

Des Moines Presbytery Policy on Dissolving Congregations

Draft

This statement is intended to clarify the Presbytery of Des Moines' Policy on Closing Churches; specifying the procedures to be followed after the church Session has proposed dissolution of their congregation. This policy does not relate to the process by which the decision to dissolve is reached; rather it applies only to the procedural dissolution of a congregation, after the request to dissolve has been concurred with by the Presbytery of Des Moines.

Recognizing that the Church of Jesus Christ cannot be closed or dissolved by human action, this policy applies only to congregations, as that term is defined in the *Book of Order*, of the Presbyterian Church (USA) located within the geographic bounds of Des Moines Presbytery.

Authority

The responsibility and power to dissolve a congregation in consultation with its members is granted to Presbytery by the *Book of Order*, and especially Chapter 4 of the Form of Government regarding property held in trust for the mission of the Church.

The attitude of the Presbytery of Des Moines in this process, from beginning to end, shall always be pastoral.

The Presbytery and sessions of its member congregations understand and act in the spirit of the principal that property, real and personal (tangible and intangible), of the Presbyterian Church (U.S.A.), of its councils and entities, and of its congregations, is a tool for the accomplishment of the mission of Jesus Christ in the world. Regarding dissolution of congregations, the Presbytery has exclusive power to determine the use and disposition of church property when a property ceases to be used for a particular church, and a dissolving church has the right to dispose of church property only as the Presbytery directs.

The procedural dissolution of a congregation will almost always be accomplished through an Administrative Commission created by the Presbytery as hereafter provided.

Creation and Appointment of the Administrative Commission

When the session has proposed and the Presbytery has concurred that a congregation is to be dissolved, and upon recommendation from the Stated Clerk, in consultation with the Moderator and Vice Moderator of Presbytery, with the Moderator of the Commission on Ministry and with Presbytery staff, Presbytery will be asked to create an Administrative Commission for the congregation and to appoint the Moderator and members thereof. The Administrative Commission may ask other individuals, as needed, to assist it in its work (e.g., an Elder from the congregation with knowledge of its affairs,

a member who is knowledgeable about the congregation's history, individuals to assist with a Service of Witness).

In creating the Administrative Commission, 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 Des Moines appoint an Administrative Commission for the (insert name) Presbyterian Church of (insert location), Iowa, to act on Presbytery's behalf, with the power to meet with the Session if the session continues to function 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 the guidelines established by the Leadership Council) or convey the building and grounds to the Iowa Corporation, "The Presbytery of Des Moines of the Presbyterian Church (U.S.A.)", recommend to the Presbytery 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 of Des Moines as shall be reasonably necessary to accomplish the general purpose of this resolution.

As may be necessary, the additional authorization may be included as follows:

If necessary, after a thorough investigation and full opportunity to be heard has been accorded to the session if still in place, the administrative commission may assume original jurisdiction, or full power and responsibility, as the session by 2/3 vote of commission members as guided by the Book of Order, F-3.0206 and G-3.0303e.

Responsibilities and Duties of the Administrative Commission

The Administrative Commission shall be convened by the Moderator soon after its creation, and thereafter meet regularly, preferably at least monthly, until its work is completed, or it is dissolved by the Presbytery. A Recorder shall be chosen from among the members of the Administrative Commission. The Recorder shall keep an accurate record of the Commission's deliberations and actions and shall promptly furnish them to the members of the Administrative Commission and to the Stated Clerk of Des Moines Presbytery.

In the course of carrying out its duties, the Administrative Commission may remove or replace the Session of a congregation or may itself act as the Session thereof; any decision so to act shall be made only after consideration of the general pastoral policy of Des Moines Presbytery with regard to dissolution of churches, as expressed herein.

The Administrative Commission shall proceed to address and accomplish the following matters, duties and responsibilities, and such other matters as may reasonably arise during its work, provided, that they are not contrary to the resolution by which Des Moines Presbytery created the Administrative Commission. Before commencing its work, the Administrative Commission shall assure itself that the congregation is covered by appropriate casualty and liability insurance and shall take necessary steps to see that the insurance is maintained in force until the congregation is dissolved and the property is added to Des Moines Presbytery's casualty and liability insurance policy, or the property is disposed of.

