on Ministry.

II. Definition of Terms

Closing: The process by which a church dissolves as a congregation and a corporation. When a church closes, all its property reverts to the Presbytery. When a congregation shuts down, the session remains until the corporation affairs are fully concluded, frequently including the sale of the property, unless the Presbytery has elected an Administrative Commission with original jurisdiction. Members not transferred to other churches before closing are transferred to the Presbytery.

Consolidation: This is a term not found in the Book of Order. In a consolidation, a church closes but requests Presbytery to authorize the transfer of all property to a different Presbyterian Church. The church then closes using the ordinary procedures for closing. Before closing, the members who desire are transferred to the church with which they are consolidating. The transfer of the property to the receiving church requires approval of the closing congregation and Presbytery. If the transfer includes real property, the approval requires the vote of the congregation. Note: Under state corporation law, this process may be called a merger.

Merger: This is a term found in the Book of Order. In a merger, two congregations become one. Their membership, assets and property are joined. Each individual church is dissolved and a new corporation is formed. The General Assembly assigns a new PIN number to Presbytery Policies. the new congregation. Note: Under state corporation law, this process is called a consolidation.

Plan of Union: When there is a yoking, consolidation or merger, the effect is to bring two congregations together. This requires significant planning and agreement about how it will happen: session configuration; use of endowments; worship styles; pastoral relationships, and a myriad of other considerations. In order to ensure that there is full understanding and agreement for what will happen once the yoking/merger/consolidation occurs, the congregations of both churches must agree on a written Plan of Union.

Yoking: When two churches are of a size, configuration, geographical location, and financial situation that make it difficult for both to support a pastor, they may yoke. When churches yoke, they agree to share a single called pastor. This requires negotiation of how costs, worship time, pastoral scheduling, etc are to be configured.

III. Discernment Team

Upon a request from the Session of a particular church within the bounds of the Presbytery or upon a report from another party that a congregation may be contemplating whether to seek to be dismissed, dissolved, merged, or consolidated with another congregation, the Presbytery may form a Discernment Team to meet with and counsel that congregation and Session. This request or report may be made to the Stated Clerk of the Presbytery, Chair of Trustees or the Co- Chairs of the Committee on Ministry.

The Discernment Team may be named by the Committee on Ministry, in consultation with the Stated Clerk of the Presbytery, the Co-chairs of the Committee on Ministry, and the Chairperson of the Trustees. The Discernment Team may have between three and seven members, and may be drawn from among the elders and minister members of the Presbytery (with appropriate diversity to include racial ethnic and gender diversity), so long as one person is from the Committee on Ministry and one is from the Trustees.

The task of the Discernment Team is to meet with members and the Session of a congregation contemplating whether to seek to be dismissed, dissolved, merged, or consolidated with another congregation, to provide pastoral care and assure the congregation and Session of Presbytery's ongoing care and commitment, to gather information and learn the congregation's perspective, to share the Presbytery's process and perspective, to discuss ecclesiastical and legal considerations, including the separate issue of the particular church's property, and to relay the results of such meetings to the relevant committees. The church's property and/or financial assets are a separate issue that would only be discussed by the Session and/or congregation with an Administrative Commission elected by the Presbytery should the congregation eventually request and the Presbytery approve dismissal or dissolution. The

Discernment Team should provide ample opportunity for persons with different views upon the subject to express themselves, and should not rush the proceedings but take enough time to explore opinions and options. The Discernment Team may offer suggestions and will report back to the Committee on Ministry and Trustees of the Presbytery. The Discernment Team is not empowered to take any actions on its own.

Upon hearing the report of the Discernment Team and other parties and after due consideration of information and perspectives on the issue, including legal advice, and the witness of the Presbyterian presence past and future, the Committee on Ministry may undertake further discussion to appoint an Administrative Commission (that may include or be entirely comprised of the Discernment Team) for a particular church.

