

Administrative Commission for New Albany Presbyterian Church

September 18, 2018

Recommendations for Presbytery Action

The Administrative Commission for the Gracious Separation of New Albany Presbyterian Church from the Presbytery of Scioto Valley (the Commission) recommends that the Presbytery of Scioto Valley (the Presbytery) take the following actions.

Dividing the congregation

Whereas the Commission desires to honor the request of the group wishing to be dismissed from the PC(USA) and to facilitate an orderly dismissal, the Commission moves that the Presbytery:

- Declare that the congregation of New Albany Presbyterian Church be divided into two congregations of the PC(USA),
- Declare that the resulting congregation that wishes to be dismissed to the Evangelical Presbyterian Church be known as New Albany Presbyterian Church,
- Declare that the resulting congregation that wishes to remain a congregation of the PC(USA) be known as Rose Run Presbyterian Church,
- Assign the existing session, clerk of session, board of deacons, treasurer, and staff of New Albany Presbyterian Church prior to its division to the New Albany Presbyterian Church resulting from the division,
- Confirm the call of Rev. David Milroy's installed pastoral position to the New Albany Presbyterian Church resulting from the division,
- Authorize the Commission to act within the scope of the Plan of Division to divide assets between the two congregations resulting from the division,
- Authorize the Commission to administer the process of dividing the congregation, and
- Authorize the Commission to assume original jurisdiction of Rose Run Presbyterian Church for the purpose of installing a session and a board of deacons and for conducting church business until its session has been installed.

Dismissing the congregation

Whereas the group requesting to be dismissed from the PC(USA) has requested dismissal to the Evangelical Presbyterian Church, the Commission moves that the Presbytery:

- Find the EPC to be doctrinally consistent with the essentials of Reformed theology as understood by the presbytery,
- Find the EPC to be governed by a polity that is consistent in form and structure with that of the PC(USA),

- Find the receiving EPC presbytery (the Presbytery of the Alleghenies) to be of sufficient permanence to offer reasonable assurance that the congregation is not being dismissed to de facto independence, and
- Dismiss the New Albany Presbyterian Church resulting from the division to the EPC, pending approval of its petition to be received by the EPC, the transfer of members into that congregation, and its execution of a definitive agreement with the Presbytery that incorporates the terms of the Plan of Division.

Plan of Division

This Plan of Division is an outline that covers the major issues involved in dividing the assets of the existing NACP. A more detailed plan that follows this outline is being drafted by lawyers representing the new NACP and the Presbytery to ensure that both sides clearly understand how and when the division of assets will occur.

- The new NACP will bear the building and property costs associated with the real property located at 5220 Johnstown Road in New Albany until the date it relinquishes possession of the property.
- The new NACP will relinquish possession of the real property no later than September 1, 2019.
- The new NACP shall receive and retain full ownership and usage rights to the name “New Albany Presbyterian Church” and shall receive full ownership of all intellectual property produced by the existing NACP prior to the division, provided that such intellectual property is not derived from intellectual property owned by the PC(USA), with the Presbytery receiving a license for a few items as negotiated by the Commission.
- The PC(USA) will retain possession the original session minutes and membership lists of the existing NACP while allowing the new NACP access to those records.
- The new NACP shall retain 100% of its current cash and future offerings, but it shall withhold cash sufficient to meet the mortgage payment obligations until it relinquishes possession of the property.
- In consideration of the sum of \$25,000 to be paid by the Presbytery, the new NACP agrees to relinquish any claim to all non-cash personal property within the NACP buildings, with the exception of the following list of items.
 - All portable technology (laptop computers, iPads, portable sound system, and printers)
 - Rev. David Milroy’s microphone (donated)
 - Two pianos (one on loan and one donated)
 - Handbells, including cases, tables, and related materials (donated)
 - All books, Bibles, and sheet music
 - Narthex decor and furnishings
 - Baptismal bowl

- Communion pitcher and cup
- All worship supplies—offering baskets, communion supplies, etc.
- Children’s ministry decorations, sets, paintings, and costumes
- Heartland Bank will consent to all transactions in this Plan of Division and will release its lien against all cash and property transferred to the new NAPC. Rose Run Presbyterian Church will assume the mortgage obligations, and the Presbytery will continue as guarantor.