A. PASTORAL CARE OF REMAINING MEMBERS

- Designate a pastor to be responsible for pastoral care of any remaining members until membership is transferred or the congregation is dissolved
- Work with the Session to encourage members to transfer their membership to another Presbyterian Church (USA) or to a church of another denomination if that is the member's desire; identify where members wish their membership to be transferred; assist as necessary in accomplishing the transfer. A transfer may be made at any time before the congregation is dissolved, or it may be made to be effective as of the dissolution.
- If a member wishes to transfer membership before the congregation is dissolved or as of its dissolution, the Clerk of Session of the congregation will send the letter of transfer. If there is no Clerk of Session, the Administrative Commission may appoint a Clerk of Session for that purpose or for any other purpose for which a Clerk of Session is required.
- As to any member whose membership is not transferred as provided above, the member may obtain a letter of transfer for a period of one year after the dissolution from the Stated Clerk of Des Moines Presbytery.
- After the dissolution, the Administrative Commission shall certify to the Stated Clerk of Des Moines Presbytery a list of members whose membership was not transferred, to the best of its knowledge.

B. FINANCIAL STATUS AND OUTSTANDING FINANCIAL OBLIGATIONS

- Obtain a copy of the congregation's most recent financial statement and conduct a financial review of the Treasurer's books.
- Determine location of checking accounts, savings accounts, endowment accounts, Sunday School accounts, women's group accounts, and any other financial resources.
- Determine if there are any restrictions on the use or disposition of any endowment or memorial accounts; if so, determine the source of any such restriction, whether imposed by the donor or by the Session, to ascertain whether or not the restrictions would follow and thereby restrict the funds once they are transferred to Des Moines Presbytery, or elsewhere.
- Close all financial accounts and transfer any balances to the congregation's primary checking account. If there are accounts containing marketable securities with fluctuating values, the Administrative Commission should obtain advice and counsel from someone with expertise, possibly the Living Legacy Committee,

before liquidating any such securities.

- Submit new signature card(s) for all accounts with at least two members of the Administrative Commission designated as signatories. The Administrative Commission may allow the Church Treasurer, if one has been elected and is serving, to continue to pay expenses of the ongoing operations, subject to a careful, frequent monitoring of all receipts and expenditures by the Administrative Commission. In such case, all expenditures should be approved by the Administrative Commission before payment.
- Determine any outstanding debts/obligations and oversee the payment or other discharge of those obligations. This includes seeing that all applicable payroll taxes are paid, that all payroll tax returns are filed and that any necessary IRS Forms 1099 are completed, provided to recipients and filed. If they cannot be filed until the end of the year in which the dissolution occurs, arrangements should be made with the Stated Clerk of Des Moines Presbytery to see that they are filed when appropriate.
- Publish in a local newspaper a public notice in form below, secure an affidavit of its publication, and send the affidavit to the Stated Clerk of Des Moines Presbytery:

The _____ Church of _____, IA will cease operation on or about (date). Any outstanding debts/financial obligations must be submitted in writing to the _____ Church Administrative Commission at 1864 Highway 86, Lakeshore Center At Okoboji, Milford, IA 51351 – 7267 by the close of business on (date).

- Oversee the provision of a "statement of contribution" to all current year contributors, as necessary.
- If the congregation owns any stocks, bonds, or other financial instruments that are not liquidated, accomplish transfer of ownership to Des Moines Presbytery. Following the dissolution, transfer all remaining balances to Des Moines Presbytery and close all remaining accounts.

C. SESSION/CHURCH RECORDS

- Locate, collect and catalogue all Session minutes, any registers maintained by the congregation, and other financial and legal records.
- Arrange for the Clerk of Session to symbolically hand these to a representative of Des Moines Presbytery (the Stated Clerk or designee) at the conclusion of the Service of Witness, or deliver them to the office of the Stated Clerk at the conclusion of the Administrative Commission's work.
- Assist, as requested by the Stated Clerk, in transferring the records to the Presbyterian Historical Society.

D. REAL PROPERTY

- Obtain a copy of the deed or deeds and all related documents (such as the abstract) to all real property owned by the congregation. This may require a search of the

property records at the appropriate county courthouse; generally, the records of the county appraisal district will reveal any property held in the name of the congregation. However, that may not be the case with regard to non-producing mineral interests. It may be necessary to secure a title search from a local abstract/title insurance company. If necessary, the Administrative Commission may arrange for a current survey of the real property by a Registered Public Surveyor.

