

# Presbytery of Riverside



## Manual of Administrative Operations

The Manual of Administrative Operations is a collection of various documents, organized into sections according to type. Each document reflects the most recent approval date of that particular document by the Presbytery Assembly or the approving authority.

Most recent document revision:

September 14, 2019

# **Presbytery of Riverside Assembly Manual of Administrative Operations Structure**

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**SECTION I**  
**Bylaws, Corporate Documents & Ethics**

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# Presbytery of Riverside

As a Presbytery, we strive to be...  
Connected congregations in deep discipleship with Jesus Christ  
who are faithful and active witnesses to God's love, justice and peace.

## I - BYLAWS

### SECTION 1 IDENTITY

- 1.01 The Presbytery of Riverside exists to serve Jesus Christ in San Bernardino and Riverside counties with one congregation in Kern County, California. The Presbytery was organized on November 25, 1902, and is an organizational unit of the Presbyterian Church (U.S.A.). The council of the Presbytery shall be known as the Presbytery of Riverside Assembly, herein referred to as the Presbytery Assembly.
- 1.02 The Presbytery Assembly is governed by the Constitution of the Presbyterian Church (U.S.A.), the Presbytery's Articles of Incorporation and its Bylaws.
- 1.03 The Presbytery Assembly is responsible for the government of the church throughout its district, and for assisting and supporting the witness of congregations to the sovereign activity of God in the world, so that all congregations become communities of faith, hope, love, and witness. (G-3.0301)
- 1.04 The Presbytery of Riverside is also a California nonprofit religious corporation, incorporated December 9, 1922, and is subject to California Nonprofit Religious Corporation Law (CA Corp Code 9110-9690).
- 1.05 The principal office for the transaction of the business of this Presbytery, including corporate affairs, shall be located within the geographical bounds of the Presbytery.

### SECTION 2 MEMBERSHIP

- 2.01 Membership shall include all Ministers of the Word and Sacrament who are continuing members of this Presbytery and as nearly an equal number of ruling elder commissioners elected by the Session of congregations within this Presbytery. Membership with vote may also be given to others as noted in the Manual of Administrative Operations.

### SECTION 3 MEETINGS

- 3.01 There shall be a minimum of two stated meetings of the Presbytery Assembly on dates and at times and places to be determined by the Presbytery Commission. A Special meeting may be called by the Presbytery Commission, the Moderator, or when requested by 15 members and/or commissioners to the previous stated meeting.

- 3.02 The quorum for all meetings of Presbytery Assembly shall be ruling elder commissioners from half the congregations within the Presbytery plus an equal number of Ministers of the Word and Sacrament members of this Presbytery.
- 3.03 Written notice of all meetings other than adjourned meetings shall be transmitted electronically directly to all members not less than fourteen (14) days prior and shall specify date, time, and place.
- 3.04 All items anticipated for Presbytery Assembly action shall be posted on the Presbytery website at least seven (7) days prior to the meeting. Consideration of any item not so posted will require a two-thirds majority vote of the Presbytery Assembly.
- 3.05 A. Virtual Meetings of the Presbytery Assembly:  
Meetings of the Presbytery Assembly may be held by electronic means, as established by the Presbytery Assembly as recommended by the Presbytery Commission. Such meetings shall provide “opportunity for simultaneous aural communication among all participating members...The notice of an electronic meeting must include an adequate description of how to participate in it.” (RRO, NR, 11th Edition, p. 97) Standard quorum requirements shall apply, from the total members and commissioners in attendance at all locations. The Moderator, Vice Moderator, Presbytery Leader for Mission and Vision/Stated Clerk and Minute Clerk shall be together in one location. The Moderator may appoint meeting assistants at each location, as desired. Such meeting assistants will help with matters designated by the Moderator and related to the conduct of the meeting. Motions made from the floor shall be e-mailed to the Presbytery Leader for Mission and Vision/Stated Clerk before they are acted upon.
- B. Virtual Meetings of the Commissions, Committees and Teams of the Presbytery:  
Every effort should be made for commissions, committees and teams of the Presbytery to deliberate in one location. When the Chair determines that is not practical, other alternatives may be employed that must allow for simultaneous aural communication among the members of the group. Telephone conference call, GoToMeeting, Zoom or Skype are current examples of such options. Deliberations should be conducted as follows:
- i. Matters to be voted on must be recommended by an official Presbytery entity or session and be submitted to the moderator of the voting entity in writing;
  - ii. The moderator of the voting entity will determine whether the matter is suitable for remote deliberation;
  - iii. If one-third of the current members of the voting entity request a face to face discussion on the topic then the matter will not be decided by remote deliberation;
  - iv. In order for a motion to pass, it must be approved by a majority of the voting members present;
  - v. The decision reached by remote deliberation will be immediately reported to the members of the voting entity and will be entered into the minutes of the voting entity, in accordance with Robert’s Rules of Order.
  - vi. Each entity choosing to use electronic means must follow rules established by the Presbytery Assembly or Presbytery Commission, which may specify: provider of

technology; manner of determining quorum, obtaining “the floor”, how voting will occur, and whether there is conflict of interest.

- vii. As in all other meetings, if quorum is reached at the beginning of the meeting, it will be assumed for the rest of the meeting.
- viii. If it is a special called meeting, the moderator of the entity will notify all members of the matter to be acted upon, the time and date of the electronic meeting, and the details of how to participate at least 48 hours in advance of the event.

**C. Meetings of the Committees and Teams of the Presbytery via Email:**

From time to time a matter of routine business needs to be acted on between meetings of a Committee or Team. At the discretion of the Moderator of the entity, it may be determined reasonable to provide for a vote by e-mail by the members of the entity in the interest of time and efficiency. This procedure is not intended to be used casually, but rather as a means of conducting non-controversial or routine business expeditiously when necessary. If one-third of the members of the voting entity request a face to face or electronic discussion on the topic then the matter will not be decided by email vote. A quorum of the members will have to vote and the votes of these responding members will have to be unanimous in order for the business to be approved. All members of the voting entity shall be allowed 48 hours to make their responses. The business approved will be recorded in the minutes of the next meeting of the Committee or Team. Email meetings shall never be allowed for such items as Budget Revisions or spending money above a certain preset limit. When in doubt of what is appropriate, contact the Stated Clerk. Email meetings shall not be available for use by the Presbytery Assembly or Presbytery Commissions.

D. The Presbytery Commission may establish rules governing email based meeting and voting by Committees and Teams.

- 3.06 Proxy voting is not allowed in any meetings of all entities of the Presbytery Assembly.

**SECTION 4 OFFICERS AND STAFF**

- 4.01 The officers of the Presbytery Assembly shall be the Moderator, Vice Moderator, Chairperson of the Presbytery Commission, and the Stated Clerk. The staff of the Presbytery shall be a Presbytery Leader for Mission and Vision/Stated Clerk (PLMV/SC) and other administrative staff as required. The combined position of PLMV/SC shall perform dual functions, each having authority derived by the Form of Government (PLMV: G-3.0110, Stated Clerk: G-3.0104) and the Manual of Administrative Operations. Some references to the Stated Clerk role of this dual role position are maintained within this document to preserve the customary assignments of the Stated Clerk.
- 4.02 Election to office shall be by a majority of those present and voting. If no one in a slate of candidates receives a majority, then the Presbytery Assembly shall vote again on the two receiving the most votes.
- 4.03 The officers are nominated by the Committee on Nominations of the Presbytery Assembly, except for the position of Stated Clerk.

- 4.04 The Moderator, Vice Moderator and Chairperson of the Presbytery Commission shall ordinarily be installed at the last meeting before July 1, and shall serve for one year. The duties shall be those described in the Manual of Administrative Operations.
- 4.05 The Vice Moderator shall be the Moderator-elect. The Vice Moderator shall perform the functions of the moderator when requested, or when the moderator is unable to serve.
- 4.06 The Presbytery Leader for Mission and Vision/Stated Clerk (PLMV/SC) shall serve for a term of three years, and may be re-elected. The PLMV/SC will be accountable to the Presbytery Assembly through the Presbytery Commission for the performance of constitutional requirements of the position. The PLMV/SC is accountable to the Personnel Committee and the Presbytery Assembly for the performance of the administrative and programmatic responsibility of the position (G-3.0110).
- 4.07 The Treasurer shall serve for a term of three years beginning promptly following election, and may be reelected. The Treasurer shall oversee the receipt, care, and disbursement of the funds of the Presbytery. The Treasurer advises and supports the Office Manager/Bookkeeper particularly as it relates to financial procedures. The Treasurer serves as an ex-officio member without vote of the Property, Finance, Investment and Funds Development Committee, the Partners in Ministry Committee, and the Presbytery Commission. The Treasurer shall be accountable to the Presbytery Assembly through the Personnel Committee and the Presbytery Commission. (G-3.0110).
- 4.08 The Minute Clerk shall be elected by the Presbytery Commission upon recommendation of the Personnel Committee for a one-year term, beginning promptly following election. The Minute Clerk works under the direction of the Stated Clerk. The Minute Clerk may be reelected from year to year.
- 4.09 Any officer may resign at any time by giving thirty days notice to the Stated Clerk, except that the Presbytery Leader for Mission and Vision/Stated Clerk shall present his/her resignation to the Presbytery Assembly Moderator. Any vacancy so created, by death, permanent disability, disqualification, or any other cause, shall be filled by regular election procedures. The Presbytery Commission shall have the power to make a temporary appointment to the office of Leader for Vision and Mission/Stated Clerk in the event that office should be vacated between meetings of Presbytery Assembly. Such appointment is subject to the approval of Presbytery Assembly, which shall in regular manner elect a Presbytery Leader for Mission and Vision/Stated Clerk at its earliest convenience.
- 4.10 The procedure for the search of a Presbytery Leader for Mission and Vision/Stated Clerk shall be the following: The Presbytery Committee on Nominations nominates a search committee of uneven number, with consideration of balance among Ministers of the Word and Sacrament, ruling elders, males, females and racial/ethnic members. The Presbytery Assembly shall elect this search committee, with nominations from the floor permitted. The search committee shall consult with and follow guidance given by the Synod of Southern California and Hawaii and/or the *Book of Order*.

- 4.11 The procedure for the search of a Transitional Presbytery Leader for Mission and Vision/Stated Clerk shall be the following: The Presbytery Personnel Committee appoints a Search Committee of uneven numbers, with consideration of balance among Ministers of the Word and Sacrament, ruling elders, males, females and racial/ethnic members. The Search Committee presents the candidate to the Presbytery Assembly for election.
- 4.12 The Presbytery Commission shall make policy regarding conflicts of interest to be approved according to normal policy approval procedures, or as referred to the Presbytery Commission by the Presbytery Assembly.

## **SECTION 5 THE CORPORATION**

- 5.01 The membership of the Presbytery Assembly shall constitute the membership of the Corporation.
- 5.02 The Corporation shall have the following powers: to receive, hold, encumber, manage, and transfer property, real or personal, for and at the direction of the Presbytery Assembly. (G-4.0101)
- 5.03 All meetings of the Presbytery Assembly may deal with both corporate and ecclesiastical business. The corporation shall hold an annual meeting at the first meeting of Presbytery Assembly after July 1.
- 5.04 The Presbytery Property, Finance, Investment and Funds Development Committee, including the Corporate Treasurer and Secretary as ex-officio members without vote, shall constitute the Board of Trustees.
- 5.05 The Board of Trustees shall meet at least quarterly.
- 5.06 The officers of this corporation shall be a President, a Vice-President, a Secretary, and a Treasurer. The President and Vice-President shall be elected from the membership of the Board of Trustees. The Stated Clerk shall serve as Secretary of the Corporation. The Treasurer of the Presbytery shall serve as Treasurer of the Corporation.
- 5.07 California Nonprofit Religious Corporation Code requires a Board of Directors, which shall be the members of the Board of Trustees.
- 5.08 The officers of this corporation shall be elected annually by the Trustees at its first meeting after July 1 and reported to the annual meeting of the Corporation.
- 5.09 Vacancies in the offices of President and Vice-President of the Corporation shall be filled by the Trustees at its next meeting.



## **SECTION 6 PRESBYTERY COMMISSION**

- 6.01 The Presbytery Commission shall be composed of the following persons,
- + The immediate past Presbytery Assembly Moderator as Chairperson
  - + Presbytery Assembly Moderator
  - + Presbytery Assembly Vice Moderator
  - + Moderator of Presbyterian Women in the Presbytery
  - + Chairpersons of the Presbytery Assembly Commissions and Committees, as documented within the Presbytery Commission chartering document.
  - + Ex-Officio without vote:
    - Presbytery Leader for Mission and Vision/Stated Clerk
    - Treasurer
- 6.02 The Presbytery Commission has the unique responsibility to provide vision to the Presbytery Assembly regarding the mission of Christ's Church in the world as it relates to congregations and to the larger church.
6. 03 The Presbytery Commission shall annually present to Presbytery Assembly nominations of persons to be elected to the Committee on Nominations.
- 6.04 The Presbytery Commission shall have responsibility to receive and review from the Property, Finance, Investment and Funds Development Committee an annual budget for the Presbytery Assembly's operating expenses and submitting the budget to the Presbytery Assembly for approval.

## **SECTION 7 PRESBYTERY COMMISSIONS, COMMITTEES AND TEAMS**

- 7.01 The Presbytery Assembly shall have a Committee on Nominations, a Committee on Representation, a Permanent Judicial Commission, a Healthy Pastors and Congregations Commission (formerly COM), a Personnel Committee, a Property, Finance, Investment and Funds Development Committee (which serves as the Board of Trustees), a Commission on Preparation for Ministry, and such other commissions, committees and teams as needed to carry out the Presbytery Assembly responsibilities enumerated in the Form of Government. Each such commission, committee or team may bring to the Presbytery Assembly recommendations for consideration and action. Commissions may make decisions and vote on matters referred to it by the Presbytery Assembly as authorized by its chartering documents.
- 7.02 Quorum for all commissions, committees and teams of the Presbytery shall be a majority of its current members, unless modified within its chartering document.
- 7.03 Members of Presbytery Assembly commissions, committees and teams shall serve for a term of three years and shall be divided into three approximately equal classes with due regard for the denomination's policy on inclusiveness (G-3.0103).

- 7.04 No member shall serve for consecutive terms, either full or partial, aggregating more than six years on the same commission, committee or team, and having so served, any such member shall be ineligible to serve until one year has elapsed.
- 7.05 If a member is consistently absent, the chairperson shall ask the individual if he/she is committed to continue serving. If the member is no longer able to serve, the chairperson reports this information to the Stated Clerk and the chairperson of the Committee on Nominations.
- 7.06 Ordinarily a member of the Presbytery Assembly is asked to serve on only one permanent commission, committee or team at a time but may serve in several capacities if asked and willing to do so.
- 7.07 Vacancies on Presbytery Assembly commissions, committees and teams shall be filled by Presbytery election for the un-expired portion of the term.
- 7.08 A commission, committee or team may create a temporary sub-committee or task group from within its membership or outside its membership to carry out portions of its assigned mission.
- 7.09 The permanent commissions, committees and teams, not required by the *Book of Order*, shall be named in the Manual of Administrative Operations and may be changed from time to time by the vote of the Presbytery Assembly.
- 7.10 All commissions, committees and teams are responsible for those budget line items which are under their control, and authorized to spend those funds for the specified use, without explicit approval from the Presbytery Assembly. The Presbytery Assembly may adjust the allowed approval or provide for a variance on a case by case basis as needed.
- 7.11 Each permanent commission, committee and team shall maintain its own policies and/or procedures for its own work as needed. With the exception of the Healthy Pastors and Congregations Commission Policy, the Sexual Misconduct Prevention Policy, the Commissioned Local Pastor and Commissioned Local Chaplain Policy, and the Personnel Policy, commission, committee and team policies will not be subject to vote by the Presbytery Assembly but will be included in the Manual of Administrative Operations following the charter document for their entity.

## **SECTION 8 INVESTIGATING COMMITTEE**

- 8.01 If a complaint calling for judicial process is received by the Stated Clerk less than one week prior to a meeting of the Presbytery Assembly, the establishment of an Investigating Committee may be done at the Presbytery Assembly meeting. If the interval between such complaints is one week or longer, the Moderator of the Presbytery Assembly, in consultation with the Stated Clerk, shall appoint the Investigating Committee and report its creation to the next meeting of Presbytery Assembly. Should the Moderator of the Presbytery Assembly or the Presbytery Leader for Mission and Vision/Stated Clerk be the subject of the accusation,

or be unavailable to perform the duty, the Chair of the Healthy Pastors & Congregations Commission shall substitute.

## **SECTION 9 MANUAL OF ADMINISTRATIVE OPERATIONS**

- 9.01 The Manual of Administrative Operations of the Presbytery Assembly shall be composed of the following:
1. Bylaws and Corporate Documents of the Presbytery of Riverside
  2. Commission, Committee and Team Charter Documents, Policies and Procedures
  3. Policies and Procedures of the Presbytery Assembly
  4. Personnel Policies
- 9.02 Amendments to the Bylaws may be made by two-thirds vote of members present at any stated or special meeting of Presbytery Assembly, providing that written notice of the proposed changes shall have been presented at the previous meeting.
- 9.03 All other parts of the Manual of Administrative Operations which are subject to Presbytery Assembly approval shall be adopted by a majority vote of the Presbytery Assembly, and may be amended by a majority vote of the members present at any stated or special meeting of Presbytery Assembly, providing that written notice of the proposed changes shall have been made in the call of the stated or special meeting.
- 9.04 Presbytery Policies are the collected procedural statements reflecting the decisions the Presbytery Assembly has made concerning methods for accomplishing its tasks. Presbytery Policies shall be reviewed periodically by the Presbytery Commission in connection with the functional review of Presbytery structure or mission.
- 9.05 Presbytery Policies may be suspended by a two-thirds vote of the members present at a stated or special meeting of the Presbytery Assembly. The reason for the suspension shall be recorded in the minutes of the meeting.

N



# State of California

## Secretary of State

122

### Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.  
**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**FILED**  
 Secretary of State  
 State of California

**JUL 07 2016**

#### 1. CORPORATE NAME

The Presbytery of Riverside

#### 2. CALIFORNIA CORPORATE NUMBER

**C0101453**

This Space for Filing Use Only

#### Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
1875 N. D Street	San Bernardino	CA	92405

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
1875 N. D Street	San Bernardino	Ca	92405

#### Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
Margaret E. Merhoff	1875 N. D Street	SAn Bernardino	Ca	92405

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
Rev. Diane M Frasher	1875 N. D Street	San Bernardino	Ca	92405

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
Warren R. Simmons	1875 N. D Street	San Bernardino	Ca	92405

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

#### 8. NAME OF AGENT FOR SERVICE OF PROCESS

Rev. Diane M. Frasher

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
1875 N. D Street	San Bernardino	CA	92405

#### Common Interest Developments

10. ☐ Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

#### 11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

July 5, 2016

Warren R. Simmons

Treasurer

*Warren R. Simmons*  
 SIGNATURE

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

ARTICLES OF INCORPORATION  
of the  
PRESBYTERY OF RIVERSIDE, CALIFORNIA.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, have this day voluntarily associated ourselves together for the purpose of incorporating under the laws of the State of California, and in pursuance of the purposes for which we have been elected, as hereinafter set forth, a religious corporation to be known as the PRESBYTERY OF RIVERSIDE, CALIFORNIA;

And we hereby certify that the objects for which this corporation is formed are:

To establish mission churches in the Counties of Riverside and San Bernardino, California, (all of which territory is embraced in the Presbytery of Riverside), and in connection therewith to establish suitable and customary organizations for the purposes of public worship and religious training, according to the rules and discipline of the Presbyterian Church in the United States of America, under the supervision of the ordained ecclesiastical courts of said church;

To assist in the creation of such churches at such places and times as may be deemed proper;

To take charge of any and all such church buildings, estates and properties, and to govern and control the temporalities thereof so long as they remain mission churches;

To accept, receive and expend for the benefit of any of said churches, or of any church within the jurisdic-

tion of said Presbytery, all gifts, bequests, donations or devises of any kind that may hereafter be made by any person, firm, or corporation, either to the Presbytery of Riverside, or to any church within its jurisdiction; but so that any such gift, bequest, donation or devise shall be applied solely for the benefit of the donee named therein;

That the principal place of business of this corporation shall be at the City of Riverside, County of Riverside, State of California;

That the term of the incorporation shall be fifty (50) years;

That the number of trustees who shall have the management of its affairs as aforesaid shall be five (5), and the names and residences of the trustees elected for the first year are:

NAME	RESIDENCE
Rev. R. C. Stone,	Upland, California,
Rev. A. G. Fessenden,	San Bernardino, Calif.,
Rev. D. L. Macquarrie,	Riverside, California,
Ira C. Landis,	Riverside, California,
A. B. Drake,	Redlands, California;

That said trustees were duly elected at a meeting of the Presbytery of Riverside, duly convened and held at the City of Riverside, in the County of Riverside, State of California, on the 3<sup>d</sup> day of October, 1922; that said meeting was called for the purpose, among other things, of electing trustees to form this incorporation. That the

majority of the members of said Presbytery were then and there present and voted at such election for the above-named trustees, as is more particularly set forth in the certificate and verification by the officers who conducted the election, herewith annexed and made a part of these articles;

That the Presbytery of Riverside as at present constituted is a religious association of this state, composed of constituent churches, parishes, congregations and missions who have a common synod and assembly.