Background

In an undated letter from the session of NAPC to Rick Hays, Stated Clerk of the Presbytery, the session requested dismissal from the Presbytery and the Presbyterian Church (U.S.A.) under the Presbytery’s *Policy for Gracious Separation of Congregations from the Presbytery of Scioto Valley*. The letter was received after November 15, 2016, (the date of the November 2016 meeting of the Presbytery) and before November 28, 2016, according to Rick Hays. The report *Denominational Vision and Recommendations*, which the existing NAPC session presented at town hall meetings with the congregation in 2016 recommended the Evangelical Presbyterian Church as the receiving denomination following its dismissal from the PC(USA).

As the work of the Commission was just beginning, the Commission became aware of a group of current and former members of the existing NAPC who were interested in continuing as a congregation of the PC(USA).

The Commission conducted listening sessions with all parties during the course of its work, including the existing NAPC session and members of both groups, those wanting NAPC to remain a congregation of the PC(USA) and those wanting NAPC to be dismissed to the EPC. The Commission found that reconciliation between the two groups was not a possibility.

The group wanting NAPC to remain a congregation of the PC(USA) has 75-100 members. Although the group is not large, its financial resources are considerable, and it expects to grow as it establishes an identity and begins to meet weekly. The outstanding balance of the mortgage for the NAPC property was \$1,521,337 as of December 31, 2017. The debt service is \$144,876 per year for the current mortgage. Although this debt service would be a large commitment for the group wanting NAPC to remain a congregation of the PC(USA), its members feel confident in their ability to meet this commitment. The Commission agrees that this group would be able to meet its financial obligations.

Resolution

Because reconciliation between the two groups was not a possibility, the Commission began looking for ways of honoring the requests of both groups while continuing to act in the best interests of the PC(USA). An approach that would honor the request of the group requesting to be dismissed from the PC(USA) is to divide the congregation. According to the *Book of Order* G-3.0303, the presbytery has authority to divide congregations in consultation with their members. Dividing the congregation would have a several benefits:

- Both groups include charter members of the existing NAPC; dividing the congregation would maintain their historic ties to NAPC as it was organized.

- Dividing the congregation would allow the group requesting to be dismissed from the PC(USA) to be dismissed as a congregation and to be received by the EPC as a congregation.
- The Commission must consider the membership status of each member of the existing NAPC and whether they wish to be dismissed to the EPC or remain in the PC(USA). Dividing the congregation would clarify the membership options for current members of NAPC.

Dividing the congregation

Dividing the congregation requires that the Presbytery declare that the congregation of the existing NAPC be divided into two congregations. One of the two congregations may continue to use the existing name, New Albany Presbyterian Church, or both resulting congregations may choose new names. Because an existing congregation is being divided, the originating documents of NAPC do not need to be rewritten, except to reflect such changes as name and address.

Because the current leadership of NAPC has indicated its desire to be dismissed to the EPC, the current leadership of NAPC will transfer to the congregation requesting to be dismissed to the EPC. The leadership that is specified in the by-laws effective January 17, 2010, includes the pastor, the session, the clerk of session, the treasurer, and the board of deacons. All standing committees, such as the nominating committee, would be reestablished following the division of the congregation.

The congregation wishing to remain a congregation of the PC(USA) would have to begin functioning as a church immediately, yet it would not have any installed officers initially. At a minimum, it would have to pay bills, such as those associated with pulpit supply, and it would have to be able to record and deposit donations and any other income. Because it would not have a session, the Presbytery would authorize an administrative commission to assume original jurisdiction of that congregation. The administrative commission would assume the duties of the session, including the selection of an interim treasurer. In its role as the acting session, the administrative commission would be able to establish a checking account and ensure that bills are being paid, while maintaining appropriate financial controls. Once a session and other officers of the congregation are elected and installed, the administrative commission will cease to exercise original jurisdiction.