IV. Administrative Commission (AC)

- A. The Presbytery of Detroit votes to concur with request from a Session, the COM, the Trustees or Stated Clerk that a particular congregation be dissolved and that an AC be appointed to oversee the closing process.
- B. In creating the Administrative Commission, the Presbytery shall authorize it to act with the authority of the Presbytery, by adopting the following resolution, which may be modified, from time to time, as the specific circumstances of the congregation in question require:

RESOLVED, That Presbytery of Detroit appoint an Administrative Commission with the authority to assume original jurisdiction for the (insert name) Presbyterian Church of (insert location), (state), to act on Presbytery's behalf, with the power to meet with the Session and members of the congregation, including calling a meeting of the Session and/or of the congregation, as necessary, to arrange for the pastoral care of the members, publicize the dissolution of the congregation, ascertain the financial status and outstanding financial obligations of the congregation, secure the Session records, secure the legal rights to all property (real or personal) held by or for the benefit of the congregation, dispose of the moveable personal property of the congregation, secure the building and property, attend to matters of insurance, dispose of the building and grounds (subject to any guidelines established by the Presbytery) or convey the building and grounds to the Presbytery of Detroit of the Presbyterian Church (U.S.A.)", recommend the use of the assets of the congregation, plan and conduct a Service of Witness, secure the assistance of other individuals, as appropriate, to assist with its work, and generally to do such things and take such actions, for, in the name of, and on behalf of the Presbytery as shall be reasonably necessary to accomplish the general purpose of this resolution.

- C. The Chair and members of the AC are selected by the Committee on Ministry and established by the Presbytery. The AC "shall consist of both ministers of the Word and Sacrament and members of congregations, in numbers as nearly equal as possible" (G-3.0109), and should, if possible, include appropriate racial ethnic and gender diversity, along with a Ruling Elder on Session from the congregation being dissolved.

- D. The Chair of the AC, in consultation with the Stated Clerk, will convene the AC in a timely fashion in order for the Stated Clerk to review these responsibilities with the AC and allow it to begin its work. A Recorder shall be chosen from among the AC who will keep accurate records of the AC's deliberations and actions and promptly furnish them to the AC and the Stated Clerk.
- E. The AC, in consultation with the Stated Clerk, will carry out the following responsibilities and will determine the date(s) upon which services of worship and activities shall cease at the congregation to be dissolved, noting that the congregation is not dissolved until the conclusion of the final (Presbytery-approved) closing worship service. The AC Chair will bring all recommendations to Presbytery during regular meetings.
- F. In the course of carrying out its responsibilities, the AC may, assume original jurisdiction, remove or replace the Session or may itself act as the Session thereof; any decision to take such action shall be made only after consideration of the general pastoral policy of the Presbytery with regard to dissolution of congregations, as expressed herein, and such action shall be communicated to the Stated Clerk immediately.

Appendix

For Information: The Responsibility of the Administrative Commission (AC)

(NOTE: When possible and appropriate, the AC should execute these responsibilities in consultation with the Session of the congregation.)

- A. Arrange for the Pastoral Care of the Congregation Members
 - a. Collaborate with the Session and the Committee on Ministry to ensure worship leadership is provided until the final service of the congregation.
 - b. Work with the Session to identify where members wish their membership to be transferred.
 - c. Appoint a pastor to be responsible for pastoral care until membership is transferred or each member has made a clear decision to cease being an active member of any congregation.
 - d. Communicate to the members that membership is held by the Stated Clerk for one year if not transferred prior to dissolution of the congregation.
 - e. If the member wishes to transfer membership before the congregation is dissolved, the Clerk of Session will send the letter of transfer. If the membership is transferred after the dissolution of the congregation and within the one year time period, the Stated Clerk will send the letter of transfer.
- B. Ascertain the Financial Status and Outstanding Financial Obligations of the Session
 - a. Conduct a financial review of the Treasurer's records for the last 12 months.
 - b. Determine location of all accounts, such as checking, savings, investments, endowment, Sunday school, women's group, and any other financial resources.