DATED: This 3<sup>d</sup> day of October, 1922.

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THIS IS TO CERTIFY: That at a meeting of the Presbytery of Riverside, duly convened for the purpose hereinafter set forth, and for other purposes, held at the City of Riverside, in the County of Riverside State of California, on Tuesday the 3<sup>d</sup> day of Oct., 1922, a majority of the members of said Presbytery were then and there present, and they voted at said election.

C. J. Mather presided as the moderator or chairman of said meeting, and A. L. MacGuarrie acted as the clerk, or the secretary thereof.

The meeting then proceeded to the election of five (5)

trustees to form an incorporation under the laws of the State of California, in furtherance of the objects hereinbefore set forth.

That the proceedings above set forth were in accordance with the constitution, by-laws, discipline, canons, rules and regulations of the Presbyterian Church in the United States of America.

The following trustees were then duly elected, viz:

NAME	RESIDENCE
Rev. H. C. Stone,	Upland, California,
Mr. A. C. Buchanan,	San Bernardino, California,
Rev. W. H. Buchanan,	Elmer, California,
Mr. H. H. H.	Elmer, California,
A. D. H.	Elmer, California.

O. J. Mather

L. L. Macquarrie

State of California, )  
County of Quincy ) ss.

O. J. Mather and L. L. Macquarrie

being respectively the moderator and clerk of the meeting above referred to, being duly sworn, each for himself, deposes and says as follows:

That they subscribed and acknowledged the articles of



incorporation of the Presbytery of Riverside, California,  
above set forth, and that the statements therein contained  
are true to the best of their knowledge, information and  
belief.

O. J. Mather.

D. L. MacQuarrie

Subscribed and sworn to before

me this 27 day of Nov, 1922.

H. L. Hill  
Notary Public in and for the County  
of Orange, State of California.

ORIGINAL

10143

of the

STATE OF CALIFORNIA, CAL.

*CK am*

**FILED**

In the office of the Secretary of State  
OF THE STATE OF CALIFORNIA

DEC 9 - 1922

**FRANK C. JORDAN**

By *Frank C. Jordan*

Recorded in Book  
416 at page 381

**No Capital Stock**

*Exempt*

Adair & Winder,  
Attorneys at Law,  
Loring Building,  
Riverside, California.

**THE PRESBYTERY OF RIVERSIDE ASSEMBLY**  
**PRESBYTERY ASSEMBLY POLICY**  
**CONFLICTS OF INTEREST**

1. Any staff member or volunteer who is employed by or engaged in any activity or function carried on by the Presbytery of Riverside, and who has a personal interest in a matter before the Presbytery Assembly or any of its entities, shall be deemed to have a conflict of interest if:

- a. he or she has an existing or potential financial or other interest which might reasonably appear to impair his or her independent, unbiased judgment in the matter; or
- b. a member of the person's family (e.g., a spouse, parent, sibling, or child), or an organization with which the person is affiliated has an existing or potential financial or other interest which might reasonably appear to impair the person's independent, unbiased judgment in the matter.

2. Any person with an existing or potential conflict of interest in a pending matter must:

- a. fully disclose all material facts to the Presbytery entity considering that matter;
- b. absent (leave the room or teleconference or electronic meeting) oneself from participating in a discussion about or voting on the pending matter.
- c. If the person is uncertain whether a conflict of interest exists, he or she shall presume the existence of a conflict of interest and act in accordance with subsections a and b above.

3. In the event an actual or potential conflict of interest arises, the entity in question:

- a. shall disclose in its minutes that a conflict arose and that the person with the conflict absented (left the room or teleconference or electronic meeting) from discussion and voting; and
- b. in the event the entity proceeds with an action despite a potential or actual conflict of interest, the entity shall report its action to the entity to which it is accountable.

4. Nothing in this section shall preclude Presbytery of Riverside entities from establishing more stringent rules regarding conflicts of interest.

**PRESBYTERY OF RIVERSIDE ASSEMBLY  
A CODE OF ETHICS  
FOR PRESBYTERY COMMISSIONERS,  
PRESBYTERY COMMISSION, COMMITTEE AND TEAM MEMBERS**

1. I will keep confidential all confidential information shared with or within any Commission, Committee or Team of which I am a member. I will not share it with colleagues, friends, spouse or even the Presbytery except as required by the *Book of Order* or the Standing Rules of the Presbytery of Riverside.
2. When giving a reference concerning a member of the Presbytery, I will confine my answers to matters on which I have direct knowledge and competence or that could be otherwise substantiated by reference to public records. I will not knowingly libel or slander a colleague in ministry.
3. I will be discreet in the way I conduct myself as a commissioner to the Presbytery Assembly, and as a member of any Presbytery Commission, Committee or Team. I will not knowingly take actions that would embarrass colleagues or signal others that "trouble" exists when they would not be entitled to that knowledge.
4. I will treat all my colleagues and particular churches of the Presbytery fairly and equally. I will, like a good mediator, balance the power in disputes.
5. I will be inclusive in my behavior with colleagues in governing body life and will try to empower them for full participation and service in the life of our church.
6. I will avoid conflicts of interest by absenting myself (by leaving the room or the teleconference or electronic meeting) from deliberations of the Presbytery Assembly, or any Commission, Committee or Team of which I am a member when matters are introduced which pertain to my personal interests or the interests of my particular congregation.
7. I will not use my "friendships" with other Presbytery commissioners, or members of the Commission, Committee or Team of which I am a member to attempt to influence the outcome of matters which pertain to my personal interests or the interests of my particular church.
8. I will make myself available within reason to members of the Presbytery who ask me to hear them out. As appropriate, I will warn them that the matters they share with me may not be kept from the secular authorities or the courts of the church in some special areas such as child abuse and that they should therefore exercise discretion in what they say to me. I will refer them to the Presbytery Leader for Mission and Vision/Stated Clerk or to other qualified specialists in the psychiatric or pastoral care as the situation demands.

9. I will actively listen to those who continue to share their needs and concerns with me after the above conditions have been met.

10. I will not accept remuneration or personal gifts from clergy or churches of the presbytery, except when offering some special extended service (e.g. long term conflict consultant or pulpit supply). I will report any and all such gifts to the Healthy Pastors and Congregations Commission and will accept its counsel in the disposition of such gifts and conform to its guidelines in cases of special remuneration.

11. I will respect the collective wisdom of the Presbytery Assembly, its Commissions, Committees and Teams, and the Presbytery staff. In working with churches and pastors of the Presbytery. I will remember that I am a representative of the commission, committee or team of which I am a member. I will not act unilaterally unless that authority has been given to me by the commission, committee or team. I will fairly represent the position of the Presbytery or the commission, committee or team of which I am a member, and will not present my own personal position or views as the position of the entity when my position or views may be different from those of the entity I am representing. I will not ignore, bypass or act contrary to the *Book of Order*.

12. I will conduct myself ethically in all the ways that Ministers of the Word and Sacrament and Ruling Elders are expected to conduct themselves.

13. I will abide by the Presbytery Assembly Conflicts of Interest Policy.

\_\_\_\_\_  
(Date)

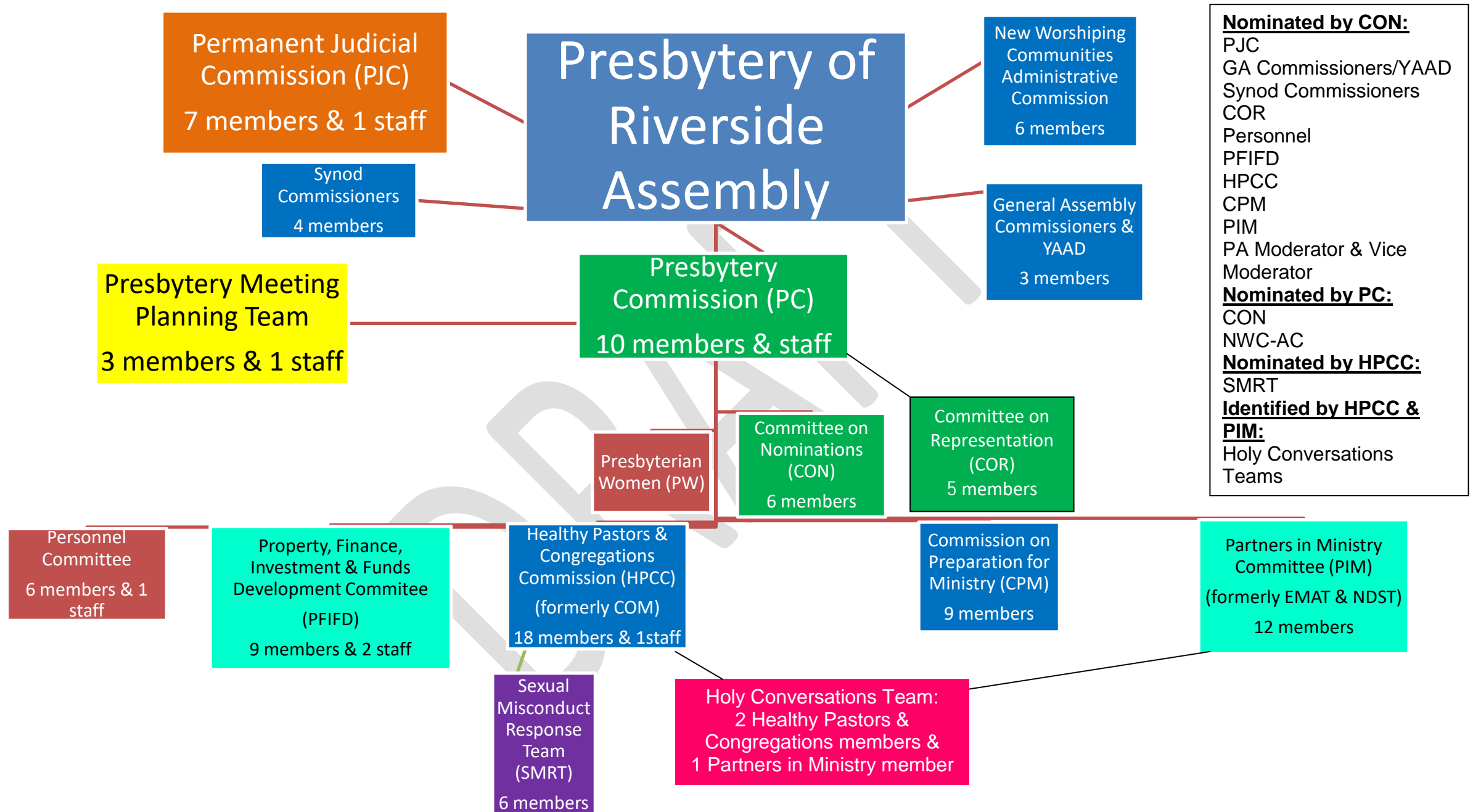
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## SECTION II

### Commission, Committee, and Team Charters & Their Policies and Procedures

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## **PRESBYTERY OF RIVERSIDE ASSEMBLY**

### **ADMINISTRATIVE COMMISSIONS**

#### **I. Definition:**

Administrative commissions are designated by the Presbytery Assembly to consider and conclude matters not involving ecclesiastical judicial process.

In the discharge of their assigned responsibilities, administrative commissions may discover and report matters that may require judicial action by the Presbytery Assembly.

#### **II. Composition:**

Administrative commissions shall be composed of ruling elders and Ministers of the Word and Sacrament in numbers as nearly equal as possible and sufficient to accomplish their work.

Members may be directly elected from a slate presented by the presbytery Moderator, or the Presbytery Assembly may empower the Moderator to appoint members in consultation with the Presbytery Leader for Mission and Vision/Stated Clerk and moderators of the Presbytery Commission and the Healthy Pastors and Congregations Commission.

A quorum of any administrative commission shall be a majority of its members.

#### **III. The Presbytery Assembly may entrust an administrative commission to:**

- A. ordain and install Ministers of the Word and Sacrament;
- B. examine and receive into membership Ministers of the Word and Sacrament seeking membership in the presbytery, including approval of terms of call; and receive candidates under care;
- C. develop immigrant fellowships, organize new congregations and worshipping communities, merging congregations, or form union or federated congregations;
- D. visit particular congregations of the presbytery reported to be affected with disorder, and inquire into and settle the difficulties therein, except that no commission of a presbytery shall be empowered to dissolve a pastoral relationship without the specific authorization by the Presbytery Assembly;
- E. assume original jurisdiction, or full power and responsibility, over a session, when necessary;
- F. make pastoral inquiry into persons accused of sexual abuse of another person (D-10.0401c) when jurisdiction in a judicial proceeding against such persons has ended due to death or renunciation of the accused; such inquiries shall not be understood as judicial proceedings but shall seek to reach a determination of truth related to the accusation and to make appropriate recommendations to the designating council;
- G. develop and set policies, procedures and rules
- H. address other matters as determined by the Presbytery Assembly.

**IV.** A commission shall keep a full record of its proceedings and shall submit that record to the Presbytery Assembly or other appropriate presbytery entity for incorporation into its records. Actions of a commission shall be regarded as actions of the Presbytery Assembly. A commission



may be assigned additional duties by the Presbytery Assembly as a committee, which duties shall be reported and handled as the report of a committee.

**V.** The decisions of an administrative commission shall be reported to the Presbytery Leader for Mission and Vision/Stated Clerk who shall report it to the Presbytery Assembly at its next stated meeting. The Presbytery Assembly may rescind or amend an action of its administrative commission in the same way actions of the presbytery are modified.

**VI.** When an administrative commission has been designated to settle differences within a particular congregation or presbytery entity, it shall, before making its decision final, afford to all persons affected by its decision fair notice and an opportunity to be heard on matters at issue.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PRESBYTERY COMMISSION

#### MISSION

The purpose of the Presbytery Commission is to facilitate the work of the commissions, committees and teams of the Presbytery in nurturing and supporting its congregations and living out the goals approved by the Presbytery Assembly.

#### COMPOSITION

The Presbytery Commission shall be composed of the following people: immediate past Moderator; Moderator of the Presbytery Assembly; Vice Moderator of the Presbytery Assembly; Moderator of Presbyterian Women; the chair or co-chair\* from the following commissions/committees: Healthy Pastors and Congregations Commission, Commission on Preparation for Ministry, Committee on Nominations, Partners in Ministry Committee, Personnel Committee, Property, Finance, Investment and Funds Development Committee, and the Committee on Representation; and as an ex officio members, the Leader for Mission and Vision/Stated Clerk and the Treasurer. The immediate past Moderator shall serve as Chair.

\*If the commission/committee chair or co-chair is unable to attend for an extended period, a permanent designee may be elected by the entity.

#### QUORUM

The quorum is a majority of the members.

#### FUNCTION

1. Practicing spiritual disciplines in reflecting on what God is doing and how God is present in our presbytery
2. Receiving feedback from the Presbytery Assembly as to direction, ministry and function
3. Offering feedback regularly to the commissions and committees and ministries in their work, as well as to the Presbytery
4. Providing nominees to serve on the Committee on Nominations to the Presbytery Assembly as needed
5. Receive and review from the Property, Finance, Investment and Funds Development Committee an annual budget for the Presbytery Assembly's operating expenses and submit the budget to the Presbytery Assembly for approval.
6. Shape and give substance to Presbytery Assembly meetings.
7. Establish rules as needed for virtual meetings and email voting for entities of the Presbytery Assembly
8. Establish policy regarding conflicts of interest

## POWERS

The Presbytery Commission is empowered to consider and conclude the following matters on behalf of the Presbytery Assembly, within the provisions of G-3.0109b and any Policies regarding Administrative Commissions published by the Presbytery Assembly. The decisions of the Presbytery Commission shall be reported to the Stated Clerk, who shall report it to the Presbytery Assembly at its next stated meeting. The Presbytery Assembly may rescind or amend an action of the Presbytery Commission.

1. The Presbytery Commission is granted authority to establish policy and/or rules documents related to:
  - a) A code of ethics for presbytery commissioners, presbytery commission, commission, committee and team members
  - b) The use and conduct of virtual meetings for entities of the Presbytery Assembly
  - c) The use and conduct of email voting for entities of the Presbytery Assembly
  - d) Matters regarding conflicts of interest
2. Other matters as delegated during a meeting of the Presbytery Assembly.

## RELATIONSHIPS

Relates to all commissions, committees, teams and task forces and to the Council (Presbytery Assembly).

## REVIEW

Every three years, the Commission will evaluate its effectiveness and bring a recommendation to the Presbytery Assembly regarding its continuation as a Commission of the Presbytery Assembly.

## CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### HEALTHY PASTORS AND CONGREGATIONS COMMISSION

#### MISSION

The Mission of the Healthy Pastors and Congregations Commission (HPCC) is to

1. Serve as pastor and counselor to Ministers of the Word and Sacrament, ruling elders commissioned to pastoral service, and certified Christian educators of the Presbytery;
2. Facilitate the relations between the Presbytery and its congregations, Ministers of the Word and Sacrament, ruling elders commissioned to pastoral service, and certified Christian educators; and
3. Settle difficulties on behalf of the Presbytery where possible and expedient (G-3.0307).

#### VISION STATEMENT

The Healthy Pastors and Congregations Commission's vision is that the Presbytery of Riverside will foster healthy pastors and congregations, and that the relationships among pastors, congregations, and the Presbytery will reflect the love of Jesus Christ and exhibit the Kingdom of God to the world.

#### COMPOSITION

The Healthy Pastors and Congregations Commission is composed of eighteen (18) members, consisting of approximately equal numbers of Ministers of the Word and Sacrament and ruling elders. The Presbytery Leader for Mission and Vision/Stated Clerk shall serve as an ex-officio member without vote.

#### QUORUM

The quorum shall be a majority of the members.

FUNCTION (See the Healthy Pastors and Congregations Policy for details)

1. Oversee and provide for pastoral care to all Minister of the Word and Sacrament members of the Presbytery
2. Oversee and provide for pastoral care to all chartered congregations, and all fellowships of the Presbytery founded prior to 2012.
3. Oversee all pastoral transitions and all pastoral search processes in the Presbytery, including approval of Ministry Information Forms, and the provision of pastoral interview teams.
4. Receive and approve pastoral calls and contracts.
5. Evaluate for need and provide resources to assist all worshipping communities in maintaining pastoral leadership.