The process of dividing a congregation must include a determination of the membership status of each member of the congregation being divided. That is, members cannot be assigned as a group; they must be assigned as individuals. Following the division of the existing NAPC, the Commission will request that all of its members request to assign their membership to one of the congregations resulting from the division. The Commission cannot assign members to the congregation being dismissed to the EPC without an explicit request. Therefore, all members of NAPC prior to its division would be assigned to the congregation wishing to remain a congregation of the PC(USA) unless they request otherwise. Of course, nothing prevents individuals from transferring their membership at any future date.

After the membership of the congregation wishing to remain a congregation of the PC(USA) has been established, the administrative commission would complete the process of dividing the congregation by conducting elections of a session and a board of deacons for that congregation. Conducting elections would include the following steps:

- Calling a congregational meeting for the purpose of electing a nominating committee in accordance with the by-laws of the congregation,
- Calling and moderating meetings of the nominating committee for the purpose of nominating a slate of elders and deacons,
- Calling a second congregational meeting for the purpose of electing a session and a board of deacons,
- Calling a commission meeting for the purpose of examining the elders- and deacons-elect, and
- Ordaining and/or installing the elders and deacons to active service on the session and the board of deacons.

After the installation of the session, the administrative commission would relinquish original jurisdiction of the congregation to its session. The congregation would then be under the care of the Commission for Congregational Life.

Negotiating the Plan of Division

Negotiating teams from both existing leadership of NAPC and the Commission worked over a period of months to reach an agreement. As with all such negotiations, neither side got everything that they wanted or felt entitled to. Even so, the negotiations were conducted with sensitivity and awareness of the larger purpose that both parties are serving.

The congregation that is vacating the property is taking longer to do so than many would like. Yet, we recognize the reality that such a move could not reasonably happen in just a few months. On the other hand, the agreed date of September 1, 2019, is sooner than the departing congregation would like.

Both parties are very sensitive to issues relating to a cash settlement. The Presbytery could assert a claim to a cash settlement, as well as the real property, yet the congregation requesting dismissal to the EPC could assert the same claim. In the absence of a negotiated settlement, the conflicting claims would be settled in ecclesial court or civil court. Avoiding the resulting delays, cost, and damage to our witness to the gospel was a high priority for both parties.

The Plan of Division includes a payment by the Presbytery of \$25,000 to the departing congregation in exchange for the new NAPC for relinquishing their claim to most of the non-cash personal property. This payment would recognize the considerable amount of non-cash personal property that the congregation would be leaving within the buildings. The Commission approved a small list of items that the congregation will take with them.

Members of the departing congregation have a strong sense of ownership and an emotional attachment to many of the items that they are leaving behind. For instance, even though the outdoor playground equipment is part of the real property (having been permanently installed) it is the result of a special fund-raising campaign and some special donations. Recent security upgrades to the building were also expensive. The congregation will leave behind a considerable amount of furniture, as well. The \$25,000 payment would offer some recognition of what the congregation is leaving behind. This payment also avoids a long and contentious negotiation over who gets to keep what property. In the interest of good will, expediency, and fairness, the Commission recommends that the Presbytery approve this payment.

Requirements for the dismissal of congregations and ministers

The General Assembly has adopted the following interpretation regarding the *Book of Order* requirements for dismissal of congregations and ministers (Item 07-13, approved by the 218th General Assembly (2008) regarding the Transfer of Ministers and Congregations to Transitional Presbyteries in response to a question from the General Presbyter/Stated Clerk, Presbytery of Charlotte):

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. 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.

The provisions of [then] G-15.0203 a and b [currently G-3.0303] do, however, require that the General Assembly, as the highest governing body of this denomination, advise its presbyteries in this matter. The 218th General Assembly (2008) therefore advises the presbyteries that they must satisfy themselves concerning the conformity with this denomination of a transitional presbytery of the Evangelical Presbyterian Church (EPC) in matters of doctrines and order. Presbyteries may facilitate the exploration of conformity by means of an administrative commission, although such commissions may not be empowered to approve the dismissal of the congregation. In exploring this matter, presbyteries should consider such questions as whether the receiving EPC presbytery is

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

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.).