- Send a copy of any deed or deeds to the Leadership Council of The Presbytery of Des Moines, if and when any property is conveyed to “The Presbytery of Des Moines of the Presbyterian Church (U.S.A.)”.
- Review the status of the congregation’s title to any real property to ascertain the existence of liens, deed restrictions, or other conditions that affect the use and marketability of the property. If the property is subject to outstanding indebtedness, determine the status of any such debt – balance, terms, payment dates, etc.
- Dispose of the real property of the congregation by cash sale, as provided herein, working through a local realtor or otherwise, as the Administrative Commission deems appropriate. In areas with an active real estate market, a professional appraisal should be obtained to know the market value of the property. If such an appraisal is obtained, there should be very compelling reasons to justify a sale for less than 90% of that appraised value. In other areas, no formal appraisal is required, but the Administrative Commission may not sell the property unless the sale price is at least 35% of the applicable county assessed value.
- Any sale shall be by deed without warranty, reserving mineral rights if that can be negotiated. Generally, mineral interests that are owned apart from surface ownership shall not be sold but shall be conveyed to “The Presbytery of Des Moines of the Presbyterian Church (U.S.A.)”.
- In the event there is a legitimate offer to purchase the real property for an amount that is less than the values stipulated above, the Administrative Commission may recommend approval of that sale, but the decision shall be that of the body of Des Moines Presbytery, to be considered by the Leadership Council.
- If the Administrative Commission wishes to donate the property to any person or entity, without consideration, it may recommend approval of that gift, but the decision shall be that of the body of Des Moines Presbytery, to be considered at its next stated meeting.
- If the real property is not otherwise disposed of, the Administrative Commission shall transfer title to the property to the “The Presbytery of Des Moines of the Presbyterian Church (U.S.A.)” In such a case, the Leadership Council may list the real property for sale with a local realtor, as it determines is appropriate.
- If the property is not sold, request that the property be listed on the Presbytery’s property and liability insurance coverage and follow up to see that this is done. If there are any existing insurance policies on the property, cancel them effective as of the day after the Service of Witness, after having determined that the coverage on the Presbytery’s policy will be effective simultaneously, and follow-up to collect any unearned insurance premiums that may be due.
- If appropriate, notify the applicable county assessor that the property is no longer used as a church.

E. CIVIL CORPORATION

- Determine if the congregation has been incorporated, and, if so, obtain a copy of all corporate documents. Do not rely solely on the memory of church members because the corporate entity may have been disregarded. Check with the Iowa Secretary of State or appropriate government office.
- Dissolve the civil corporation according to the requirements of Iowa law.
- Provide the Stated Clerk all corporate records and documents of any civil corporation, and copies of the dissolution documents.
- Any dissolution of the civil corporation should occur after the dissolution of the congregation.

F. SERVICE OF WITNESS AND ACT OF DISSOLUTION

1. Plan and conduct a worship service celebrating the life and ministry of the congregation. Accomplishing this entails, among other things, the following:
 - Set the date and the time for the service, allowing ample time for the date to be publicized and invitations issued.
 - Decide what special features the service should include.
 - Decide how best to tell the history of the Christian ministry and witness through this Presbyterian congregation.
 - Determine whether the celebration of the Lord's Supper would be appropriate, and arrange for that celebration, including preparation of the elements and designation of elders to serve.
 - Identify a possible preacher and other participants (At least one representative from the congregation, at least one representative from the Commission and the designated Presbytery staff of Des Moines Presbytery (or another Presbytery representative) should be included.
 - Identify favorite hymns of congregation members.
 - Consider possibilities for special music (possibilities include a church choir; soloists from the congregation, presbytery, or community; a community or presbytery choir (ad hoc) and instrumentalists).
 - Determine whether an offering will be received at the service and, in conjunction with the Session, designate where any offering will be directed (generally some local concern such as a hunger program, women's/homeless shelter, Meals on Wheels, etc.).
 - Arrange for ushers, "car parkers", and elders to serve Communion (if needed).
 - Prepare bulletins as needed; provide hymnals and Bibles, if needed.
 - Arrange for any needed cleaning of facility before the service.
2. Publicize the Service of Witness. In consultation with the remaining congregation members, the Commission should:
 - Ask members to create a "guest list" of relatives, friends, former members, etc. whom they wish to invite to the celebration,

including former ministers as appropriate.

- Consider having invitations printed and given to members to send out (expenses of which should be paid for from the congregation's bank account). If funds are not otherwise available, the Stated Clerk can authorize payment from Presbytery funds.
 - Design a flier and write an accompanying letter to be distributed to the congregations and members of the Presbytery inviting them to the service and send them to Presbytery office with ample time for inclusion in the Presbytery's newsletter.
 - Arrange for local newspaper coverage.
 - Include information in the congregation's newsletter and on its website if possible.
3. Arrange for a reception following the Service of Witness
- Identify the location for a reception.
 - Decide how the food will be provided (Caterers or members).
 - Determine what financial resources the congregation has to pay for the reception and establish a budget.
 - Designate an individual or individuals to take charge of decorating and other arrangements.
 - Gather memorabilia to display.
 - Arrange for clean-up of the facilities after the reception.
4. At the conclusion of the Service of Witness, the Commission representative may declare, in the name of our Lord Jesus Christ and by the authority of Des Moines Presbytery of the Presbyterian Church (USA), that the ministry of the congregation of the (insert name of congregation) is complete, the congregation is dissolved, and the building is vacated. That declaration may be accompanied by a symbolic decommissioning of the sanctuary and removal of designated items to another location.