6. Exercise wise discretion in determining when to take cognizance of information concerning difficulties within a congregation, and provide mediation resources to pastors and congregations as needed.
7. Visit regularly and consult with each Minister of the Word and Sacrament, chaplain or CLP performing work under the jurisdiction of the Presbytery Assembly.
8. Require an annual report from Ministers of the Word and Sacrament performing work not under the jurisdiction of the Presbytery or higher governing council.
9. Make recommendations to the Presbytery Assembly regarding calls of Ministers of the Word and Sacrament who are transferring into the Presbytery. If Presbytery is not meeting within sixty (60) days, the, HPCC may approve the call, and report to the next Presbytery Assembly meeting. If the candidate is approved, the church may issue the call, and the HPCC will introduce the new member at the next regular Presbytery meeting.
10. Review and recommend to Presbytery compensation for Ministers of the Word and Sacrament.
11. Annually review and recommend to Presbytery minimum pastoral compensation and benefits.
12. Review all pastoral calls and contracts annually for meeting Presbytery minimums and adequacy of compensation.
13. Annually review and recommend to Presbytery minimum honorariums for providing pulpit supply.
14. Annually review and approve the pulpit supply list.
15. Review and make recommendations to Presbytery concerning its Sexual Misconduct: Prevention and Response Policy. Nominates for Presbytery election six (6) members, including the chair, of the Sexual Misconduct Team, and monitors its training events and other activities.
16. Provide for the implementation of equal opportunity employment of Ministers of the Word and Sacrament and certified Christian educators.
17. Ensure that a Holy Conversation Team will visit each pastor and church, fellowship or worshipping community every two years. Each Holy Conversation Team will be composed of the HPCC liaison who will choose a second HPCC member and one PIM committee representative, appointed by the PIM committee. These conversations will give pastors and congregations an opportunity to share their mission, dreams and concerns, and for team and congregation to pray for one another. The team can also be a conduit of information to the congregation, and from the congregation to relevant Presbytery entities.
18. Ensure that Administrative Commissions to ordain and/or install pastors are organized and taken to Presbytery for approval.

## POWERS

The Presbytery of Riverside Assembly commissions this body with the authority of Presbytery to take the following actions, and report such to the next meeting of Presbytery:

1. To dissolve pastoral relationships in cases where the congregation and the Minister of the Word and Sacrament concur. If mediation is not successful in bringing about concurrence

regarding dissolution of a pastoral relationship, the Commission's recommendations to resolve the dispute shall be brought to a meeting of the Presbytery Assembly.

2. To grant permission to a Minister of the Word and Sacrament to labor within or outside the bounds of the Presbytery.
3. To dismiss Ministers of the Word and Sacrament to other presbyteries, as long as no hindrance to the transfer exists.
4. To approve all pastoral relationships when the Minister of the Word and Sacrament is currently a member of the Presbytery.
5. To approve the calls of Ministers of the Word and Sacrament who are transferring into the Presbytery on occasions when the call is to be issued more than sixty (60) days before a Presbytery Assembly meeting. In such cases the HPCC shall report the action and introduce such new members at the next Presbytery Assembly meeting.
6. To appoint a moderator for a session whenever there is a vacancy.
7. To call a special meeting of a session or congregation, when necessary, when a church is in conflict.
8. Pursuant to G-2.0503 and G-3.0306, to validate particular ministries within the bounds of the Presbytery, and review annually the work of all Ministers of the Word and Sacrament engaged in validated ministries outside a congregation.
9. To annually review and approve requests concerning the administration of sacraments by Ministers of the Word and Sacrament not occupying installed positions with a particular congregation.
10. To take special oversight of churches without pastors, including the authority to identify and train ruling elders to preside for celebrations of the Lord's Supper.
11. To nominate to the Presbytery Assembly administrative commissions to ordain and/or install pastors.

## RELATIONSHIPS

The chair or co-chair shall serve on the Presbytery Commission.

## REVIEW

Every three years, the Commission will evaluate its effectiveness and bring a recommendation to the Presbytery Assembly regarding its continuation as a Commission of the Presbytery Assembly.

## CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

**THE PRESBYTERY OF RIVERSIDE ASSEMBLY  
HEALTHY PASTORS AND CONGREGATIONS COMMISSION  
POLICY**

**PART I: PREFACE**

Pursuant to G-3.0301c, the presbytery has the responsibility and power to nurture the covenant community of Christ's disciples; "[t]his responsibility shall include ordaining, receiving, dismissing, installing, removing and disciplining its members who are Ministers of the Word and Sacrament; commissioning ruling elders to limited pastoral service; promoting the peace and harmony of congregations and inquiring into the sources of congregational discord; supporting congregations in developing the graces of generosity, stewardship and service; assisting congregations in developing mission and participating in the mission of the whole church; taking jurisdiction over the members of dissolved congregations and granting transfers of their membership to other congregations; warning and bearing witness against error in doctrine and immorality in practice within its bounds; and serving in judicial matters in accordance with the Rules of Discipline."

Pursuant to G-3.0306, the "presbytery determines the Ministers of the Word and Sacrament who are its members and validates the ministries in which they are to be engaged. It shall be guided in this determination by written criteria developed by the presbytery for validating ministries within its bounds (G-2.0503a).

"The presbytery shall examine each Minister of the Word and Sacrament or candidate who seeks membership in it on his or Christian faith and views in theology, the Sacraments, and the government of this church.

"The presbytery may designate Ministers of the Word and Sacrament to work as teachers, evangelists, administrators, chaplains, and in other forms of ministry recognized as appropriate by the presbytery. Those so designated may administer Sacraments at times and places authorized by the presbytery."

Pursuant to G-3.0307, [i] "Presbyteries shall be open at all times to communication regarding the life and ministry of their congregations." To that end each presbytery [ii] "shall develop and maintain mechanisms and processes to serve as pastor and counselor to Ministers of the Word and Sacrament, ruling elders commissioned to pastoral service, and certified Christian educators of the presbytery; to facilitate the relations between the presbytery and its congregations, Ministers of the Word and Sacrament, ruling elders commissioned to pastoral service, and certified Christian educators; and to settle difficulties on behalf of the presbytery where possible and expedient."

In order to accomplish this pastoral work within the Presbytery of Riverside [hereinafter, "Presbytery"], a Healthy Pastors and Congregations Commission shall be elected. Its primary objective is to ensure the health of both pastors and congregations through promoting the peace and harmony of the churches, especially with regard to matters arising out of the relations between Ministers of the Word and Sacrament and congregations. Its purpose shall be to mediate differences and reconcile persons, to the end that the difficulties may be corrected by the appropriate governing councils if possible, that the welfare of particular congregations be strengthened, and that the unity of the body of Christ may be made manifest.

## **PART II: RESPONSIBILITIES**

**A.** The Healthy Pastors and Congregations Commission shall be open at all times to communication with and shall oversee and provide pastoral care for Ministers of the Word and Sacrament, ruling elders commissioned to a particular pastoral service, ruling elders serving as members of a session or other governing council, and certified Christian Educators within the bounds of the Presbytery.

**B.** The Healthy Pastors and Congregations Commission shall exercise wise discretion in determining when to take cognizance of information concerning difficulties within a particular church, proceeding with the following steps:

1. It may take the initiative to bring the information to the attention of the session of the church involved, counseling with the session as to the range of appropriate accounts to be taken to correct the situation and restore peace and unity.

2. It may offer its help as a mediator in case the session either finds itself unable to settle problems peaceably or takes no steps toward settlement of the difficulties.

3. It may act to correct the difficulties if requested to do so by the concerned parties, or recommend that action be taken by the Presbytery.

**C.** The Healthy Pastors and Congregations Commission shall visit regularly and consult with each Minister of the word and Sacrament, chaplain or CLP performing work under the jurisdiction of the Presbytery Assembly. It shall annually report to the Presbytery Assembly the status and type of work in which each Minister of the Word and Sacrament is engaged. It shall require an annual report from each Minister of the Word and Sacrament performing work which is not under the jurisdiction of the Presbytery or a higher governing council of the church.

**D.** The Healthy Pastors and Congregations Commission shall make recommendations to the Presbytery Assembly regarding calls for the services of Ministers of the Word and Sacrament. Every call for the services of a Minister of the Word and Sacrament or candidate in a pastoral relationship shall be the Commission's responsibility to present to the Presbytery Assembly, with a report as to the call being in order and a recommendation as to whether the call should be placed in the hands of the Minister of the Word and Sacrament or candidate. Every application on behalf of a Minister of the Word and Sacrament for Presbytery membership shall be the Commission's responsibility to review and make a recommendation to the governing council before its vote on the application. Every request by a Minister of the Word and Sacrament [or certified Christian educator] for approval to labor at a task appropriate to the ministry, though not a pastoral relationship with a particular church congregation, shall be made to the Commission, which shall review and report to the governing council with recommendation for the Presbytery Assembly's action.

**E.** The Healthy Pastors and Congregations Commission shall annually review and set minimum compensation and salary guidelines for Ministers of the Word and Sacrament called to a pastoral ministry to congregations and fellowships within the Presbytery, including matters concerning vacation time and ministerial study leave.

**F.** The Healthy Pastors and Congregations Commission shall annually review and make recommendations to the Presbytery Assembly concerning its Sexual Misconduct: Prevention and



Response Policy, including Ministers of the Word and Sacrament' attendance at certified awareness education programs as required by the policy. It shall nominate members to the team, including the chair, and provide training for the Presbytery's Sexual Misconduct Response Team [SMRT].

**G.** The Healthy Pastors and Congregations Commission shall provide for the implementation of equal opportunity employment for Ministers of the Word and Sacrament and candidates without regard to race, ethnic origin, sex, age, marital status or disability. In the case of each call, it shall report to the Presbytery Assembly the steps in this implementation taken by the calling congregation.

**H.** Through its Holy Conversations Teams the Healthy Pastors and Congregations Commission shall visit with the session or governing council of each congregation, and fellowships founded prior to 2012 within the Presbytery at least once every two years, discussing with them the mission and ministry of the particular church and encouraging the full participation of each governing council and congregation in the life and work of Presbytery and of the larger church. Each Holy Conversation Team will be composed of the church liaison, another member of the HPCC chosen by the liaison, and a member of the Partners in Ministry Committee, who will be appointed by the PIMC.

**I.** The Healthy Pastors and Congregations Commission shall counsel with churches and fellowships regarding calls for installed pastoral relations, visiting and counseling with every committee elected to nominate a pastor, co-pastor or associate pastor. It shall advise such search committee regarding the merits, availability and suitability of any candidate or Minister of the Word and Sacrament whose name is contemplated for nomination to the congregation, and may have the privilege of suggesting names to the committee. No call to a permanent pastoral relationship shall be in order for consideration by the Presbytery Assembly unless the church has received and considered HPCC's counsel before action is taken to issue a call, pursuant to G-2.08 et seq. A call to an installed pastoral relationship for Minister of the Word and Sacrament members of the Presbytery should not be issued until it has been approved by the Healthy Pastors and Congregations Commission; any call extended by a congregation prior to approval by the Healthy Pastors and Congregations Commission shall be considered as contingent pending HPCC, and as appropriate, Presbytery Assembly or Presbytery Commission approval.

**J.** The Healthy Pastors and Congregations Commission shall counsel with sessions regarding temporary pastoral relationships [G-2.0504b] including interim pastors, interim co-pastors and interim associate pastors, and temporary supplies when a church is without a pastor. It shall provide lists of Ministers of the Word and Sacrament and ruling elders commissioned to particular pastoral service to supply vacant pulpits.

**K.** The Healthy Pastors and Congregations Commission shall make recommendations to the Presbytery Assembly regarding calls for the services of Ministers of the Word and Sacrament transferring into the Presbytery. If the Assembly is not meeting within sixty (60) days, the HPCC may approve the call and report its action at the next Presbytery Assembly meeting. If the candidate is approved, the church may issue a call, and the HPCC will introduce the new member at the next Presbytery meeting.

**L.** The chair or co-chair of the HPCC shall serve on the Presbytery Commission.

### **PART III: MEMBERSHIP**

**A.** The Healthy Pastors and Congregations Commission shall be composed of eighteen (18) members, consisting of approximately equal numbers of Ministers of the Word and Sacrament and ruling elders, bearing in mind the principles of unity in diversity [F-1.0403]. The Presbytery Leader for Mission and Vision/Stated Clerk of Presbytery shall serve as an *ex-officio* member, without vote.

**B.** Commission membership shall be divided into three separate classes of six individuals. One class shall be elected annually to serve a three-year term. Vacancies may be filled to complete a term by election of individuals at any regular meeting of the Presbytery Assembly. No member shall serve for consecutive terms, either full or partial, aggregating more than six years. A member having served a total of six years shall be ineligible for reelection for at least one year.

**C.** Annually the Presbytery Assembly shall elect one Commission member to act as the Moderator.

**D.** A quorum at any meeting shall consist of a majority of the current elected and voting members of the Committee, in no instance may a quorum consist of less than eight [8] members.

### **PART IV: POWERS**

Pursuant to G-3.0307 [iv], the Presbytery of Riverside commissions the Healthy Pastors and Congregations Commission with the authority of the Presbytery Assembly to take the following actions, and report such to the next meeting of the Presbytery Assembly:

1. To dissolve pastoral relationships in cases where the congregation and the Minister of the Word and Sacrament concur. If mediation is not successful in bringing about concurrence regarding dissolution of a pastoral relationship, the Committee's recommendations to resolve the dispute shall be brought to a meeting of the Presbytery.
2. To grant permission to a Minister of the Word and Sacrament to labor within or outside the bounds of the Presbytery.
3. To dismiss Ministers of the Word and Sacrament to other presbyteries, as long as no hindrance to the transfer exists.
4. To approve all temporary pastoral relationships, including, but not limited to, Temporary Supply Pastor, Interim Pastor, Transitional Pastor, Interim Associate Pastor or Interim Co-Pastor, when the Minister of the Word and Sacrament is currently a member of the Presbytery. Subject to confirmation at the Presbytery's next meeting, to approve all such temporary pastoral relationships, when the Minister of the Word and Sacrament is not currently a member of the Presbytery.
5. To approve all calls to installed pastoral relationships involving members of the presbytery. To make recommendations to the Presbytery Assembly regarding the services of Ministers of the Word and Sacrament who are transferring into the presbytery. If the Assembly is not meeting within sixty (60) days, to approve the call and report to the next Presbytery Assembly meeting.

6. To appoint a moderator for a session whenever there is a vacancy.
7. To call a special meeting of a session or congregation, when necessary, when a church is in conflict or the church is otherwise unable to function.
8. Pursuant to G-2.0503 and G-3.0306, to validate particular ministries within the bounds of the Presbytery, and review annually the work of all Ministers of the Word and Sacrament engaged in validated ministries outside a congregation.
9. To annually review and approve requests concerning the administration of sacraments by Ministers of the Word and Sacrament not occupying installed positions with a particular congregation.
10. To take special oversight of churches without pastors, including the authority to identify and train ruling elders, to preside for celebrations of the Lord's Supper.
11. To nominate for Presbytery Assembly approval the Sexual Misconduct Response Team, including the Moderator.
12. To approve data entry into and information exchange within the Church Leadership Connection of the Presbyterian Church (U.S.A.).
13. To commission ruling elders, pursuant to G-2.10 et seq. of the Book of Order, to a particular validated ministry.
14. Pursuant to Part V, below, to conduct clearance examinations of Ministers of the Word and Sacrament seeking membership in the Presbytery.
15. In the absence of a Presbytery Leader for Mission and Vision/Stated Clerk, the HPCC Chair is empowered to conduct reference checks on Ministers of the Word and Sacrament seeking membership in the Presbytery. Likewise, in the same absence, required-for-membership criminal, motor vehicle, and credit background checks will be conducted by a staff member to be determined by the Personnel Committee Chair.

## **PART V: CLEARANCE EXAMINATIONS**

Pursuant to G-2.0104b and G-3.0306, an individual seeking ordination and/or installation as a Minister of the Word and Sacrament in the Presbytery shall be examined by a sub-committee organized by the church's HPCC liaison consisting of no less than two [2] Ministers of the Word and Sacrament and two [2] ruling elders who are current or former members of the Healthy Pastors and Congregations Commission with respect to the individual's calling, preparation, gifts and suitability for the responsibilities of ordered ministry, including the candidate's written Statement of Faith. A report of the sub-committee's conclusions shall be presented to the Healthy Pastors and Congregations Commission, along with the candidate's written Statement of Faith. Nothing in this policy shall preclude, pursuant to G-2.0104b, examination of the individual by any member of the Presbytery at the Assembly meeting in which the individual is presented for approval prior to a vote of the council.

**THE PRESBYTERY OF RIVERSIDE ASSEMBLY  
HEALTHY PASTORS AND CONGREGATIONS COMMISSION  
POLICY ON PASTORAL RELATIONSHIPS**

**I. Book of Order**

The relevant provisions of the *Book of Order* are:

G-2.0504: *Pastoral Relationships.* When Ministers of the Word and Sacrament are called as pastor, co-pastor, or associate pastor of a congregation, they are to be responsible for a quality of life and relationships that commends the gospel to all persons and that communicates its joy and justice. They are responsible for studying, teaching, and preaching the Word, for celebrating Baptism and the Lord's Supper, and for praying with and for the congregation. With the ruling elders, they are to encourage people in the worship and service of God; to equip and enable them for their tasks within the church and their mission in the world; to exercise pastoral care, devoting special attention to the poor, the sick, the troubled, and the dying; to participate in governing responsibilities, including leadership of the congregation in implementing the principles of participation and inclusiveness in the decision-making life of the congregation, and its task of reaching out in concern and service to the life of the human community as a whole. With the deacons they are to share in the ministries of compassion, witness, and service. In addition to these pastoral duties, they are responsible for sharing in the ministry of the church in councils higher than the session and in ecumenical relationships.

G-2.0504a: *Installed Pastoral Relationships.* The installed pastoral relationships are pastor, co-pastor, and associate pastor. A Minister of the Word and Sacrament may be installed in a pastoral relationship for an indefinite period [hereinafter, "traditional call" or "traditional pastor" or "indefinite term pastor" ] or for a designated term determined by the presbytery in consultation with the congregation and specified in the call [hereinafter, "designated call" or "designated pastor" or "designated associate pastor"]. When a congregation determines that its strategy for mission under the Word so requires, the congregation may call additional pastors. Such additional pastors shall be called co-pastors or associate pastors, and the duties of each pastor and the relationship between the pastors of the congregation shall be determined by the session [and memorialized in writing] with the approval of the presbytery. When a congregation has two pastors serving as co-pastors, and the relationship of one of them is dissolved, the other remains as pastor. The relationship of an associate pastor to a congregation is not dependent upon that of a pastor. An associate pastor is ordinarily not eligible to be the next installed pastor of that congregation.

G-2.0504b: *Temporary Pastoral Relationships.* Temporary pastoral relationships are approved by the presbytery and do not carry a formal call or installation. When a congregation does not have a pastor, or while the pastor is unable to perform her or his duties, the session, with the approval of presbytery, may obtain the services of a Minister of the Word and Sacrament, candidate, or ruling elder in a temporary pastoral relationship. No formal call shall be issued and no formal installation shall take place.

Titles and terms of service for temporary relationships shall be determined by the presbytery. A person serving in a temporary pastoral relationship is invited *for a specified period not to exceed twelve months in length*, which is renewable with the approval of the

presbytery. A Minister of the Word and Sacrament employed in a temporary pastoral relationship is ordinarily not eligible to serve as the next installed pastor, co-pastor, or associate pastor.

G-2.0504c: *Exceptions.* A presbytery may determine that its mission strategy permits a Minister of the Word and Sacrament currently called as an Associate Pastor to be eligible to serve as the next installed pastor or co-pastor, or a Minister of the Word and Sacrament employed in a temporary pastoral relationship to be eligible to serve as the next installed pastor, co-pastor, or associate pastor. Presbyteries that permit this eligibility shall establish such relationships only by a three-fourths vote of the members of presbytery present and voting.

## **II. Policies of the Presbytery of Riverside**

The Presbytery Assembly's Healthy Pastors and Congregations Commission [HPCC] is commissioned to work with congregations throughout the process of seeking installed pastoral leadership, and with sessions throughout the process of seeking temporary pastoral leadership. HPCC should review and provisionally approve all proposed installed pastoral relationships and temporary pastoral relationships prior to their presentation to the congregation or session, respectively, for approval.

### **A. Installed Pastoral Relationships**

#### **1. Traditional Pastoral Relationships**

- a. A pastor, co-pastor, or associate pastor is elected by the congregation for an unspecified term following an open search by a representative pastor nominating committee [PNC, CPNC or APNC] elected by the congregation.
- b. The HPCC provides a liaison to work closely with the search process.
- c. Following election by the congregation and approval of the call by the Presbytery Assembly, the pastor, co-pastor, or associate pastor is installed to the appropriate position by the Presbytery.