- c. Determine if there are any bequest or donor stipulations related to memorial accounts or an endowment.
 - d. Have all accounts closed, transferring any balances to the primary checking account of the Session.
 - e. Submit new signature card(s) for accounts with at least two members of the AC designated as signatories.
 - f. Determine any outstanding debts/obligations and publish in local paper a public notice to the effect: "The _____ Presbyterian Church of _____ will cease operation on or about _____. Any outstanding debts/financial obligations must be submitted in writing to the church treasurer (place address here) by the close of business on _____."
 - g. Oversee the discharge of all financial obligations by the Treasurer.
 - h. Review any outstanding loans Presbyterian Investment and Loans (PILP), the Presbyterian Church (USA) and the Presbytery of Detroit and ensure payment.
 - i. Submit outstanding per capita amount with the Presbytery of Detroit.
 - j. Oversee the provision of a "statement of contribution" to all current year contributors.
 - k. If the congregation owns any stocks, bonds, certificates, or other financial instruments, have ownership transferred to the Presbytery.
 - l. Following the dissolution, transfer all remaining balances to the Presbytery and close all remaining accounts.
 - m. Search Michigan Unclaimed Fund. Unclaimed-funds.org/Michigan/
 - n. Ensure all employment taxes have been paid.
 - o. Prepare and submit final severance agreements between congregation and pastoral leadership to the Committee on Ministry.
- C. Secure the Session Records
- a. Locate all Session and congregational minutes, the church register, and any other financial and legal records to be transferred and archived with the Presbyterian Historical Society. History.pcusa.org
- D. Secure the Legal Rights to the Property
- a. Secure a Clear Title or "Quick Claim" to the property.
 - b. A copy of the deed may be obtained from the County Courthouse; a copy should be sent to the Stated Clerk for filing in the Presbytery office.
 - c. Ascertain if there are any deed restrictions, stipulations or liens.
 - d. Transfer title of the property to the Presbytery.
 - e. Have the property listed on the Presbytery's property and liability insurance coverage and terminate any current insurance coverage.
 - f. Discover if the congregation is incorporated; if so, locate the Articles of Incorporation.

- g. A public Notice to Dissolve a Corporation may need to be published in the local newspaper and dissolved with Michigan's Secretary of State, submitting the "Articles of Dissolution" form.
 - h. At the time of the sale of property, the Presbytery must notify the County Assessor's Office that the property is no longer used as a church.
 - i. Adopt and publish the following motion: "Pursuant to the Constitution of the Presbyterian Church (U.S.A.) (Book of Order G-40205), the Presbytery of Detroit is the legal successor of the _____ Presbyterian Church in _____, (state)."
 - j. Obtain form from the State of Michigan to close the corporation.
- E. Secure the Building and Property
- a. Arrange for the disposition of furnishings
 - b. The Session, with the concurrence of the AC, needs to arrange for the disposition of furnishings, communion ware, hymnals, Sunday school supplies, pulpit, lectern, and communion table, etc. if they are not to be sold or included in the sale of the church property. Otherwise, these items may be given away to congregation members, sold by the piece, or bids may be received for the entire lot of furnishings. It is recommended that at least one appraisal by an antiques dealer/estate assessor be obtained before accepting any bids.
 - c. These decisions should be documented in detail in both Session and AC minutes.
 - d. Ascertain which utilities should remain connected and which may be disconnected and make these arrangements with the proper companies. Transfer billing for the utilities to the Presbytery following the closing service.
 - e. It may be necessary to maintain heat during the winter or cooling during the summer to avoid damage.
 - f. Electricity and water (if available) should remain on until the closing celebration.
 - g. Arrangements should be made to drain the pipes when utilities are turned off.
 - h. Secure the building and recover keys from anyone who does not need access. This may include resetting alarm codes or having alarm system installed on vacant property.
 - i. If distribution of keys is widespread and any contents are valuable, consider having the locks changed.
 - j. Make provisions for a caretaker until the final disposition of the property, including mowing the lawn and maintenance of any sidewalks.
 - k. Close any Post Office Boxes and forward mail to the Presbytery of Detroit.
 - l. Determine the process for closing any social media accounts, including church website.
- F. Attend to Matters of Insurance
- a. All insurance coverage should be maintained at least until the final closing celebration.
 - b. Liability coverage should be maintained until the final disposition of the property.