G. MOVEABLE PERSONAL PROPERTY

- Arrange for and accomplish the disposition of all moveable personal property belonging to the congregation. This shall include all furnishings, communion ware, hymnals, Bibles, Sunday School supplies and materials, pulpit, lectern, communion table, pews, computers (after all records are deleted or archived as appropriate), pianos, organs, other musical instruments and other items that are not fixtures.
- Those items may be given away, sold by the piece, or bids may be received for the entire lot of furnishing. It is recommended that at least one appraisal by an antiques dealer/estate appraiser be obtained before accepting any bids, if there are any items of any market value.
- These decisions should be documented in detail in the Commission minutes. The Presbytery stands ready to offer its counsel in the wise, faithful, and legal disposition of assets given by Presbyterians over the ages for the mission of Jesus

Christ. Every reasonable attempt should be made to make the items available for other congregations in Des Moines Presbytery in their various ministries.

- In making these decisions, the Administrative Commission shall carefully, respectfully and seriously consider any expressed desires by the Session of the congregation as to the disposition of these assets, but the decisions are those of the Commission.

H. AFTER THE SERVICE OF WITNESS AND DISSOLUTION

After the dissolution of the congregation, in addition to those matters delineated above, the Commission shall, as necessary:

- File a change of address with the United States post office, so that all mail directed to the congregation will be forwarded to the Presbytery of Des Moines, 1864 Highway 86, Lakeshore Center at Okoboji, Milford, IA 51351 – 7267.
- Ascertain which utilities should remain connected and which may be disconnected and make necessary arrangements with the proper companies, including having the billing for the utilities transferred to the Presbytery of Des Moines. It may be necessary to maintain heat during the winter to avoid damage.
- Arrange with the designated Presbytery staff for any ongoing utility payments.
- Arrangements should be made to drain the pipes when the water service is discontinued, or when there is no longer any heat in the building.
- Secure the building and change the locks, providing keys to the Stated Clerk; any stained-glass windows should be protected.
- Remove all signage from the property that identifies the building as a Presbyterian Church, remove any cornerstone or removable commemorative plaques, check for any time capsule (and remove any contents if applicable) and deliver any such memorabilia to the Stated Clerk unless another disposition has been decided (e.g., a county historical commission).
- Arrange for lawn and other essential maintenance until the final disposition of the property. Often this can be accomplished through the local realtor with whom the property is listed if that is done.

I. ULTIMATE DISPOSITION OF REAL PROPERTY AND REMAINING ASSETS

- Net proceeds from the sale of the real property of churches in the Presbytery shall be transferred to the Living Legacy Fund unless otherwise approved by Presbytery.
- Congregations hold real property in trust. Presbytery has exclusive power to determine the use and disposition of church property when a property ceases to be used for a particular church, and a dissolving church has the right to dispose of church property only as the Presbytery directs.
- Churches in ongoing ministry also require Presbytery approval for the sale of real property and the determination of the disposition of net proceeds from a sale.
- Primary consideration will be given to using the assets for future ministry,

including the development of new congregations and the redevelopment of existing congregations; provided, however, some portion of the assets should be set aside to defray any expenses that arise from the Presbytery's continued ownership of the property until its final disposition.

- The Presbytery will take seriously but not necessarily be bound by the desires of the Session of a congregation in the use of the assets.
- In its final report to Presbytery, the Administrative Commission, after consultation with the Leadership Council, shall make a recommendation to the Presbytery for the future use of any assets or funds resulting from the dissolution of the congregation and the disposition of its assets.
- At the time of dissolution, the "The Presbytery of Des Moines of the Presbyterian Church (U.S.A.)" becomes the sole owner of the former congregation's assets. Prior to dissolution, the assets may be transferred from the congregation to the Presbytery;
- Any assets not transferred prior to dissolution shall be transferred by the Administrative Commission acting with the authority of the Presbytery.

Final Duties

After the Administrative Commission has completed all the duties and responsibilities charged to it by the Presbytery it shall prepare a final, detailed report of its actions, deliberations and recommendations, which shall be delivered to the Stated Clerk. The report should address each item contained in this procedure policy. If there are items that have not been completed, generally speaking, the work of the Administrative Commission has not been completed and it should continue to work.

At the next ensuing Presbytery meeting thereafter, the report of the Administrative Commission, with its recommendations, shall be presented to the body of Presbytery for its action. A member of the Administrative Commission shall present an oral report as necessary. If the report is accepted, the Administrative Commission shall be discharged. The Presbytery may assign it further duties, if necessary, in which case it shall continue until those matters are concluded.