#### **2. Designated Pastoral Relationships.**

- a. A designated pastor, designated co-pastor or designated associate pastor [G-2.0504a, *above*] shall be elected for a term of not less than two years nor more than four years by a vote of the congregation. Such designated relationships may be renewed, with the approval of Presbytery, for additional terms.
- b. A proposed designated pastor shall be chosen by the congregation's pastoral nominating committee [PNC, CPNC or APNC] from a list of candidates approved by the Healthy Pastors and Congregations Commission.
- c. At the conclusion of a designated term, the session can 1) request renewal of the pastoral relationship for another designated term, 2) request conversion of the designated pastoral to a traditional installed relationship, pursuant to the process in subparagraph d, below, or 3) allow the designated relationship to expire and move to a temporary pastoral relationship while the congregation seeks a new installed pastor. Six months prior to the conclusion of a designated term, the session shall inform the Healthy Pastors and Congregations Commission which of the above-enumerated paths it chooses to pursue.
- d. After at least two years service in a designated position with a particular congregation, the session may petition the Healthy Pastors and Congregations

Commission for permission to call a special congregational meeting for the purpose of electing the designated pastor as the next traditional pastor. After receiving such a petition, HPCC or its commissioned representatives shall meet with the session no less than three times over the following six months before rendering a decision on the petition.

B. Temporary Pastoral Relationships.

1. Approved Categories of Temporary Pastor Relationships

- a. An ***Interim Pastor*** is a Minister of the Word and Sacrament invited by the session of a church without an installed pastor to preach the Word, administer the Sacraments and fulfill pastoral duties during the transition period while the church is seeking to identify its future mission and its next installed pastor. An interim pastor is not ordinarily eligible to serve as the next installed pastor, co-pastor or associate pastor.
  - 1) The session must select an interim pastor from a list of candidates approved by the Healthy Pastors and Congregations Commission.
  - 2) The session may not secure or dissolve the relationship with an interim pastor without the concurrence of the presbytery through the Healthy Pastors and Congregations Commission.
  - 3) The Presbytery Assembly [or HPCC acting on behalf of Presbytery, if appropriate] must approve the invitation to an Interim Pastor and may require that the Interim become a member of the Presbytery if not already a member.
  - 4) Interim pastors should have received, or be willing to receive, specialized training in the field of interim ministry, separation ethics, Presbyterian polity and the developmental tasks which the congregation needs to accomplish during this transitional period.
  - 5) The developmental tasks for the congregation during the interim period include, but are not limited to, 1) Coming to Terms with History, 2) Discovering a New Identity, 3) Examination of Denominational Linkages, 4) Examination of Congregational Leadership and Organization, and 5) Commitment to New Leadership and a New Future.
- b. A ***Stated Supply Pastor*** is a Minister of the Word and Sacrament who for particular reasons is not installed but approved to serve as the long-term pastor subject to annual renewal of the covenant agreement to perform the functions of a pastor at a particular congregation. The session shall seek the counsel of presbytery through its Healthy Pastors and Congregations Commission before securing the services of a stated supply pastor.
- c. A ***Temporary Supply Pastor*** may be a Minister of the Word and Sacrament, as candidate, a commissioned ruling elder, or an elder secured by the session to conduct services for a period ordinarily not to exceed three months when there is no pastor or the pastor is unable to perform pastoral duties. A Temporary Supply Pastor may be particularly assigned when the pulpit becomes vacant because of the absence, death, disability, loss or removal of a pastor. The session shall seek



the counsel of presbytery through its Healthy Pastors and Congregations Commission before securing the services of a temporary supply pastor.

- d. An **Organizing Pastor** is a Minister of the Word and Sacrament appointed by the presbytery to serve as pastor to a group of people who are in the process of organizing a new Presbyterian congregation. The relationship as organizing pastor shall terminate when the new church is formally organized into the Presbytery [G-1.0201]. At the time of formal organization into the Presbytery of Riverside, the new church may, with the approval of the Presbytery Assembly, call the organizing pastor as its first installed pastor, without being required to elect a pastoral nominating committee [PNC] and conduct a pastoral search; or alternatively, it may chose to elect a PNC and conduct a pastoral search.
  - e. A **Parish Associate** is a Minister of the Word and Sacrament who serves in some validated ministry other than the local congregation, is a member-at-large, or is retired, and who wishes to maintain a relationship with a particular church within the Presbytery.
    - 1) An installed pastor, with the concurrence of the session, may nominate a parish associate for approval by the Healthy Pastors and Congregations Commission.
    - 2) The parish associate shall be responsible to the pastor, as head of staff, on an “as needed/as available” basis.
    - 3) The parish associate relationship shall exist for no more than twelve months, and is renewable. Any form of compensation is to be set out in writing by the session at the commencement of the relationship, prior to seeking Healthy Pastors and Congregations Commission approval.
    - 4) The parish associate relationship shall cease with the dissolution of the church’s relationship with the installed pastor.
2. When a stated or temporary pastoral relationship has been in place for three years, the session and the Healthy Pastors and Congregations Commission shall meet to determine where the church is moving with regard to pastoral leadership.
    - a. If the congregation *is not ready for an installed pastor*, the process shall inform the specific area(s) of concern. The session may then request either renewal of the stated or temporary pastoral relationship, or termination of the present relationship and a new stated or temporary pastor be sought.
    - b. If the congregation *is ready* to call a pastor, the session may choose to proceed in one of the following ways:
      - 1) The session may choose to renew the service of the stated or temporary pastor on an annual basis;
      - 2) The session may vote by a simple majority to recommend to the congregation that an open search process be started.
      - 3) By a three-fourths majority vote of the entire session, session may recommend to the congregation that the congregation elect the session to serve as the pastor nominating committee to consider whether or not to

present the stated or temporary pastor's name as the candidate for pastor. In such cases, the HPCC shall provide a Moderator for the congregational meeting. If the congregation votes not to authorize the session to serve as the PNC, the process reverts to an open search. If the congregation votes to elect the session as PNC, the session shall meet with the stated or temporary pastor and HPCC liaison to determine if there are any reasons why the stated or temporary pastor's name should not be presented to the congregation as a candidate for installed pastor. If the session decides not to present the stated or temporary pastor as the candidate, it shall then recommend an open search process and the election of a PNC; the stated or temporary pastoral relationship will be terminated, and alternate pastoral services will be secured for the period of the search.

3. In all stated or temporary pastoral relationships, a written agreement or covenant, specifying the pastoral functions and duties, compensation and any special skills or training required by the ministry, shall be signed by the stated or temporary pastor, the Clerk of Session, the chair of the Healthy Pastors and Congregations Commission and the Stated Clerk of Presbytery.
4. A stated or temporary pastor is not a member of the session. The Healthy Pastors and Congregations Commission shall appoint a moderator of the session who may be the stated or temporary pastor.



**THE PRESBYTERY OF RIVERSIDE ASSEMBLY  
HEALTHY PASTORS AND CONGREGATIONS COMMISSION  
SALARY ASSISTANCE POLICY**

**A. PURPOSE**

The Salary Assistance Plan should

1. Provide a way whereby every church in the Presbytery served by a full-time pastor can be assured of being able to pay the Presbytery's minimum salary for its pastor.
2. Provide emergency support to churches experiencing financial difficulties and are temporarily unable to fulfill the financial commitment stipulated in the call or contract with a pastor.

**B. PROCESS**

1. Salary Assistance may be available for called pastors, associate pastors, commissioned local pastors, and temporary pastors. A congregation needing assistance may submit an application form to the Healthy Pastors and Congregations Commission, indicating the completion of a stewardship program or special appeal, a budget for the current year, income and expenditures and documentation of its specific needs.
2. Funds for Pastoral Salary Assistance will be paid from Presbytery reserves designated for that purpose.
3. Churches within the Presbytery will be requested to voluntarily contribute .75 percent of their total annual operating budget to the Salary Assistance Plan.
4. The Healthy Pastors and Congregations Commission will determine the dispersal of funds.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### COMMISSION ON PREPARATION FOR MINISTRY

#### MISSION

The Commission on Preparation for Ministry serves to ensure adequate preparation for those people seeking to be ordained as Ministers of the Word and Sacrament (G-2.0601, G-2.0605). The Commission on Preparation for Ministry also serves to ensure adequate preparation for those people seeking to be commissioned as local pastors and local chaplains. (Presbytery of Riverside Policy for Commissioned Local Pastors and Commissioned Local Chaplains).

#### COMPOSITION

The Commission shall be composed of nine (9) members, at least three (3) Ministers of the Word and Sacrament and at least three (3) ruling elders.

#### FUNCTION

1. To serve as Presbytery's instrument for providing oversight of inquirers and candidates for ordination as Ministers of the Word and Sacrament, and oversight of seekers and learners for commissioning as local pastors and local chaplains. This includes recommending people to come under care as inquirers, candidates, and readiness for ordination, and recommending people to come under care as seekers, learners, and readiness for commissioning.
2. To serve as Presbytery's instrument for instructing Sessions on their role in the inquirers and candidates process, and in the seekers and learners process, according to written policy and procedure developed by the commission and adopted by the Presbytery Assembly.
3. To consult periodically with inquirers and candidates, seekers and learners, about their progress in education, spiritual development, field work, interpersonal relations, and personal growth, and help them to navigate the steps to ordination or commissioning.
4. To support through prayer and conversation, Inquirers and Candidates, Seekers and Learners, under care as they discern their call to ministry.

#### POWERS

1. The Commission on Preparation for Ministry is granted authority, when all pertinent requirements have been met, to enroll inquirers and seekers, and to dismiss inquirers and candidates for ministry to other presbyteries and report these actions to the next stated meeting of the Presbytery Assembly.
2. The Commission shall receive applications from Inquirers seeking to enter the Candidacy phase of discernment after at least one year enrolled as an Inquirer and, following the

endorsement of the Session of the Inquirer's home congregation and receipt of the appropriate application forms from the Inquirer, shall interview the Inquirer and decide to recommend or not recommend that the Inquirer be examined by the Presbytery Assembly in order to be approved for Candidacy. The Presbytery Assembly shall examine the Inquirer on his/her personal faith, sense of call, and forms of Christian service. If the vote of the Presbytery Assembly is positive, the person under care enters the Candidacy phase as of the date of the vote.

3. Only after completion of all requirements, and in conversation with the Commission on Preparation for Ministry, a person who has been in the Candidacy phase for at least one year may be examined by the CPM and certified ready for examination by the Presbytery Assembly for ordination, pending a call. If the Commission votes in the affirmative, a Candidate is certified ready for examination by the Presbytery Assembly for ordination, pending a call, and receives the approval of the Commission to complete and circulate a Personal Information Form.
4. In approved circumstances, the Commission on Preparation for Ministry will present a Candidate to the Presbytery Assembly for examination for ordination on behalf of a calling presbytery.
5. Actions related to individuals who are deemed to have met the requirements for ordination by "extraordinary" means under G-2.0610 shall be referred to the Presbytery Assembly, where, in accord with that provision, approval shall require a three-fourths vote of the Presbytery Assembly.
6. The Commission on Preparation for Ministry shall appoint ruling elders and Ministers of the Word and Sacrament to serve as the Presbytery of Riverside's readers of examinations for candidates for ordination.

## RELATIONSHIPS

The Commission may relate to the Healthy Pastors and Congregations Commission in the case of a candidate who is transferring into this Presbytery to be ordained as a Minister of the Word and Sacrament.

The chair or co-chair shall serve on the Presbytery Commission.

## POLICIES AND PROCEDURES

The Commission is guided by the policies set forth in the Book of Order (G-2.0601, G-2.0605) and the Preparation for Ministry Manual provided by the Office of the General Assembly.

## REVIEW

Every three years, the Commission will evaluate its effectiveness and bring a recommendation to the Presbytery Assembly regarding its continuation as a Commission of the Presbytery Assembly.

## CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

**PRESBYTERY of RIVERSIDE ASSEMBLY  
COMMISSION ON PREPARATION FOR MINISTRY  
POLICY FOR  
COMMISSIONED LOCAL PASTORS/COMMISSIONED LOCAL CHAPLAINS**

**AUTHORITY**

The Commissioned Local Pastor (CLP – formerly called a Commissioned Ruling Elder or CRE) Program of the Presbytery of Riverside has been developed in accordance with the provisions in the *Book of Order (G-2.10)*. The rationale for calling this position a Commissioned Local Pastor/Commissioned Local Chaplains is that 1) all Ruling Elders are “commissioned” to serve Christ’s church and 2) ordained people are not actually “Lay People”.

The purpose of the Program is to prepare and commission ruling elders who have been trained for preaching and pastoral commissions at places of need within the Presbytery. The Policy for Commissioned Local Pastors or Chaplains provides guidelines to attract, discover, train, counsel and support qualified ruling elders to provide leadership, nurturing and service to member congregations and other service opportunities within Presbytery of Riverside.

**COMMISSIONED LOCAL PASTOR**

A Commissioned Local Pastor or a Commissioned Local Chaplain is a full-time or part-time, salaried or volunteer ruling elder interested in lay ministry, affirmed by his or her session, and trained and commissioned by Presbytery to be a preacher or pastor for a particular congregation or validated ministry in the Presbytery. CLPs or CLCs are not ordained ministers, as are Ministers of the Word and Sacrament, but have been previously ordained as ruling elders by a session. They are commissioned only to a particular congregation or a validated ministry in the Presbytery of Riverside for a specific term at the end of which the commission ends. Therefore: 1) They shall follow a separate “track” from those seeking ordination to the Office of Minister of Word and Sacrament. The track presented is Seeker, Learner, and Commissioned. 2) Requirements and preparation are different from ordination, not requiring the same level of knowledge and training. (Once commissioned, CLPs and CLCs may be called: “Pastor” or “Chaplain” by their congregations, institutions, communities and the Presbytery of Riverside. But in the PCUSA usually the honorific “the Reverend” is restricted to the Office of Minister of Word and Sacrament. A CLP’s ability to preach, teach and lead worship is seen as much as gifts of the Spirit developed through experience and practice as academic training. Consequently, we present competency more than credentials as a basis for commissioning. This competency is to be understood in light of the place of local commissioning and not of the whole church. The presbytery through its Commission on Preparation for Ministry (CPM) understands that often the field of ministry is already present.

**COMMISSIONED LOCAL PASTOR OR COMMISSIONED LOCAL CHAPLAIN PROGRAM**

The Presbytery of Riverside has designated the Commission on Preparation for Ministry (CPM) to prepare those called to serve as Commissioned Local Pastors or Commissioned Local Chaplains and shall evaluate the effectiveness of the training. The purpose is to prepare ruling elders who are members of churches in the Presbytery of Riverside to preach, teach, and lead worship as well as to develop skills to serve as a resource for other church

and institutional programs.

The CPM is responsible for the selection of applicants and the training and the examination of candidates. The CPM is also responsible for approving the candidate as ready to accept a position as a Commissioned Local Pastor. The Healthy Pastors and Congregations Commission (HPCC) is responsible for authorizing the placement and commissioning. The CPM and the HPCC consider the CLP Program a further means of fulfilling its commitment to see that all churches within the bounds of the Presbytery of Riverside have the best possible leadership in ministry.

## **QUALIFICATIONS**

Ordinarily, the qualifications for acceptance into the program shall be that the individual:

1. senses that he or she has a call to ministry.
2. is a member in good standing of a congregation in the Presbytery of Riverside for a minimum of six months.
3. has been an ordained elder in the PC(USA) for at least two years.
4. holds a baccalaureate degree or its equivalent, except in certain cases approved by CPM. The CPM shall determine appropriate credit for post high school course work and life experience.
5. possesses recognized leadership ability.
6. is endorsed by the session of the congregation where he or she is a member.
7. is recommended by three references, at least one of whom is a Minister of the Word and Sacrament and a member of the Presbytery of Riverside.
8. is willing to accept the care and guidance of a mentor appointed by the presbytery.
9. submits a completed application that provides responses to all stated questions.

## **APPLICATION**

Qualified applicants must complete all sections of the “Commissioned Local Pastor or Commissioned Local Chaplain Program Application for Enrollment”. The applicant must also obtain the endorsement of their home session. Each applicant shall be interviewed and may be recommended by CPM for acceptance into the CLP/CLC program.

## **EDUCATION AND TRAINING**

All developmental and administrative aspects of the education of Commissioned Local Pastors/Commissioned Local Chaplains shall be the responsibility of the CPM. The CLP/CLC curriculum shall be designed to prepare Commissioned Local Pastors to lead congregations and Commissioned Local Chaplains to lead validated ministries in all aspects of service to God and each other. The student shall be instructed in Bible, Reformed Theology and Sacraments, Presbyterian Polity, Preaching, leading Worship, Pastoral Care and Teaching.

## **EXAMINATION**

At the successful completion of all the coursework and following the desires of the student, an examination of the student shall be arranged by the CPM. The examination shall be scheduled at a time, place, and location and in a manner determined by the CPM.

The examination shall include, but not be limited to, questioning on the following items:

1. a statement of faith
2. an exegesis on a particular biblical passage (selected by CPM)
3. a sermon and a homiletical rationale based on the selected scripture reading.

The material shall be reviewed by the CPM and discussed with the candidate. In addition, the Scripture will be read and preached to the CPM. Input may also be offered or requested from the student's mentor or supervisor. Based on this discussion and examination:

1. The CPM may request that the material be revisited or rewritten.
2. The CPM may approve the candidate's readiness and preparedness to be a Commissioned Local Pastor.

After the CPM has approved the candidate as ready to be commissioned, the candidate may actively seek a position as a CLP/CLC. When commissioned, he/she comes under the supervision of the Presbytery through the HPCC.

## **COMMISSIONING**

The Presbytery shall do the commissioning of lay pastors and chaplains. Ordinarily, this commissioning shall take place at a stated meeting of the Presbytery. If other circumstances warrant, and if Presbytery approves, the commissioning may take place at another time and place. Refer to the *Book of Order* (G-2.1003; W-4.4003) for questions asked at the time of commissioning.

## **RESPONSIBILITY AND ACCOUNTABILITY**

The Commissioned Local Pastor or Commissioned Local Chaplain shall work under the supervision of a mentor who is assigned by the Healthy Pastors and Congregations Commission (HPCC) and is a Minister of the Word and Sacrament. The CLP/CLC shall comply with the polity of the Presbyterian Church (U.S.A.) and the bylaws of the church(es) or validated ministry being served. The CLP/CLC is expected to participate in continuing educational training experiences while commissioned.

**PRESBYTERY OF RIVERSIDE ASSEMBLY  
COMMISSION ON PREPARATION FOR MINISTRY  
COMMISSIONED LOCAL PASTORS/COMMISSIONED LOCAL CHAPLAINS  
Procedures Manual**

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**Introduction & Overview**

**Introduction**

The Presbytery of Riverside is committed to providing the best possible leadership to all churches and validated ministries within its bounds. Ministers of the Word and Sacrament ordinarily provide this leadership. However, one additional way of providing leadership is through the use of Commissioned Local Pastors/Commissioned Local Chaplains as provided in the *Book of Order*, G-2.1001

**This Manual**

This manual has been prepared to guide ruling elders seeking to become Commissioned Local Pastors/Commissioned Local Chaplains and to be a resource for the various committees of the Presbytery in the administration of the CLP/CLC program. It includes the policies, procedures, and forms developed by the Presbytery of Riverside to carry out the CLP/CLC program as outlined in the *Book of Order* and the Presbytery of Riverside “Policy for Commissioning Local Pastors/Commissioned Local Chaplains.” A person considering becoming a CLP/CLC and those responsible for administering the CLP/CLC program should familiarize themselves with the applicable sections in the *Book of Order* and the policy approved by the Presbytery of Riverside

### **Definition of a Commissioned Local Pastor/Commissioned Local Chaplain**

A Commissioned Local Pastor (CLP) or Commissioned Local Chaplain (CLC) is a ruling elder who has been an elder of a Presbyterian Church (U.S.A.) congregation for two years or more and a current member of a congregation of the Presbytery of Riverside for a minimum of six months. This person may serve as full time or part time, salaried or volunteer position. He or she has been called by God and affirmed by his or her Session and received appropriate training in accordance with the *Book of Order*, G-2.1002, and under the supervision of the Commission on Preparation for Ministry (CPM). The CLP/CLC is commissioned by the Presbytery to serve a particular congregation or validated ministry in the Presbytery of Riverside after being deemed certified ready to be commissioned, invited by the session of a congregation or other entity, recommended by Healthy Pastors and Congregations Commission (HPCC), and approved by the Presbytery Assembly.