Statement on EPC doctrine

The EPC and the PC(USA) affirm three of the same confessional standards: The Westminster Confession of Faith, The Shorter Catechism, and The Larger Catechism. These are the only confessional standards of the EPC, while they are three of twelve confessional standards of the PC(USA). Rather than being “guided by our confessions” (*Book of Order*, W-4.0404d), the EPC requires all officers (teaching elders, ruling elders, and deacons) to “sincerely receive and adopt the Westminster Confession of Faith and the Catechisms of this Church, as containing the system of doctrine taught in the Holy Scriptures” (*EPC Book of Order*, G.13-2A3).

Although the EPC does not require strict subscription to its confessional standards, any deviations are taken very seriously. Prior to ordination as a teaching elder, a candidate “shall

provide a written statement of any exceptions to the Westminster Confession of Faith and the Larger and Shorter Catechisms of this Church, and the Presbytery shall act to allow or disallow the exceptions. The Presbytery shall not allow any exception to the ‘Essentials of Our Faith.’ Following ordination, should the Teaching Elder develop exceptions to the Westminster Confession of Faith and the Larger and Shorter Catechisms, he or she shall report those exceptions to the Ministerial Committee and the Presbytery shall act to allow or disallow these exceptions.” (EPC *Book of Order*, G.12-4)

In assessing whether the EPC is doctrinally consistent with the essentials of Reformed theology as understood by the Presbytery, it is appropriate to examine the issue of ordaining women. The motto of the EPC is: “In essentials, unity; in non-essentials, liberty; in all things, charity.” The EPC does not consider the ordination of women to be an essential issue of its faith. Therefore, each council of the church has the liberty to decide whether or not to ordain women. This position is clearly opposed to the requirement of the PC(USA) that all councils of the church affirm the ordination of women.

The confessional standards of the EPC are a subset of the standards of the PC(USA). Because the standards of the EPC are a subset, they do not hold the doctrine of the EPC in as much tension as do the confessional standards of the PC(USA). In addition, the EPC requires much stricter adherence to its standards than does the PC(USA). Leaving the decision about the ordination of women to each council of the church is a difference with far-reaching consequences. Yet, the Commission does not believe that these differences are sufficient to find that the EPC is doctrinally inconsistent with the essentials of Reformed theology as understood by the Presbytery.

Therefore, the Commission recommends that the Presbytery find the EPC to be doctrinally consistent with the essentials of Reformed theology as understood by the Presbytery.

Statement on the form and structure of EPC polity

The polity of the EPC is very similar to that of the PC(USA) in form and structure. The councils of the church (called Church Courts) are representative assemblies of teaching elders and ruling elders. The councils of the EPC are the session, the presbytery, and the General Assembly. A major difference from the PC(USA) is that the EPC attempts to maintain a ratio of two ruling elders to one teaching elder in the voting membership of the presbyteries and the General Assembly instead of a one-to-one ratio.

Additional significant differences from the PC(USA) include:

- a congregation “has ownership of its own property. It may buy, sell, lease, rent or otherwise determine the use of its property.” (EPC *Book of Order*, G.6-5)
- a congregation can be dismissed to independent status. “If [the motion requesting dismissal] passes by a two-thirds majority, the Presbytery shall dismiss the congregation as requested with all of its property and assets.” (EPC *Book of Order*, G.5-10C)

Despite these significant differences, the overall form and structure remains very similar to that of the PC(USA).

Therefore, the Commission recommends that the Presbytery find the EPC to be governed by a polity that is consistent in form and structure with that of the Presbyterian Church (U.S.A.).

Statement on the permanence of the receiving EPC presbytery

The receiving EPC presbytery would be the Presbytery of the Alleghenies. Because this presbytery is not a transitional presbytery of the EPC, the concern that Item 07-13 addresses regarding transitional presbyteries does not apply.

Therefore, the Commission recommends that the Presbytery find the receiving EPC presbytery to be of sufficient permanence to offer reasonable assurance that the congregation is not being dismissed to de facto independence.