- c. Once the congregation is dissolved, coverage should be moved to the Presbytery's policy.
- G. Disposition of Buildings and Grounds
- a. Have the property surveyed, if this is needed.
 - b. Obtain an appraisal from at least one real estate agency if any of the property is to be sold, including any manse.
 - c. If the building is to be sold, make decisions about how it will be placed on the market.
 - d. If there is a church cemetery, ascertain if it is separately incorporated, with its own board, and still operating; the AC will determine a recommendation to the Presbytery concerning its disposition.
 - e. Recommend to the Presbytery any stipulations regarding the sale of building and property such as first attempting to sell to another congregation or to another agency or organization whose mission will allow for use in a "manner respectful of congregation's heritage"; the Trustees shall act on behalf of the Presbytery with regards to approving any plan or sale.
 - f. Ordinarily, after all expenses for insurance, listing and sale are paid, the funds remaining shall go to the Presbytery, in order to assist and support its ministry and mission to congregations.
 - g. After the closing celebration remove any identifying signage and the cornerstone, if possible, checking for a time capsule in the process.
- H. Plan a Closing Worship Service Celebrating the Life and Ministry of the Congregation
- a. Set the date and the time for the service allowing for ample time for publicizing and sending invitations.
 - b. Decide what special features the service should include.
 - 1. Determine whether the celebration of the Lord's Supper would be appropriate.
 - 2. Consider structuring the service as a Service of Witness to the Resurrection, using resources from the Book of Common Worship, in particular the service for the "Vacating of a Church Building (including the Dissolution of a Church) in the Book of Occasional Services, a supplement to the Book of Common Worship.
 - 3. Identify a possible preacher and other participants.
 - a. Former pastors/preachers might be participants.
 - b. At least one representative from the congregation should be included.
 - c. At least one representative from the AC should be included.
 - d. The Moderator of the Presbytery, the Presbytery staff leadership or the Stated Clerk should be included.

4. Include familiar and favorite music of the congregation, including hymns, other special music, instrumentalists, and/or choirs or soloists.
5. Include a brief history of the church, including the reason/s for the dissolution of this congregation.
6. Arrange for ushers, elders to serve Communion, and parking lot assistants, if needed.
7. Develop and print bulletins.
8. Arrange for preparation of communion elements, if needed.
9. Arrange for any needed cleaning of facility before the service.

I. Publicize the Closing Service

- a. Request the Session to develop a “guest list” of relatives, friends, community connections, former members, pastors, and staff whom the congregation wishes to invite to the celebration.
- b. Request that the Session develop and send a printed invitation or flyer to the “guest list”; the cost of which is usually covered by the Session.
- c. Develop a flyer or announcement about the closing to be used in communication through this week to the congregations and members of the Presbytery, providing ample time for distribution.
- d. Prepare for information to be distributed via social media

J. Arrange for a Reception Following the Closing Worship Service

- a. Identify the location for a reception which usually follows the closing worship service.
- b. Decide how the food will be provided (i.e. catering, congregational donations) and what financial resources are available, appropriate, or needed to host this event
- c. Request that the Session appoint a “team” to take charge of decorating, gathering memorabilia to display, and making other arrangements.
- d. Plan the program with time for recognizing attendees, sharing memories, toasts, etc.

K. Dissolution of the AC

- a. AC provides a final written report to the Presbytery, submitting its minutes to the Stated Clerk.
- b. AC requests that the AC be dissolved and the Presbytery ordinarily does so, with deep thanks.