### **Standards for Commissioned Local Pastor/Commissioned Local Chaplain**

Those being considered as CLP/CLCs shall follow these standards of faith and Christian life:

1. Belief in Jesus Christ as his or her Lord and Savior and acceptance, understanding of, and faithfulness to the questions and vows of a CLP/CLC. (*Book of Order*, W-4.4003)
2. Membership in the Presbyterian Church (U.S.A.) and faithful, regular participation in its worship and service.
3. Demonstrated leadership in the church as a ruling elder.
4. Demonstrated pastoral ability.
5. Commitment to personal spiritual growth through prayer, Bible reading and devotions.
6. Acceptance, understanding of, and faithfulness to the ethical standards of the Presbyterian Church (U.S.A.) and the Presbytery of Riverside.

### **Overview of the CLP/CLC Program**

Those persons seeking to become a CLP/CLC will follow a different track or program than those seeking ordination as Ministers of the Word and Sacrament. A layperson's ability to preach, teach and lead worship may be seen as a gift of the Spirit developed through experience, practice and formal training.

To further develop the gifts for service in a particular field of ministry, the Presbytery, through the CPM and HPCC, will guide the CLP/CLC candidate through a program of training and preparation for the service. For others who wish to attend training, but do not know how they are called to serve, the CPM and the CLP/CLC candidate will work together to prayerfully discern God's call for the individual.

The program track for a CLP/CLC is:

#### **Seeking Phase**

The individual seeking to become a CLP/CLC shall receive endorsement from the session of his or her own church and is evaluated and received by the CPM.



## **Learning Phase**

With the authorization, guidance and support of the CPM, the CLP/CLC candidate will engage in study and preparation for service as a CLP/CLC.

## **Commissioning Phase**

After completing the program of training, preparation, and discernment with the CPM, and after the CPM determines the CLP/CLC candidate is ready to receive a commission to a field of service or congregation, he or she will be recommended to the HPCC. At the recommendation of the HPCC and with the approval of the Presbytery, the CLPCLC will be commissioned to a particular congregation or validated ministry.

This manual is divided into three sections, and each section highlights the particular responsibilities of the HPCC, CPM, or persons in the three phases of the above process.

**Familiarity with the entire manual by all those involved is strongly recommended.**

## **CLP/CLCs Trained or Commissioned by Other Presbyteries**

If a CLP/CLC who has been trained or formally commissioned by another Presbytery seeks to be commissioned to a congregation or other validated ministry in the Presbytery of Riverside, the CPM will evaluate the training program and explore past ministerial experiences of the CLP/CLC candidate. The CPM will then interview the CLP/CLC candidate to determine if he or she has meets the standards established for training CLP/CLCs in the Presbytery of Riverside. Any discrepancies of training will be made up at the discretion of the CPM, prior to the recommendation of the CLP/CLC candidate to HPCC for recommendation to a congregation or validated ministry for commissioning by the Presbytery of Riverside.

## **THE SEEKING PHASE**

During this phase, a person, believing that he or she has been called by God to be a Commissioned Local Pastor (CLP) or Commissioned Local Chaplain (CLC), seeks validation of the call by his or her session and then by the Presbytery through the Commission on Preparation for Ministry (CPM). The process of examination followed will be similar to that of those seeking status as Inquirers in preparation for ordination as Ministers of the Word and Sacrament. (*Book of Order*, G-2.0601).

### **The CLP/CLC Candidate:**

1. After meeting with the Presbytery Leader for Mission and Vision/Stated Clerk or his/her designee, completes the Commissioned Local Pastor/Local Chaplain application form and presents this application to his or her Session for endorsement.
2. Completes a vocational and psychological assessment; has a background check completed by the Presbytery Leader for Mission and Vision/Stated Clerk.
3. Meets with the CPM for a review and approval to enter the process.

**The Session of the Home Church of the CLP/CLC:**

1. Examines the CLP/CLC candidate and recommends him or her to the CPM for further evaluation and preparation toward becoming a CLP/CLC;
2. Encourages, supports, and prays for the CLP/CLC candidate throughout his or her time of preparation for service;
3. May offer to provide financial assistance to the CLP/CLC candidate for class work or study; and
4. May offer opportunities for service and preparation for ministry through working in the congregation under the supervision of the pastor(s).

**The Presbytery CPM:**

1. Provides materials to congregations to help ruling elders consider pursuing CLP/CLC training and commissioning.
2. Receives and reviews applications from CLP/CLC candidates and, if appropriate, guides them through training and preparation for a CLP/CLC. The CPM will follow the current process through which it receives and examines those seeking to enroll as Inquirers in preparation for ordination as a Minister of the Word and Sacrament and in accordance with the requirements of the *Book of Order*, G-2-0601, and the CPM Manual, including examining the CLP/CLC candidate regarding his or her personal faith and motives for seeking the commission.
3. The CPM shall secure a criminal and financial background check and a vocational and psychological assessment before the applicant may begin the process.
4. The CPM will ask the CLP/CLC candidate to address inadequacies in any area before recommending further preparation as a CLP/CLC.

Upon satisfactory completion of this phase of seeking and exploration, the CLP/CLC candidate will be authorized by the CPM to move onto the next phase of learning and preparation.

### **THE LEARNING PHASE**

During this phase, the CLP/CLC candidate will acquire competency and skills in biblical exegesis, Reformed theology and sacraments, Presbyterian Church (U.S.A.) polity, preaching, leading worship, pastoral care, and teaching under the supervision and direction of the Commission on Preparation for Ministry (CPM).

The CLP/CLC candidate, with the approval of the CPM, may take classes offered by the Presbytery and designated for CLP/CLC candidates; may enroll in a designated CLP/CLC training program offered by a college, seminary, or another mid council as approved and recommended by the CPM.

Competency in the skills will be demonstrated through a comprehensive written exam and the delivery of a sermon as arranged and administered by the CPM.

**The CLP/CLC Candidate:**

1. Will explore available training options with the approval of the CPM.
2. Will enroll and begin his or her program of study.

The CLP/CLC candidate needs to take the initiative through this phase of the process.

**The Presbytery CPM:**

1. Reviews available CLP/CLC training programs, other mid councils, seminaries, colleges, etc., and provides an authorized list of available programs to CLP/CLC candidate. CPM will review and approve independent study arrangements and other Presbytery-sponsored training programs as requested by a CLP/CLC candidate.
2. Will meet with the CLP/CLC candidate at least annually through this phase to review his or her progress and determine other needs or future plans.
3. Will provide a written final examination, hear a sermon preached by the candidate, and interview a candidate as to his/her readiness to be commissioned to a field of service or congregation or validated ministry.

Upon the successful completion of the final exam and interview by the CPM, the CPM will designate that the CLP/CLC candidate has been certified ready to be considered for commissioning as a CLP/CLC and will notify the HPCC.

### **THE COMMISSIONING PHASE**

Upon recommendation by the CPM to the HPCC, the ruling elder so certified may complete a Personal Information Form (PIF) and may be considered for commissioning to a specific congregation or validated ministry as a Commissioned Local Pastor or a Commissioned Local Chaplain.

This commission shall be valid for a period up to three years as designated by the Session, HPCC, and the CLP/CLC and approved by the Presbytery Assembly. It may be renewed at expiration or terminated at any time at the discretion of the Session, the CLP/CLC, or HPCC, with approval of the Presbytery Assembly.

The CLP/CLC may perform pastoral functions not requiring ordination as a Minister of the Word and Sacrament, in agreement with the Session such as teaching, visitation of members in home or hospital, visitation of prospective members, supervising Sunday School; leading music, choir, prayer meetings, or study groups; or conducting funerals. If commissioned to a congregation, the CLP/CLC will ordinarily be the primary leader of a worship and preacher for the congregation.

Upon the written request of the Session to the HPCC, and with the recommendation of the mentor and supervisor, the CLP/CLC may also be authorized by the Presbytery Assembly to carry out other functions allowed in the *Book of Order*, G-2.1001.

- (a) administer the Lord's Supper
- (b) administer the Sacrament of Baptism

- (c) moderate the session of the congregation under the supervision of, and when invited by, the moderator of the Session appointed by the HPCC;
- (d) have voice in meetings of the Presbytery Assembly;
- (e) have a vote in meetings of the Presbytery Assembly;
- (f) perform a service of Christian marriage when invited by the Session or other responsible entity of the Presbytery of Riverside;
- (g) may be appointed by the HPCC as moderator of the Session to the church to which he or she has been commissioned.

If the CLP/CLC is to be commissioned to a validated ministry, rather than a congregation of the Presbytery of Riverside, then the CLP/CLC will follow the same procedure through the HPCC for confirmation of that field of service as a validated ministry as followed by Ministers of the Word and Sacrament. (*Book of Order*, G-2.0503a and the Healthy Pastors and Congregations Manual)

#### **The CLP/CLP Candidate:**

1. May complete a Personal Information Form (PIF) for distribution to the Pastor Nominating Committee (PNC) or Session of the congregation considering a CLP/CLC.
2. Will only distribute his or her PIF to congregations in the Presbytery of Riverside as recommended and approved by the HPCC as an authorized PIF to be used by those seeking to serve as CLP/CLCs.
3. Will be prepared to interview and preach for sessions or PNCs of the congregation that are considering CLP/CLCs.
4. Once commissioned to a particular congregation or field service, the CLP/CLC shall meet regularly with his or her assigned mentor and supervisor. An annual consultation and review between the CLP/CLC and the mentor and supervisor will be reported to the HPCC.
5. The CLP/CLC shall participate in continuing education. The CLP/CLC may consult with his or her mentor and supervisor for particular recommendations.

#### **The Session (and/or the PNC) of a Congregation Employing a CLP/CLC:**

1. The Session or Pastor Nominating Committee (PNC) will consult with the HPCC considering the appropriateness of seeking a CLP/CLC to serve their congregation or the particular field service.
2. The session or PNC reviews PIFs, interviews the CLP/CLC candidates, checks references, and through the HPCC arranges for a neutral pulpit for the CLP/CLC candidate if HPCC wishes to consider commissioning that CLP/CLC candidate.
3. If the Session, at the recommendation of the PNC, invites the CLP/CLC candidate to be employed by the congregation, the Session will draw up a Covenant Agreement between the CLP/CLC and the congregation specifying duties to perform, the time expectations, and terms of employment including compensation, benefits, vacation, study leave, etc.
4. The Session will then request HPCC to recommend to the Presbytery Assembly that the CLP/CLC candidate be commissioned to the congregation or validated ministry as specified in the CLP/CLC Covenant Agreement. The Agreement will be reviewed

annually by the HPCC including any subsequent adjustments during the term of the commission.

5. The session will request the HPCC to recommend to the Presbytery Assembly that the CLP/CLC candidate be authorized to perform certain additional designated responsibilities. (*Book of Order*, G-2.1001).
6. The Presbytery will conduct a “Service of Commissioning” at a Presbytery Assembly meeting.
7. The Session will conduct a service of recognition welcoming the CLP/CLC to their congregation and acknowledging the Presbytery's “Service of Commissioning.”
8. At the conclusion of the initial term of the commission, if the Session of the church and the CLP/CLC desire to renew the commission, they will make such a request of the HPCC three (3) to six (6) months prior to the expiration of the current term. A HPCC representative will review the commission in a meeting with the CLP/CLC, the Session, and the moderator of the Session (if not the CLP/CLC), and make a recommendation to HPCC for action by the Presbytery Assembly. This is also true for a CLP/CLC serving in a validated ministry.

#### **The Presbytery HPCC:**

1. Consults with congregations considering the appropriateness of seeking a CLP/CLC to serve their congregation and advises congregations calling a CLP/CLC on appropriate levels and forms of compensation and benefits.
2. Maintains a listing of CLP/CLC candidates available to be commissioned by the Presbytery and, when appropriate with a congregation, recommends particular available CLP/CLC candidates to the congregation. (*Book of Order*, G-2.1001).
3. Upon request of the Session of the congregation, the HPCC recommends to the Presbytery that the CLP/CLC candidate be commissioned by the Presbytery to the particular congregation or validated ministry, based on the approved Covenant Agreement with the Commissioned Local Pastor/Commissioned Local Chaplain.
4. Annually reviews the covenant agreement between the CLP/CLC and the congregation.
5. At the request of the Session, the HPCC may recommend that the Presbytery Assembly authorize a CLP/CLC to perform particular additional responsibilities. (*Book of Order*, G-2.1001). The HPCC may require some additional training of the CLP/CLC prior to recommending the granting of these additional responsibilities.
6. Recommends to the Presbytery Assembly at the request of the Session that a CLP/CLC commission be terminated or renewed when appropriate (*Book of Order*, G-2.1001)
7. Assigns a mentor and supervisor to the CLP/CLC and through the mentor and supervisor annually reviews the work of the CLP/CLC. (*Book of Order*, G-2.1001).
8. Provides for regular periodic gathering of CLP/CLCs serving in congregations for support, education and spiritual enrichment.
9. Provides a model Covenant Agreement for use by congregations calling CLP/CLCs.
10. Provides resources to congregations for services of recognition of the CLP/CLC and the commissioning by Presbytery.
11. At the conclusion of the initial term of the commission, if the Session of the church or validated ministry and the CLP/CLC desires to renew the commission, they will make a request to the HPCC three (3) to six (6) months prior to expiration for renewal. A HPCC

representative will review the commission in a meeting with the Session, its moderator and the CLP/CLC and will make a recommendation to the HPCC for action by the Presbytery. This is also true for a CLP/CLC serving in a validated ministry.

#### **The Presbytery of Riverside:**

1. Will act upon the recommendation of the HPCC to commission or terminate a commission of any CLP/CLC to a particular congregation or validated ministry.
2. Will provide a “Service of Commissioning” at a meeting of the Presbytery Assembly to commission the CLP/CLC to that congregation or validated ministry. (*Book of Order*, G-2.1003; W-4.4003). A “Service of Recognition” will be held at the commissioning church or home congregation for those in validated ministry without undue delay.

#### **The Session of the CLP/CLC 's Sponsoring Church**

1. It is recommended that the session of the sponsoring or home church of the CLP/CLC recognize the CLP/CLC during a worship service by means of a “Service of Recognition” at a time when his or her congregation is gathered for worship.

#### **The Mentor and Supervisor**

1. The mentor and supervisor will be a Minister of the Word and Sacrament who is a member in good standing of the Presbytery of Riverside and who is appointed by the HPCC to be in a relationship with the CLP/CLC. The mentor and supervisor may be the pastor serving as moderator of the session of the commissioning congregation. When the moderator of the session is not an installed pastor of the commissioning congregation or when the CLP/CLC is serving as moderator of the session as approved by the Presbytery, the mentor and supervisor may be another pastor assigned by HPCC.
2. The mentor and supervisor will meet regularly with the CLP/CLC, at least annually with the CLP/CLC and members of the session of the commissioning congregation or appropriate representative of the validated ministry to conduct the annual review of the work of the CLP/CLC. The results of this annual review will be communicated to the CLP/CLC, the commissioning congregation or validated ministry, and the HPCC.

## **APPENDIX A: The CLP/CLC Training Program**

The training curriculum is arranged under five marks of the church drawn from Scripture. These five marks are worship, service, discipleship, belonging and witnessing. Each of these marks is necessary for the church to fulfill its calling to be the Church of Jesus Christ and the body of God's believers. In addition, the category of "pastoring" has been added to cover administrative and ethical issues of serving as a CLP/CLC in a congregation. The six categories and the courses that shall help lead a potential CLP/CLC to an understanding of the role of the church are:

Worship	-	Preaching and Liturgy, Worship and Sacraments
Service	-	PC (U.S.A.) Mission, Pastoral Care, Stewardship
Discipleship	-	Teaching, Faith Development
Belonging	-	Old Testament, New Testament, Church History
Witnessing	-	Reformed Theology, Evangelism
Pastoring	-	Polity, Pastoral and Personal Boundaries, Internship

CPM will provide resources (seminaries, on-line programs leading to what's often called a Certificate of Ministry Studies, internship, etc.) for completing the educational requirements. We will work with the candidate for tailoring their learning and study program based on their educational and ministry needs.

The CLP and CLC shall take the Sexual Misconduct Prevention Training of the presbytery during the Learning Phase and that training shall be renewed every three years.

Before starting the CLP/CLC training process and the first year of study, each student shall participate in career counseling. The cost will ordinarily be shared by the student, the congregation of membership and the presbytery. Upon completion, the results of this experience are to be released to the CPM.



**Presbytery of Riverside Assembly**  
**Commissioned Local Pastor/Commissioned Local Chaplain Program**  
**Application for Enrollment**

**Note to Applicant**

The purpose of the questions in this application is to provide the Session and the Presbytery's Commission on Preparation for Ministry (CPM) with background information that will help them get to know you. Because there is great variety in age and experience of persons making application, this questionnaire is purposely broad in scope. Be as accurate and candid as you can. Please type or write legibly, using extra paper as needed to provide information you feel will give the most complete representation of yourself. This information will be used as a basis for mutual discussion.

After completing the application, make a copy for yourself and submit the original to the Clerk or Moderator of the Session of your home church. Additionally, forward a copy of the reference questions to each of your references asking them to attach their responses (using more paper as needed) and submit to the Commission on Preparation for Ministry.

Once the Session endorses the Elder, the original copy of all paperwork must be forwarded to:

**The Commission on Preparation for Ministry**  
**Presbytery of Riverside**  
**1875 N D Street, San Bernardino, CA 92405**  
**Or [riversidepresbytery.info@riversidepresbytery.com](mailto:riversidepresbytery.info@riversidepresbytery.com) and copy current CPM Moderator**



## Commissioned Local Pastor/Commissioned Local Chaplain Program

### Background Information for Session and Commission on Preparation for Ministry

Applicant's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_

Work \_\_\_\_\_ Email: \_\_\_\_\_

Occupation/Place of Employment: \_\_\_\_\_

### Academic Background

List the academic institutions you have attended, beginning with high school and complete the information requested:

<u>Institution</u>	<u>Dates Attended</u>	<u>Program or Major</u>	<u>Diploma or Degree</u>
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Describe any previous experience in preaching or CPE Training:

### **Occupational History**

List the three most recent full-time or part-time positions in which you have been employed and also provide the following information: job title, dates of employment, aspect most enjoyed, aspect most disliked.

1. Current employment:
  
2. Next most recent:
  
3. Second most recent:

### **Church History**

Date and place of baptism:

Date and place of profession of faith:

Church Membership:

    Date joined:

    Date ordained an elder:

    Date ordained a deacon:

List other churches where you have been a member.

List areas of involvement in your local church both as a participant and leader.  
Indicate areas of leadership.

List areas of involvement in Presbytery, Synod or General Assembly.

List voluntary services, civic or social organizations of which you are or have been a member. Indicate your extent of participation and your role.

List any factors that may place limits on your ability to receive training or to serve as a Commissioned Local Pastor/Commissioned Local Chaplain:

### **Questions for Reflection**

Write a response to each of the following. These responses should be attached to this application.

1. In one or two paragraphs, describe yourself as a person.
2. Describe briefly what it means to you to be a Commissioned Local Pastor/Commissioned Local Chaplain. What has motivated you to consider this program?
3. Write a brief statement of your personal faith (approximately 300-500 words). Your statement should describe (at minimum) what you believe about God as the Trinity and your relationship to each person of the Trinity.
4. What does it mean to you to be a Presbyterian?
5. Describe your current spiritual journey, spiritual practices, prayer life, and disciplines.
6. Comment on your interests, hobbies and stress-relieving activities.

## References

Please list three people who will serve as references. One should be your pastor or a pastor within the Presbytery of Riverside:

1. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Relationship \_\_\_\_\_
2. Name \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Relationship \_\_\_\_\_
3. Name \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Relationship \_\_\_\_\_

Please ask your references to answer the following questions and to send their responses under separate cover directly to the Commission on Preparation for Ministry at the following address: The Presbytery of Riverside, 1875 D Street, San Bernardino, CA 92405

1. To what extent does the applicant adhere to Christ's teachings?
2. What is your experience of the applicant's commitment to the Presbyterian Church (U.S.A.)?
3. What special gifts, talents and skills does the applicant exhibit for service as a Commissioned Local Pastor?
4. What is the most recent example of the applicant's service to the church?
5. If the applicant were your Commissioned Local Pastor/Commissioned Local Chaplain, what specific areas would you wish him or her to improve?
6. If you are a minister of the Word and Sacrament and a member of the Presbytery of Riverside, would you be willing to serve as the applicant's mentor if asked?

Signature: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

After completing the application, make a copy for yourself and submit the original to the Clerk of Session or Moderator of the Session of your home church.

**Commissioned Local Pastor or Commissioned Local Chaplain Program  
Reference for Applicant**

Background Information for (applicant's name) \_\_\_\_\_

Reference Name: \_\_\_\_\_

Date: \_\_\_\_\_

Length of time known person: \_\_\_\_\_

The person named above is seeking admission to the Commissioned Local Pastor/Commissioned Local Chaplain Program. The Commission on Preparation for Ministry would appreciate your candid response to the following questions:

1. To what extent does the applicant adhere to Christ's teachings?
2. What is your experience of the applicant's commitment to the Presbyterian Church (U.S.A.)?
3. What special gifts, talents and skills does the applicant exhibit for service as a Commissioned Local Pastor/Commissioned Local Chaplain?
4. What is the most recent example of the applicant's service to the church?
5. If the applicant were your Commissioned Local Pastor/Commissioned Local Chaplain, what specific areas would you wish him or her to improve?
6. If you are a minister of the Word and Sacrament and a member of the Presbytery of Riverside, would you be willing to serve as the applicant's mentor, if asked?

Please type or write your responses legibly using the amount of paper you feel necessary. Send your responses directly to the Commission on Preparation for Ministry at the following address:

**The Presbytery of Riverside**  
**Attn: CPM**  
**1875 N D Street, San Bernardino, CA 92405 or**  
**[riversidepresbytery.info@riversidepresbytery.com](mailto:riversidepresbytery.info@riversidepresbytery.com) and copy current CPM Moderator**

### Session Evaluation and Recommendation

The Session of \_\_\_\_\_ Presbyterian Church of \_\_\_\_\_,

met with \_\_\_\_\_ on \_\_\_\_\_

and submits the following report:

The Session

\_\_\_\_\_ **endorses** the applicant to be trained by the Presbytery as a Commissioned Local Pastor/Commissioned Local Chaplain

\_\_\_\_\_ **does not endorse** the applicant to be trained as a Commissioned Local Pastor/Commissioned Local Chaplain

This report was prepared for the Session by the Clerk:

\_\_\_\_\_  
Name Phone Date

Attested by the Moderator:

\_\_\_\_\_  
Name Phone Date

The Session will copy and mail completed application and attachments to the Commission on Preparation for Ministry at the following address:

\_\_\_\_\_

**The Presbytery of Riverside**  
**Attn: CPM**  
**1875 N D Street, San Bernardino, CA 92405**  
**Commissioned Local Pastor/Commissioned Local Chaplain Program**

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### **ADMINISTRATIVE COMMISSION CHARTER** **Administrative Commission for New Worshiping Communities**

#### MISSION

The commission is created for the purpose of identifying and encouraging new worshiping communities within the bounds of the Presbytery of Riverside.

#### **New Worshiping Communities are described as:**

- **New**
  - Take on varied forms of church for our changing culture
  - Seek to make and form new disciples of Jesus Christ
- **Worshiping**
  - Gather by the Spirit to meet Jesus Christ in Word and Sacrament
  - Are sent by the Spirit to join God's mission for the transformation of the world
- **Community**
  - Practice mutual care and accountability
  - Develop sustainability in leadership and finances

#### COMPOSITION

The Commission shall be composed of at least six (6) members, at least three (3) Ministers of the Word and Sacrament and at least three (3) ruling elders nominated by the Presbytery Commission for a period of three years, and representative of the racial, cultural and ethnic diversity of Riverside & San Bernardino counties.

#### FUNCTION

The commission is created for the purpose of identifying and encouraging new worshiping communities within the bounds of the Presbytery of Riverside, including:

1. Praying for and with new missional communities
2. Connecting new worshiping communities with the life of the Presbytery
3. Networking new worshiping communities within the Presbytery for support and sharing of ideas, resources, and best practices.

## POWERS

The decisions and actions of the Commission shall be reported to the Stated Clerk, who shall report it to the Presbytery Assembly at its next stated meeting. The Presbytery Assembly may rescind or amend an action of the Presbytery Commission. The following powers are granted to this Commission:

1. Serving as the “Session” for all new worshipping communities and fellowships established since 2012.
2. Reviewing credentials, arranging clearance interviews in consultation with the Healthy Pastors and Congregations Commission, and recommending membership in the Presbytery for pastors leading new worshipping communities
3. Assisting in negotiating “nesting” relationships and rental agreements
4. Approving grant applications to Synod, General Assembly and other potential funding sources
5. Approving observance of Sacraments
6. Approving Marriage Services
7. Approving Memorial and Funeral Services

## RELATIONSHIPS

1. The Presbytery Commission will name a chairperson. The Commission will elect a secretary. Minutes shall be carefully recorded and sent to the Presbytery Leader for Mission and Vision/Stated Clerk. Such minutes will become part of the official record of the Presbytery. “A quorum of any commission shall be established by the designating council but in no case shall be less than a majority of its members...” G-3.0109b.
2. The Presbytery Leader for Mission and Vision/Stated Clerk will provide staff services to the Commission, which will report to the Presbytery Assembly through the Presbytery Leader for Mission and Vision/Stated Clerk.
3. The Commission will make periodic reports to the Presbytery Assembly on the communities being nurtured, and what is being learned from the process. It will report on any grants or funding received. The reports should be transmitted in writing to the Presbytery Leader for Mission and Vision/Stated Clerk.
4. The Presbytery Commission may request a report to the Presbytery Assembly at its discretion.



5. The Healthy Pastors and Congregations Commission will receive quarterly reports from the Administrative Commission. Clear communication with the HPCC will assure collaboration.

## POLICIES AND PROCEDURES

1. The specific function of an administrative commission stated in the Book of Order that relates to this commission is in the 2015-2017 *Book of Order* G-3.0109: A presbytery is permitted to designate “commissions as they deem necessary and helpful for the accomplishment of the mission of the church.”
2. Our polity says explicitly that an Administrative Commission may be designated for “developing immigrant fellowships, organizing new congregations...” (G-3.0109b4)
3. A commission is empowered to consider and conclude matters referred to it by a council (governing body). The designating council shall state specifically the scope of the commission’s powers and any restrictions on those powers (G-3.0109).
4. Technically, the Administrative Commission has the full authority of the Presbytery Assembly for the limited purpose for which it is created (G-3.0109).

## CONFLICT OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## REVIEW

Every three years, the Administrative Commission will evaluate its effectiveness and bring a recommendation to the Presbytery regarding its continuation as a commission.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PERMANENT JUDICIAL COMMISSION

#### MISSION AND FUNCTION

Church discipline is the church's exercise of authority given by Christ, both in the direction of guidance, control, and nurture of its members and in the direction of constructive criticism of offenders.  
(D-1.0101ff)

#### COMPOSITION

The PJC shall be composed of no fewer than seven members, teaching and ruling elders in numbers as equal as possible. No more than one ruling elder from any one church may serve simultaneously. Members are elected for six year terms. A member who has served a full term may not be reelected until four years have elapsed following the full term.

The PJC shall elect from its members a moderator and a clerk.

#### QUORUM

A quorum shall be a majority of the members, except when two members are assigned responsibilities under D-10.0204 or D-10.0303. (D-5.0204)

If a quorum cannot be reached the PJC shall report this inability to the Stated Clerk who shall select, by rotation, from the alphabetical roster of those whose terms have expired within the past six years a sufficient number of former members to constitute a quorum. (D-5.0206 a.b.c.)

#### FUNCTION

The responsibilities and powers of the Commission shall be those defined in the Rules of Discipline.

#### RELATIONSHIPS

The moderator of the PJC relates to the stated clerk within the limits stated in the Rules of Discipline.

#### DISQUALIFICATION FROM CASE

D-7.0401b (1) A member of a permanent judicial commission is disqualified if the member is personally interested in the case, is related by blood or marriage to any party, has been active for or against any party, or is ineligible under the provisions of D-5.0205.

D-5.0205 When a church or lower council is a party to a case, members of a permanent judicial commission who are members of that church, or of that lower council, or of churches within that lower council shall not participate in the trial or appeal of that case.

#### CONFLICTS OF INTEREST

When a PJC member may have a conflict of interest as described in the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 1, that member will be disqualified from the case at hand.

# PRESBYTERY OF RIVERSIDE ASSEMBLY

## COMMITTEE ON REPRESENTATION

### MISSION

To guarantee full participation and representation in the governance and emerging life of the Presbytery Assembly to all persons or groups within its membership. (F-1.0403)

### COMPOSITION

The Committee on Representation shall be composed of five (5) members, a majority of whom shall be elected from the racial ethnic groups within the Presbytery Assembly.

### QUORUM

A quorum is a majority of the members.

### FUNCTION

To advise the Presbytery Assembly regarding the development of procedures and mechanisms for promoting and reviewing the Presbytery Assembly's programs related to inclusiveness and representation, to advocate for diversity in leadership, and to consult with the Presbytery Assembly on the employment of personnel, in accordance with the principles of unity in diversity in F-1.0403. This committee should not be merged with another committee or made a subcommittee of another committee. (G-3.0103)

### RELATIONSHIPS

The Committee on Representation is related to the Committee on Nominations, and the Personnel Committee. The chair or co-chair shall serve on the Presbytery Commission.

### CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### COMMITTEE ON NOMINATIONS

#### MISSION

The Committee on Nominations assists the Presbytery Assembly in discovering and developing the most effective personnel for leadership as officers and members of certain commissions, committees and teams.

#### COMPOSITION

The Committee is composed of six (6) members serving in three classes, with a minimum of one (1) Minister of the Word and Sacrament, one (1) male ruling elder, and one (1) female ruling elder.

#### FUNCTION

1. Nominates for Presbytery Assembly consideration and possible election candidates for each of the following: Presbytery Assembly Moderator, Presbytery Assembly Vice Moderator, Synod commissioners, as well as commissions, committees and certain team members. Determines chairpersons for each of the elected commissions, committees, and teams, with agreement of the individual, unless the group's chartering document specifies the chair is selected by other means.
2. Presents for Presbytery Assembly consideration and possible nomination persons to represent the Presbytery on the Synod Council.
3. Is Responsible for the nomination of Presbytery Assembly ruling elder and minister of the Word and Sacrament commissioners to General Assembly following the Presbytery Assembly policy and procedures.
4. Nominates for Presbytery Assembly consideration and possible election one (1) young person to serve as young adult advisory delegate to General Assembly and one (1) alternate.

#### RELATIONSHIPS

1. Seeks advice about the qualities needed for membership on commissions, committees, and teams from these entities and the Presbytery Commission.
2. Is well informed of the principles of unity in diversity and accepts advice from the Committee on Representation while performing its function.
3. The chair or co-chair shall serve on the Presbytery Commission.

## POLICIES AND PROCEDURES

No more than two (2) persons from a church may ordinarily serve on any commission, committee or team unless the group's chartering document specifies otherwise.

## CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PROPERTY, FINANCE, INVESTMENT AND FUNDS DEVELOPMENT COMMITTEE (TRUSTEES)

#### MISSION

The Committee serves as the trustees of the Presbytery, meeting as the Board of Trustees at least quarterly, as per the By-Laws of the Presbytery of Riverside. It manages its temporal affairs in accordance with Presbytery budgets and actions and provides guidance on Stewardship.

#### COMPOSITION

The Property, Finance, Investment and Funds Development Committee is composed of nine (9) persons, preferably four (4) Ministers of the Word and Sacrament and five (5) ruling elders and follows committee composition guidelines provided by the Committee on Representation. Some committee members shall have expertise in property management, disbursement and other such issues, investment strategies, and funds development including non-profit fund-raising. The Presbytery Leader for Mission and Vision/Stated Clerk and Treasurer serve as ex-officio members without vote. The committee may establish task forces to work in specific areas.

#### QUORUM

The quorum is a majority of the voting members.

#### FUNCTIONS

1. Develops the annual Presbytery budget and Presbytery budget communication strategy to be presented to the Presbytery Assembly through the Presbytery Commission;
2. Recommends accounting policies and procedures, making certain they are implemented through the Head of Staff who oversees the Treasurer and the Office Manager/Bookkeeper;
3. Reviews monthly financial reports, monitoring income and expenses, and communicates to the Presbytery Commission and the Presbytery Assembly, to call attention to financial conditions which need to be addressed;
4. Reviews monthly the per capita apportionment and General Mission giving reports for each congregation;
5. Reviews and approves requests for per capita alternative payment schedules;
6. Keeps track of all properties through a "Property Notebook" and oversees Presbytery-owned Property.
7. Reviews and makes recommendations regarding Presbytery loans which encumber real property, leases, property purchases, rental and sales of property;
8. Oversees the sale of property or buildings owned by the Presbytery.
9. Makes investment strategy decisions in behalf of the Presbytery;
10. Generates and oversees Presbytery funds development strategies and fund-raising endeavors.

11. Provides workshops and other assistance to local church treasurers and finance committees;
12. Oversees Presbytery's umbrella insurance policy and makes recommendations for changes, renewal, etc. to ensure each congregation, as well as the Presbytery is adequately covered; the Treasurer will maintain a copy of each churches' insurance policy(s);
13. Ensures an annual review of all financial records of the Presbytery is conducted and the results are reported to the Presbytery Assembly;
14. Provides information, workshops, etc., to congregations on insurance, safety, loss prevention, Worker's Compensation, budget planning and management, etc.

## RELATIONSHIPS

1. The Committee works closely with the New Worshiping Communities Administrative Commission and the Partners in Ministry Committee on the purchase or sale of property or buildings for new church developments. The Committee works closely with the Partners in Ministry Committee on the purchase or sale of property or buildings of existing congregations. It also receives requests from congregations for loans or leases for building, remodeling, etc,
2. The Committee works closely with the Treasurer in formulating proposed annual budgets.
3. The chair or co-chair shall serve on the Presbytery Commission.

## CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PARTNERS IN MINISTRY COMMITTEE

#### MISSION

The Partners in Ministry Committee mission is to inspire and nurture the skills and practices for Christian discipleship through evangelism, mission and advocacy, through promotion, consultation and funding, and to equip and empower our leaders to better serve the presbytery's congregations and neighborhoods as witnesses involved in the work and ministry of Jesus Christ.

#### VISION

The Partners in Ministry Committee's vision is that Presbyterians in the Presbytery of Riverside live as joyful participants in the Ministry of Jesus Christ furthering the good news of God's Kingdom with a positive impact on the world.

#### COMPOSITION

The Committee is composed of three classes with four people in each class, and it shall include no more than 50% Ministers of the Word and Sacrament, with ruling elders and/or laity as remaining members, all from within the presbytery. No more than two people shall be from the same community of faith. A quorum shall be a majority of the Committee's membership. The Committee may establish task forces to work in specific areas. The Treasurer is an ex-officio resource member, without vote.

#### FUNCTION

1. The Committee shall be responsible for partnering with congregations in the following areas:
  - a. Educational and spiritual formation events such as workshops, retreats, etc.
  - b. Oversight of the application, awarding and allocation of all Presbytery, Synod and General Assembly grants, matching funds and scholarships.
  - c. Scholarships for various Committee approved camps, conferences and retreats.
  - d. Youth ministry, including budgeting and allocation of funds for Youth Triennium
  - e. Promotion and provision of resources to equip churches for discipleship in the categories of Committee approved evangelism, mission and advocacy, through consultation and a variety of funding sources.
  - f. Building, and sharing stories of, engagement in local and global mission.
  - g. Partnering to fund new worshipping communities.
  - h. Guidance through the Mission Assessment Process.
  - i. Partnering with congregations for transformation and renewal.
2. The Committee interprets PCUSA programs of Evangelism, Mission, and Advocacy for the presbytery and its congregations.
3. The Committee encourages and maintains the Presbytery's relationship with Presbyterian Camps and Conference Centers, Inc.



4. The Committee provides representatives to the Healthy Pastors and Congregations Commission's Holy Conversations Teams.

## RELATIONSHIPS

The chair or co-chair shall serve on the Presbytery Commission.

## CONFLICT OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### SEXUAL MISCONDUCT RESPONSE TEAM AND INITIAL RESPONSE GROUP

#### MISSION

The Response Team and Initial Response Group serve the Presbytery Assembly by implementing the Sexual Misconduct Prevention Policy.

#### COMPOSITION

The Sexual Misconduct Response Team is composed of six (6) persons, three (3) Ministers of the Word and Sacrament and three (3) ruling elders and follows committee composition guidelines provided by the Committee on Representation. The Initial Response Group consists of the Presbytery Leader for Mission and Vision/Stated Clerk, the chair or co-chair of the Healthy Pastors and Congregations Commission, and the Moderator of the Team.

#### QUORUM

The Response Team's quorum is four (4) and the Initial Response Group's quorum is two (2).

#### FUNCTIONS

1. Provides information, interpretative materials and workshops on Misconduct Prevention.
2. Responds to allegations of sexual misconduct by its Minister of the Word and Sacrament members according to the Presbytery policy.
3. Encourages and advises sessions to adopt a Sexual Misconduct Prevention policy.
4. Recommends to the Healthy Pastors and Congregations Commission changes to the policy and concerns it has about those who fail to attend prevention training.

#### RELATIONSHIPS

The Response Team and Initial Response Group work closely with one another and the Healthy Pastors and Congregations Commission.

#### CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

**THE PRESBYTERY OF RIVERSIDE ASSEMBLY  
PREVENTION AND RESPONSE POLICY: SEXUAL MISCONDUCT**

**PART I: PREFACE**

**BRIEF OUTLINE OF GUIDING PRINCIPLES AND PROCEDURES**

The goals of this policy are to prevent sexual misconduct and to provide appropriate response to instances of alleged sexual misconduct within the Presbytery of Riverside. The policy is intended solely for guidance in ecclesiastical governance. It is not intended to create or modify any additional responsibilities under the laws of the State of California.

We recognize that a primary barrier to responding appropriately to allegations of sexual misconduct has been the hesitancy of religious leaders to recognize and/or believe that such behavior occurs. In a context of pastoral or religious trust, it may be difficult to recognize abusive behavior and/or misconduct because it is not expected and few people encounter it on a regular basis. When, as individuals or a church, we fail to report sexual misconduct or sexual abuse, we become complicit, whether knowingly or unknowingly, in the abuse and/or misconduct. As we become aware of the problem, we assume responsibility for appropriate prevention and intervention strategies.

A brief overview of the policy:

1. Clergy have the responsibility to set appropriate boundaries in relationships with others.
2. By virtue of ordained office, clergy are empowered in a manner that precludes equality in relationships; i.e. a “consensual sexual relationship” cannot exist outside the bounds of marriage. Sexual expression directed toward or a sexual relationship with a parishioner, staff member, colleague or counseling client is a breach of trust and Biblical mandates, and is never acceptable.
3. All claims of alleged sexual misconduct will be taken seriously, and responded to by the Presbytery. Training on issues relating to sexual misconduct will be a condition for all ordained ministers and selected staff within the Presbytery.
4. Any individual alleging sexual misconduct on the part of any person covered by this Policy must be afforded a reasonable opportunity to confidentially discuss the allegations with an unbiased individual, without concern that such discussion will cause unfavorable repercussions or embarrassment.
5. Clergy accused of sexual misconduct will initially be placed on a voluntary leave of absence or administrative leave, with or without pay, which may be lifted upon further investigation and/or information.
6. In instances governed by *Book of Order*, “Rules of Discipline”, D-10.0106, Administrative Leave will be imposed.

7. Actions of the Presbytery and those individuals under the jurisdiction of the Presbytery shall be governed by the *Book of Order*.
8. The Presbytery shall respond to initial reports of sexual misconduct through its Initial Response Group [“IRG”], Sexual Misconduct Response Team [“SMRT”], and the Healthy Pastors and Congregations Commission, or their respective designees. Any response will be consistent with requirements in the *Book of Order*.
9. The Initial Response Group shall consist of the Presbytery Leader for Mission and Vision/Stated Clerk or his or her designee, the Moderator of the Healthy Pastors and Congregations Commission or his or her designee and the SMRT Moderator or her or his designee. Its purpose is to receive and evaluate initial reports of sexual misconduct and coordinate a Presbytery response until there is a resolution of the allegation, an Investigating Committee [“IC”] is impaneled pursuant to the *Book of Order* [D-10.0103] or proceedings are initiated under California secular law.
10. The Sexual Misconduct Response Team will provide for the pastoral care of affected persons including, but not limited to, the alleged victim and the alleged victim’s immediate family, the accuser and his/her immediate family, the accused and his/her immediate family, and the congregation.
11. All clergy, as a prerequisite for approval of a Call within the Presbytery of Riverside, will be required to sign a statement acknowledging that they have received a copy of this Policy and have read it along with material related to mandatory reporting, and agree to abide by the policy. Continuing members of the Presbytery and Presbytery personnel will be required to sign a similar statement.
12. Copies of this Policy shall be distributed to members and staff of the Presbytery, those serving on Presbytery commissions, committees, teams, task forces, Investigating Committees, Administrative Commissions, and the Permanent Judicial Commission. The policy will be posted on the Presbytery web site and available to all church members, any accuser of sexual misconduct, the accused, and the alleged victim(s) of sexual misconduct and their families.
13. All Ministers of the Word and Sacrament, all Ruling Elders commissioned to a specific ministry, all Certified Christian Educators, all Certified Associate Christian Educators, all Presbytery officers and all commission/committee/team chairpersons, and Presbytery personnel will be required to participate in regular Presbytery training for the prevention of sexual misconduct. This means:
- a. Providing a certificate of completion of Sexual Misconduct Prevention Training in another presbytery or by a validated provider (see II,B,7);

***OR, FOR PASTORS NEW TO PRESBYTERY NOT ABLE TO SATISFY “A”***

- b. Attendance at a Presbytery of Riverside training event within one year of receiving a Call;

14. No person will be disciplined or otherwise retaliated against for initiating an allegation of sexual misconduct. However, repeated unfounded allegations may be the subject of discipline under the *Book of Order*.

15. The SMRT, the Healthy Pastors and Congregations Commission, and the Presbytery will work with churches to take steps to prevent and avoid incidents of sexual misconduct, including support in creating their own sexual misconduct prevention policies as part of their personnel policies and/or standing rules.

16. Intervention by the Presbytery or its agents is not a substitute for remediation by secular authorities in cases of child sexual abuse.

## **PART II. PASTORS: WHAT AND WHY**

...as God who called you is holy,  
Be holy yourselves in all your conduct...  
...tend the flock of God that is your charge...  
not under compulsion but willingly...  
not for sordid gain but eagerly

Do not lord it over those in your charge,  
but be examples to the flock.  
...you know that we who teach  
shall be judged with greater strictness.  
For human ways are under the eyes of the LORD  
And God examines all their paths.

I Peter 1:15; 5:2-3; James 3:1; Proverbs 5:21 NRSV

### **II. A. SEXUAL MISCONDUCT DEFINED**

1. “Sexual misconduct” is a breach of trust and a violation of the roles that clergy, Presbytery personnel, ordained officers, commissioned individuals and those entrusted with the care of others are called upon to exercise. Sexual misconduct calls into question the integrity, sensitivity, and fitness for office of any person who engages in such misconduct. Such misconduct is contrary to the principles set forth in the Gospels and the call to work as God’s servant in the struggle to bring wholeness to a broken world. Sexual misconduct includes, but is not limited to

- Sexual acts or sexual contact with a minor;
- Sexual acts or sexual contact involving inducement, threat, coercion, force, violence, or intimidation of another person;
- Sexual acts or sexual contact with a person in a professional relationship
- Sexual acts or sexual contact with a person who is incapable of understanding the nature or consequences of the behavior or is physically incapable of declining participation.
- Sexual acts or sexual contact involving the use of drugs or intoxicants that impair the ability to govern the situation.
- Rape and sexual assault
- Sexual harassment.

2. The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the Church because it is through these representatives that an understanding of God and the Gospel's good news is incarnated. Their manner of life should be a demonstration of the Christian gospel in the church and the world. *See Book of Order*, Rule G-2.0104a.

3. "Sexual misconduct" describes a misuse and/or abuse of authority and power that breaches Christian ethical principles. It misuses a relationship of trust to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. Even if the alleged victim initiates or invites sexual contact in his or her relationship with clergy or Presbytery personnel, it is always the responsibility and duty of the clergy or Presbytery personnel to maintain the appropriate role boundaries and prevent the development of a sexual relationship. When there is any structured relationship of superior/subordinate between two people, sexual expression between the two is an abuse of that relationship by the person in the superior position.

4. Sexual misconduct also consists in taking advantage of the vulnerability of minors and adults who are less able to act for their own welfare. Thus, sexual misconduct does not require physical contact. It may include communication by photography, videos, electronic messaging over the Internet, text messaging, etc. which have a sexual component.

## II. B. EDUCATION AND TRAINING

Implementation of this Policy requires the Presbytery to:

- a) adopt and offer educational programs to address boundary issues,
- b) assist clergy in developing responses to inappropriate sexual advances and/or false accusations of sexual misconduct,
- c) provide training in pastoral and disciplinary response procedures and prevent instances of sexual misconduct.

1. New members of the Presbytery must complete at least one educational event approved by the Presbytery **within the first 12 months of accepting a call** unless they provide a certificate of completion of an equivalent training. This is a condition of all Calls, and wording to this effect will be included in all Calls. No Call will be approved, validated, or continued if this condition is not met within two years of the effective date of the Call. Members must continue to attend an approved sexual misconduct awareness event **every three years thereafter**. Failure to complete this educational requirement will result in being placed on administrative leave without pay until the requirement is met. Honorably retired pastors not engaged in pastoral work must sign an acknowledgement of having received this Policy with the expectation they have read and understood it. They will be required to attend an approved training event before being validated for a return to active service in a validated call.

2. Any member of the Presbytery may be required by the Healthy Pastors and Congregations Commission to attend additional training/events when such attendance is recommended by the Healthy Pastors and Congregations Commission, when directed by an Administrative Commission elected to deal with matters at a church, or when a change in applicable rules, laws or standards warrant additional education. It may also be required as part

of censure and restoration in a disciplinary case. Non-clergy staff of the Presbytery shall attend such educational sessions as directed by the Presbytery Leader for Mission and Vision/Stated Clerk. Other Presbytery personnel and volunteers may be required to attend such training as a condition of service on a particular commission, committee, team, task force, or group.

3. Every calendar year the Healthy Pastors and Congregations Commission and the SMRT will co-sponsor a one-day training event with a focus on understanding and preventing sexual misconduct. SMRT will coordinate and lead the training.
4. The SMRT may be available to participate in training and educational events for churches and make training and educational materials available to congregations to help churches recognize, respond to, and prevent sexual misconduct.
5. The SMRT will work with the Presbytery to encourage churches to adopt policies and procedures for preventing and reporting child abuse, including child sexual abuse.
6. The SMRT may make additional recommendations to the Presbytery through its Healthy Pastors and Congregations Commission regarding matters of sexual misconduct policy and procedures. These may include recommendations regarding employment practices, education of clergy, and training and education materials for clergy and the Presbytery.
7. Clergy who have participated in comparable training in or through another presbytery or Presbyterian seminary or validated provider may certify their attendance in such other training and seek a waiver from these training requirements. The Healthy Pastors and Congregations Commission shall determine what constitutes comparable training and who is a validated provider and whether any waiver will be granted.
8. Records of sexual misconduct training and certification shall be maintained by the Presbytery Leader for Mission and Vision/Stated Clerk and shall be available for public inspection.

### **PART III. PROCEDURES**

#### **III. A. ADMINISTRATIVE RESPONSE TO INITIAL REPORTS**

1. Reports of alleged sexual misconduct may occur in a variety of ways. Initial reports may be oral or written. Because the Presbytery has no control over the manner or mode of initial reports, it is important that officers, employees, and persons highly visible to church members understand that it is critical to report alleged sexual abuse to the IRG in order to implement this policy. Reports and/or rumors of alleged sexual misconduct should not be taken lightly or disregarded and should not be allowed to circulate. Reports of possible sexual misconduct should be considered as matters of concern at all times.
2. Since time is of the essence, upon receipt of a report of sexual misconduct, the Presbytery shall impanel the Initial Response Group, within 48 hours of receiving the report. If it is determined that an IC must be appointed, pursuant to D-10.0201 et seq., the IC will be impaneled within 15 days of receipt of the initial written report by the Presbytery Leader for Mission and

Vision/Stated Clerk.

3. The person receiving the initial report of alleged sexual misconduct from the accuser should forward a written report to the Presbytery Leader for Mission and Vision/Stated Clerk, the Moderator of the Healthy Pastors and Congregations Commission, or a member of the SMRT. The Presbytery Leader for Mission and Vision/Stated Clerk, Chair of the Healthy Pastors and Congregations Commission and SMRT Moderator shall consult together and with appropriate professionals to determine whether the report involves an allegation of sexual misconduct, and if so, how to proceed. Consistent with the *Book of Order* (G-4.0301 + G-4.0302) concerning privileged information] and applicable state law, persons receiving a report of sexual misconduct shall report to appropriate secular civil or criminal authorities.

4. When an initial report of sexual misconduct has been received and at least two members of the IRG (Presbytery Leader for Mission and Vision/Stated Clerk, Chair of the Healthy Pastors and Congregations Commission and the SMRT Moderator, or their designees) concur that the facts as presented would establish that an incident of sexual misconduct has occurred if found true, the SMRT will be asked to implement the procedures for pastoral response outlined in III. B. below

5. In any case where the Presbytery Leader for Mission and Vision/Stated Clerk, the Moderator of the Healthy Pastors and Congregations Commission, , or the SMRT Moderator is the accused, is otherwise personally involved with the situation or is unavailable, the other two members of the Initial Response Group, in consultation with the Healthy Pastors and Congregations Commission, may appoint one or more other members of the PC(USA) to act as part of the Initial Response Group. Such persons may be from another presbytery.

6. The Initial Response Group may assist in providing for the pastoral needs of the congregation including pulpit supply. The SMRT shall assist the Initial Response Group as requested.

7. The Initial Response Group should consult with Presbytery legal counsel and insurance carrier as soon as possible in matters involving alleged sexual misconduct. Legal counsel should assist the IRG and the SMRT in responding to the legal issues involved in any instance of alleged sexual misconduct including, but not limited to, the duty to make reports of the allegations under secular law consistent with *Book of Order* [see G-4.0301 + G-4.0302], issues of clergy/penitent confidentiality, and personnel matters. When proceedings under secular law are initiated, the SMRT, IRG and Presbytery should be kept informed about the situation, and legal counsel may assist in that process. No member of the IRG or SMRT should actively discourage or dissuade an alleged victim from seeking advice or legal counsel outside of the Church or from reporting instances of sexual misconduct to secular authorities.

#### **8. LEAVE OF ABSENCE.**

a. The policy of the Presbytery is that the accused will be placed on an immediate leave of absence or administrative leave, whether paid or unpaid.

b. In the event that the accused, the session, and/or the accused's employer are unwilling or unable to agree to any leave of absence, the IRG or others as authorized by the *Book of Order*



may take all appropriate steps provided for in the *Book of Order* [see e.g. D-10.0106 and/or G-2.0901 and/or G-2.0509] for removal of the accused from his or her position or the session from its leadership role.

c. When a written statement of an alleged sexual misconduct involves a person under the age of 18 at the time of the alleged incident or a person who allegedly lacks the mental capacity of consent, the Presbytery Leader for Mission and Vision/Stated Clerk shall immediately communicate the allegation to the Permanent Judicial Commission [PJC]. The moderator of the PJC shall, within three days, designate two members, who may be from the roster of former members of the PJC, to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. The cost of such leave shall be borne by the employing entity whenever possible.

d. Presbytery Ministers of the Word and Sacrament, as a condition of any Call or employment, must sign an acknowledgment of this policy and an agreement to abide by its process and procedures.

e. Responsibility for continuation of compensation of the accused while on a paid leave of absence or administrative leave shall normally be the responsibility of the employer. If such arrangements cannot be made, the IRG may recommend that the Presbytery contribute to the support of the family of the accused during a period of absence or administrative leave.

### **III. B. PASTORAL RESPONSE TO THOSE INVOLVED IN AN INCIDENT OF SEXUAL MISCONDUCT**

1. The Presbytery Sexual Misconduct Response Team [SMRT] shall consist of at least seven members, reasonably divided between Ministers of the Word and Sacrament and ruling elder members of the Presbytery of Riverside congregations. Compliance with the *Book of Order*, F-2.0403 and F-1.0404 et seq., shall be considered. For the June Presbytery Assembly meeting each year, the Healthy Pastors and Congregations Commission, shall nominate to the Presbytery a SMRT Moderator.

2. The Sexual Misconduct Response Team shall be elected by the Presbytery from nominations provided by the Healthy Pastors and Congregations Commission. The SMRT shall be organized into three classes of as nearly equal numbers as possible; serve for three year terms, and may be elected for a maximum of one additional/consecutive three year term.

3. The SMRT shall be trained for its task. The Presbytery shall provide budgetary and staff support for the SMRT.

4. Persons with specific gifts, skills, training desired for SMRT include:

- Psychologists/psychiatrists/psychotherapists/clinical social workers/certified counselors (MSW, MFT or Pastoral)
- Attorneys/Judges
- Knowledge/experience in insurance and risk management.
- Conflict management in congregations.

- Personnel and/or Human Resources experience.
- Experience in victim advocacy.

At least one of the above persons should be able to provide an empathetic presence to a pastor's spouse and family. At least one of the above persons should provide an empathetic presence to the alleged victim and his/her family.

5. No SMRT member may simultaneously serve on the Permanent Judicial Commission, an Investigating Committee, the Initial Response Group, or an Administrative Commission involving the accused or the congregation of the accused.

6. a. In its sole and absolute discretion, the SMRT may take reasonable steps to minister to the needs of those persons most directly involved in an incident of alleged sexual misconduct. The particular needs for pastoral care and counseling will vary in each instance. In most cases, the Presbytery Leader for Mission and Vision/Stated Clerk or the Moderator of the Healthy Pastors and Congregations Commission will notify the SMRT Moderator of a pending matter and the possible need for pastoral care for one or more persons, and the Moderator will empanel a response team composed of no less than three [3] SMRT members.

b. The needs of an alleged victim of sexual misconduct will vary and may be influenced by such factors as the degree, duration, and severity of abuse, the age and emotional condition of the alleged victim, personality dynamics, and the alleged victim's religious faith. Alleged victims frequently suffer from feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, alienation from God and the religious community, and alienation from self or family. The SMRT should strive to be sensitive to the alleged victim's pain and need for healing. The SMRT is not responsible for providing primary investigation of the sexual misconduct allegations or professional counseling, but will normally make reasonable efforts to act in a supportive role for those involved in an instance of alleged sexual misconduct.

c. The SMRT may provide opportunities for pastoral care to the accused and the immediate family of the accused and should not prejudge the accused.

7. a. If the SMRT believes that professional counseling is needed for one or more of the persons involved in an instance of alleged sexual misconduct, it may refer that person to a professional counselor trained to deal with issues of sexual misconduct. The SMRT should maintain a referral list of counselors and counseling centers sensitive to issues of sexual misconduct, faith and spiritual needs.

b. The SMRT and the Presbytery will strive to be sensitive to all parties' financial ability to pay for professional psychological counseling. The SMRT may refer persons in need of professional counseling to an agency that sets fees based upon client's ability to pay. Although the Presbytery and the church are not legally obligated to pay for any counseling, it may, in its sole and absolute discretion, offer to assist with the cost.

8. The SMRT should advise the alleged victim, the accuser and the accused that they may choose to have an individual accompany them throughout the process for emotional support. When so requested, the SMRT will help identify a person to be available to these parties as a support

presence throughout the process. SMRT members will not be expected to act as an advocate for any person in any disciplinary or legal proceeding. [See *Book of Order*, D-10.0203 for “Rights of the Persons Involved” to have an advocate, notice of which is a function of the Investigating Committee.] The Presbytery is never obligated to provide paid legal counsel for any person involved in a disciplinary process.

9. The SMRT should keep a complete and accurate record of all the offers for pastoral care, referrals, and any pastoral care provided. Such records shall be considered confidential. The SMRT Moderator will assist those providing such pastoral care in maintaining an appropriate record.

10. At the conclusion of a matter involving allegations of sexual misconduct, the SMRT shall prepare a report for the Healthy Pastors and Congregations Commission and the Presbytery Leader for Mission and Vision/Stated Clerk that shall summarize the issues, the responses made and the lessons learned. This report shall be prepared in a manner that respects the legitimate privacy interests of those involved and is consistent with confidentiality requirements. The purpose of the report is to document how the situation was managed so that the Presbytery may learn from the experience and make appropriate changes and modification in the future. Such report shall be maintained by the Presbytery Leader for Mission and Vision/Stated Clerk.

### **III. C. RESPONSE TO CONGREGATIONS**

1. The SMRT should be aware of problems a congregation may experience following an accusation of sexual misconduct within the church or involving clergy serving the church. When a church’s pastor is accused of sexual misconduct, the ramifications are severe and immediate. The SMRT will work to support the efforts of the Healthy Pastors and Congregations Commission in providing for pastoral care and support for the congregation, including listening sessions, educational events, or training opportunities.

2. At the invitation of the Healthy Pastors and Congregations Commission, members of the SMRT may play a role in working to heal the damage to a congregation where there has been an alleged or proven incidence of sexual misconduct. This may include continued involvement following a decision in a disciplinary proceeding or civil court case.

### **III. D. PROCEEDING TO A DISCIPLINARY CASE**

1. If the Initial Response Group reasonably believes there is a factual basis for the allegations of sexual misconduct and sufficient evidence to support an affirmation of the allegations, the alleged victim and/or accuser may be advised of the right to initiate a disciplinary case against the accused. If the accuser agrees he/she shall be asked to make a signed, written report of the accusations and to file them with the Presbytery Leader for Mission and Vision/Stated Clerk. If the alleged victim or accuser is unwilling to initiate a disciplinary case, and the IRG reasonably believes a disciplinary case should be brought, any one of them may, after consultation with legal counsel, commence the case under the appropriate provisions of the *Book of Order* [D-10.0101 et seq.] The accuser or alleged victim need not have the concurrence or permission of the IRG or SMRT to initiate a disciplinary proceeding.

2. If the accused has admitted allegations of sexual misconduct, the *Book of Order* “Rules of Discipline” regarding guilty pleas/self accusations shall be followed.  
[ D-11.0402d.]
3. When Alternative Forms of Resolution [AFR] pursuant to D-10.0202h are initiated, the Investigating Committee or PJC may invite members of the IRG and/or the SMRT to participate.
4. The IRG and/or SMRT may continue to work with the church, its session, and other clergy at the church (and/or other employer of the accused when the accused is not serving a church) while a disciplinary case is pending. The IRG and SMRT shall understand that they have a subordinate role to that of the Investigating Committee [IC] and Permanent Judicial Commission [PJC], organs of church governance which have the authority to order the SMRT to cease involvement in a case.
5. Members of the IRG and the SMRT have no authority to negotiate any form of censure or discipline for the accused under the “Rules of Discipline”. However, at the conclusion of a disciplinary case, the Healthy Pastors and Congregations Commission and the SMRT may be asked by the church or the Presbytery to help address the accuser’s/accused’s needs for reconciliation with the church or similar matters. [D-11.0403e, D-12.0103d, 12.0104c,]
6. Should an accused renounce jurisdiction pursuant to the *Book of Order* [G-2.0407 or G-2.0509], during an investigation or trial, the SMRT shall continue its work with the accuser and/or alleged victim and the affected congregation after the Presbytery Leader for Mission and Vision/Stated Clerk’s report [D-3.0106].

### **III. E. SPECIAL CIRCUMSTANCES OF THE THIRD PARTY ACCUSER**

1. The “third party accuser” is a parent, guardian or other advocate for a child who is the alleged victim of sexual misconduct or a colleague or friend of the accused. When the accuser is not the alleged victim of sexual misconduct, the situation may be more complex and difficult to address and special care shall be taken to respect the privacy and other interests of the persons involved.
2. In cases where the alleged victim is an adult, a third party accuser subject to this Policy should be counseled to consider the following before making an allegation of sexual misconduct:
  - a. The third party accuser should let the alleged victim know in advance that he or she is going to make a report of sexual misconduct and should urge the alleged victim to self report.
  - b. When the alleged victim is unwilling or unable to make a report of sexual misconduct and a third party accuser decides to report, that individual should take reasonable steps to respect the privacy interests of the alleged victim. In some cases, the alleged victim may want to keep his or her identity confidential which may not ultimately be possible.
  - c. When the alleged victim is unwilling to make a report of sexual misconduct and the third party accuser proceeds to report, he/she should be sensitive to making false charges that

could damage the reputation and well being of the accused, the accused's immediate family, the alleged victim, the alleged victim's immediate family, and the church. The third party accuser should also be aware of the potential for personal civil liability for allegations that cannot be substantiated. **In no case shall Presbytery personnel file allegations as a third party accuser without first obtaining advice from legal counsel.**

3. Nothing in this Policy changes or modifies the responsibilities of individuals considered to be "mandated reporters" pursuant to California Penal Code §§ 11160 et seq. and §§ 11164 et seq.

### **III. F. FALSE ACCUSATIONS**

1. If the IRG reasonably believes that the accusation is false, or after disciplinary proceedings the accusations are found to be false or not sustained, the Healthy Pastors and Congregations Commission shall work with the accuser and the accused to reach an appropriate resolution under the circumstances. Any member of the PC(USA) who has been accused of Sexual misconduct may request an inquiry for vindication under *Book of Order*, "Rules of Discipline" D-9.0101 et seq.

2. Even if the IRG believes an accusation to be false, the accuser may proceed under the *Book of Order*, D-10.0100 et seq., to commence a disciplinary case.

3. Making a false accusation of sexual misconduct is a serious offense, and may result in the bringing of disciplinary charges against the accuser. Churches are urged to implement child protection and similar policies to minimize the risk that clergy and church personnel will be falsely accused of sexual misconduct.

## **PART IV: PRESBYTERY ISSUES**

### **IV. A. EMPLOYMENT PRACTICES**

1. Risk of liability from negligent hiring or supervision of employees, including clergy, should be minimized. In addition to the training and other provisions of this policy, the Presbytery and churches should review their policies and practices of securing paid and volunteer personnel with the intent of minimizing the risk of sexual misconduct or a claim of negligent hiring or supervision.

2. Accurate record keeping is an essential part of establishing a call and supervisory practices. The Presbytery Leader for Mission and Vision/Stated Clerk will maintain personnel files on all Ministers of the Word and Sacrament and commissioned ruling elders. The file will contain Personal Information Forms ["PIFs"], Presbytery Leader for Mission and Vision/Stated Clerk notes, reference responses, training attendance records, criminal history record checks, and other documents related to implementation of this policy and the calling of clergy.

3. Pastor Nominating Committees [PNCs] are responsible for contacting references for prospective clergy and reviewing records of prior criminal history, including but not limited to examination of law enforcement databases relating to registered sexual offenders. A written

record of conversations or correspondence with references shall be available to the Presbytery through the Healthy Pastors and Congregations Commission liaison to the PNC for clergy called to pastoral positions and shall be kept by the church in the clergy personnel file.

4. When clergy desire to transfer into the Presbytery of Riverside from another presbytery, the Presbytery, through its Presbytery Leader for Mission and Vision/Stated Clerk or Moderator of the Healthy Pastors and Congregations Commission, will assume responsibility for contacting the clergy's previous employer, and shall report to the Healthy Pastors and Congregations Commission either that there have been no reported incidents of sexual misconduct, or that the committee and/or PNC should inquire further into matters pertaining to sexual misconduct. A national criminal background check shall be conducted on all ministers called to service in this Presbytery. Pastors unwilling to sign a release form for securing such information shall be provided an opportunity to explain their reason and be informed that failure to do so places their Call and Presbytery membership in jeopardy.

5. The Presbytery Leader for Mission and Vision/Stated Clerk, or other person within the Presbytery authorized to give a reference/clearance check for clergy transferring out of the Presbytery, is obligated to provide full disclosure regarding allegations and inquiries of sexual misconduct and their outcome, as well as administrative or disciplinary action related to sexual misconduct concerning the applicant.

6. Applicants for transfer to or ordination by the Presbytery should be informed of negative comments regarding sexual misconduct received from their references and given an opportunity to submit additional references or to give other evidence to correct or respond to negative information.

7. All churches are expected to screen and supervise their paid staff and unpaid volunteers who work with children, youth under age 18 or others in high-risk categories. With the signed written consent of the employee or volunteer, churches are encouraged to conduct a criminal record background check and/or use other means to check for past instances of sexual misconduct and other illegal behavior before allowing any person, paid or unpaid, to work in any position with children or youth under the age of eighteen [18] years.

#### **IV. B. CONFIDENTIALITY AND MEDIA CONTACT**

1. Matters involving sexual misconduct should be treated with sensitivity and with consideration for the privacy interests of those involved. The accused is presumed innocent until proven guilty. The alleged victim, the alleged victim's family, the accuser, the accused's family, and the Church have interests in maintaining appropriate levels of confidentiality.

2. Concern for personal privacy of any person should never result in the Presbytery or any of its members providing false or misleading information or withholding important information in the context of employment matters or in any other context where there is a responsibility to disclose truthful and accurate information.



3. Throughout the process of responding to an incident of alleged sexual misconduct, those involved should avoid discussing the matter with individuals who have no “need-to-know.”
4. Nothing in this policy is intended to violate confidentiality requirements of the *Book of Order* [G-4.0301].
5. Inquiries from the public, the press or the media for information about a matter involving alleged sexual misconduct shall be referred to the Presbytery Leader for Mission and Vision/Stated Clerk. Members of the SMRT, Healthy Pastors and Congregations Commission, or Presbytery staff should refer all media or public inquiries to the Presbytery Leader for Mission and Vision/Stated Clerk or designated spokesperson.

#### **IV. C. INTERFACE WITH OTHER RULES AND LAWS**

1. Where specific provisions of the Book or Order mandate a particular response to an allegation of sexual misconduct, those provisions will control – e.g., the responsibilities of an Investigating Committee in Disciplinary process (*Book of Order* D-10.0202 et seq.).
2. In the case where there is a criminal law proceeding against the accused under secular law, the Presbytery will follow the “Rules of Discipline,” and may seek to delay disciplinary proceedings until criminal law proceedings have been concluded. The Presbytery also will take note of any pending civil law proceedings, and, in consultation with its legal counsel, may accord deference as appropriate to any such proceedings. In all cases where criminal or civil law actions are pending concurrently with procedures under this Policy, the SMRT and the Initial Response Group shall consult with the Presbytery’s legal counsel and coordinate their actions accordingly and in a manner consistent with the *Book of Order* for adhering to, suspending or tolling ecclesiastical time requirements.

1. Complaints concerning sexual harassment can arise under federal law [Title VII of the Civil Rights Act of 1964) and California law (California Fair Employment and Housing Act – FEHA). Complaints under these laws are related to the employment situation and prohibit all discrimination or harassment in employment for a number of categories. These may include any unwelcome conduct of a sexual nature or creation of a hostile work environment. If the complaint is made directly to a federal or state agency, the agency may allow the Presbytery to investigate and take appropriate action. All instances of alleged sexual harassment should be reported to the Presbytery’s legal counsel and insurance carrier.

#### **IV. D. INSURANCE**

1. Because of the risk that the Presbytery or any of its churches may be held liable for harm caused by sexual misconduct by clergy or Presbytery personnel, appropriate insurance or indemnification policies shall be maintained by the Presbytery. Separate insurance or indemnification policies should be maintained by member churches. Special insurance policy endorsements to cover specific exposures such as camps, day-care operations, pastoral counseling centers, shelters, or other outreach programs should be considered.

2. Churches should take advantage of materials, training and resources provided by insurance carriers to guide and direct efforts to prevent all forms of sexual abuse and misconduct.

## **PART V. GLOSSARY**

1. **“Accused”** The person against whom a claim of sexual misconduct has been made.
2. **“Accuser(s)”** The person(s) claiming knowledge of sexual misconduct by a person covered by this Policy. The accuser may or may not be the alleged victim of alleged sexual misconduct (*i.e.*, the “third party accuser”). The accuser need not be a person with personal knowledge of the alleged sexual misconduct. A person such as a family member, friend or colleague of the alleged victim may be the accuser whose information initiates an inquiry.
3. **“Alleged victim”** The person alleging being injured by or alleged to have been injured by sexual misconduct.
4. **“Child Sexual Abuse”** Any contact or interaction between a minor under the age of 18 years and an adult when the minor is being used for the sexual stimulation or gratification of the adult person or of a third person. The behavior may or may not involve physical touching. Sexual behavior between a child and an adult is never consensual and is always considered forced or coercive.
5. **“Church”**. When spelled with the initial “c” capitalized refers to the Presbyterian Church (U.S.A.). When the initial “c” is lower case, it means a congregation or local church of the PCUSA.
6. **“Clergy”** means an ordained Minister of the Word and Sacrament or Ruling Elder Commissioned to a particular pastoral service, pursuant to G-2.1061, and includes a pastor, associate pastor, co-pastor, interim pastor, designated pastor, temporary or stated supply, and ministers serving specialized ministries. As used in this Policy, “clergy” includes those who are actively serving a call and those who are continuing or at large members of the Presbytery.
7. **“Certified Christian Educators”** as defined in the *Book of Order*, G-14.0130, are included in this policy as “other church employees”.
8. **“Dependent Adult”**. Any person over the age of 18 years who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including but not limited to persons with physical or developmental disabilities or whose physical or mental disabilities have diminished because of age and any person over the age of 18 years with psychological or mental conditions, diseases, or disorders that render him/her incapable of informed judgment about their own well being.
10. **“Disciplinary”**: The formal disciplinary process of the PC(USA) as set forth in the “Rules of Discipline” of the *Book of Order*.
11. **“Initial Response Group” [IRG]** The Presbytery Leader for Mission and Vision/Stated



Clerk, the Chair of the Healthy Pastors and Congregations Commission, and the Moderator of the Sexual Misconduct Response Team, or their designees.

12. **“Investigating Committee”** The committee formed by the Presbytery pursuant to *Book of Order*, D-10.0201 et seq.

13. **“Mandated Reporter”** A person coming under the provisions of California Penal Code Section 11165.7.

15. **“Other Employee or Volunteer”**. Those employed by or recognized as a volunteer in a church or other organization related to a church, governing body, or other validated employer. This may be in a paid or unpaid, elected or appointed position and includes members of Session, Deacons and others serving in administrative or governing positions.

16. **“Parishioner”** Any member of the church where clergy is serving, including any person who is relating to the clergy as their pastor or minister and all individuals who are in a counseling relationship with the clergy person. For clergy serving in specialized ministries, “parishioner” means any person receiving the benefit of the clergy’s exercise of the office of ministry.

17. **“Presbytery”** The Presbytery of Riverside.

18. **PC(USA)”** The Presbyterian Church (U.S.A.).

19. **“Presbytery Personnel”** All staff employed by the Presbytery of Riverside and any person, whether clergy or Ruling Elder, serving in any official capacity for the Presbytery on any of its committees, councils, commissions, task forces, teams, or otherwise.

20. **“Reasonable Suspicion”** Subjective criteria referring to a belief or opinion, based on facts or circumstances, sufficient for a prudent person of reasonable knowledge, skill and experience to want to inquire further, take protective action, or report to civil or ecclesiastical authorities.

21. **“Secular or Civil Law/Authorities”** The body of municipal, state, and federal laws and enforcement agencies, whether civil or criminal, that relates to the matters addressed by this Policy.

22. **“Sexual Harassment”** No person, male or female, should be subject to unsolicited or unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that is demeaning, that persists after clear boundaries are articulated, and that undermines the integrity of employment or faith-based relationships.

It may, among other behaviors, include

- physical, verbal or visual sexual advances or propositions
- requests for sexual favors, and other sexually oriented conduct that is offensive or
- objectionable to the recipient or which creates a hostile work environment
- physical contact, including touching, pinching, or brushing the body

- verbal harassment, such as derogatory or suggestive comments, slurs or gestures
- sexual innuendoes, jokes of a sexual nature, sexual propositions, and threats
- non-verbal conduct, such as display of sexually suggestive objects, posters, cartoons,
  - pictures, drawings, screen savers, or clothing
- leering, whistling, or obscene gestures
- use of computers to embarrass or threaten others

23. **“Sexual Misconduct”** The comprehensive term used in this policy to mean any unwanted and/or unsolicited and/or nonconsensual sexual activity between clergy and parishioner or non-church member or other clergy, and may include any and/or all of the following: child sexual abuse, rape, sexual battery, or any activity of a sexual nature deemed illegal under California secular law; sexual abuse as that term is defined by *Book of Order* “Rules of Discipline” D-10.0401c; sexual harassment; or viewing or use of matter of sexual or pornographic nature on church or Presbytery premises or property or by means of a church or Presbytery computer.

24. **The Sexual Misconduct Response Team [“SMRT”]** Individuals elected by the Presbytery to aid it and its Healthy Pastors and Congregations Commission by responding quickly, pastorally, and objectively to reports of sexual misconduct and to assist the Presbytery and its member churches in activities aimed at the prevention of sexual misconduct.

## Appendix A

### ACKNOWLEDGMENT FORM & "MANDATED REPORTER" CERTIFICATION

#### PREVENTION AND RESPONSE POLICY: SEXUAL MISCONDUCT

By my signature I acknowledge that I have received a complete copy of the "Prevention and Response Policy: Sexual Misconduct" of the Presbytery of Riverside.

By my signature, I further understand that I am a "mandated reporter" as that term is defined in the California Child Abuse and Neglect Reporting Law and have certain reporting obligations pursuant to California Penal Code Section 11166 as well as certain confidentiality obligations under subdivision (d) of Section 11167. I certify that I have been provided a copy of California Penal Code Sections 11165.7, 11166, and 11167 and have reviewed them.

{Relevant sections follow. The full document is attached separately}

I also acknowledge that I have read the above documents and am familiar with the behavioral boundaries created by these documents, the consequences of violating those boundaries, and the procedures that will be followed if allegations of sexual misconduct are made by me or against me. I further understand the education and training requirements established by this policy and the consequence of failure to attend such opportunities will result in being placed on administrative leave without pay until the requirement is met.

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Signature

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Name Printed

Date Signed

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Witness Signature

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Every Minister of the Word and Sacrament in the Presbytery of Riverside, Ruling Elders commissioned to a specific pastoral service by the Presbytery, and every member of the Presbytery staff shall have a signed copy of this document in their Personnel file.

## Appendix B

## Summary of Major Points from California Penal Code

**§ 11165.7 (a) (32).** A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

**11166.** (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) Any report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If after reasonable efforts a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone follow-up call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written follow-up report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written follow-up report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission

of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

**(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.**

**(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.**

**(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.**

**(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.**

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

**11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.**

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PERSONNEL COMMITTEE

The Personnel Committee assists the Presbytery Commission (PC) in identifying staffing needs of the Presbytery and assists in meeting those needs by engaging persons to perform the necessary tasks in compliance with *Book of Order* F.1.0403 "... reflected in the rich diversity of the Church's membership.....regardless of race, ethnicity, age, sex, disability, geography, or theological conviction." The Personnel Committee shall monitor the work place so that staff (paid or volunteer) are treated in compliance with all provisions of secular employment law and presbytery approved personnel policies. The committee may advise the Presbytery Commission regarding minimum salary for paid positions.

### COMPOSITION

The Personnel Committee ideally is composed of six (6) persons. The Nominating Committee is tasked with staffing the Personnel Committee with a minimum of two (2) clergy and two (2) lay members. However, the committee may meet and perform its duties pending the selection of six (6) persons, with at least two (2) clergy. No two members shall be from the same church. The head of staff shall be an ex-officio member without vote.

### FUNCTIONS

1. Counsel with staff.
2. Maintain personnel files on all staff in a locked cabinet to protect confidentiality regarding all personnel actions and evaluations.
3. Annually review and, as needed, recommend for update to the Presbytery Commission or the Presbytery Assembly the position descriptions of all staff utilizing a standardized procedure to assure that all staff are reviewed in an equitable manner.
4. Recommend to any budget task force of the Property, Finance, Investment and Funds Development Committee and for approval by the Presbytery Commission, and as appropriate, the Presbytery Assembly, minimum salaries and terms of employment of all paid staff.
5. Biennially (2 years) review the Presbytery Personnel Policies.
6. Participate in the selection process by inclusion on the interview panel of a committee representative of all paid staff authorized by Presbytery, except the Presbytery Leader for Mission and Vision/Stated Clerk and the Treasurer.
7. Maintain folders for new hires that include information on all forms needed to hire, as well as information on benefits, leave programs, and retirement plans, if appropriate.
8. Aid session personnel committees by maintaining sample personnel policies and position descriptions from local churches.
9. In the absence of a Presbytery Leader for Mission and Vision/Stated Clerk, the required-for-membership criminal, motor vehicle, and credit background checks will be conducted by a staff member to be determined by the Personnel Committee Chair.

## RELATIONSHIPS

The chair or co-chair shall serve on the Presbytery Commission.

## CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PRESBYTERY MEETING PLANNING TEAM

#### MISSION

The Presbytery Meeting Planning Team recommends to the Presbytery Commission the Presbytery Assembly meeting places, meeting structure including provision for worship and the receipt of financial and other offerings, the biennial voting upon General Assembly overtures, and the handling of Session and Presbytery Assembly generated overtures to the General Assembly.

#### COMPOSITION

The Presbytery Meeting Planning Team is comprised of the Presbytery Assembly Moderator and Vice Moderator, the Presbytery Commission Moderator, and the Presbytery Leader for Mission and Vision/Stated Clerk.

#### FUNCTIONS

1. Assist the Presbytery Commission with logistical aspects regarding preparation for Presbytery Assembly meetings.
  - a. Assists the Presbytery Leader for Mission and Vision/Stated Clerk in finding and recommending meeting places.
  - b. Assists the Presbytery Leader for Mission and Vision/Stated Clerk in recommending the meeting structure of the meetings, including worship, providing that the word of God be preached and heard, and that the Lord's Supper be celebrated at least annually.
  - c. Assists the Presbytery Leader for Mission and Vision/Stated Clerk in ensuring an annual time of remembrance for teaching and ruling elders who entered life eternal in the previous year.
  - d. Assists the Presbytery Leader for Mission and Vision/Stated Clerk in ensuring a time of recognition for Ministers of the Word and Sacrament upon their Honorable Retirement.
2. Recommends the most appropriate group to review overtures from the General Assembly for action by the Presbytery Assembly.
3. Recommends how to review Presbytery Assembly and Session submitted overtures to the General Assembly.

#### RELATIONSHIPS

The Team will work closely with the Presbytery Commission

#### CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.



## PRESBYTERY OF RIVERSIDE ASSEMBLY

### PRESBYTERIAN WOMEN IN THE PRESBYTERY OF RIVERSIDE (PWP)

#### MISSION

Empowered by the Holy Spirit, Presbyterian Women in the Presbytery of Riverside reflects the purpose of Presbyterian Women PC (USA) to witness to God's kingdom, nurture faith and study, advocate for justice and peace, and to maintain and expand the mission of the church worldwide.

#### COMPOSITION

The PWP Coordinating Team (PWPCT) is composed of all elected and appointed leaders and the Presbyterian Women in the Congregation Moderators. The PWP leaders are a Moderator, Vice Moderator, Secretary, Treasurer, Mission Rep., Member at Large (MAL) Hunger Rep., MAL Justice and Peace Rep., MAL Racial/Ethnic Rep., a Finance Committee, Search Committee and Nurture Team.

#### QUORUM

A quorum is a majority of the PWP Coordinating Team.

#### FUNCTIONS

1. To create an inclusive, caring, diverse community of women seeking to serve God
2. To act as a conduit for fellowship, support and growth at each level of the denomination
3. To encourage leadership training and education
4. To strengthen the Presbyterian Church (USA) by enhancing fellowship, education and mission
5. To report annually to the presbytery; apprising Presbytery of progress

#### RELATIONSHIP

The PWP Moderator serves on the Presbytery Commission of Riverside Presbytery Assembly.

#### CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

## PRESBYTERY OF RIVERSIDE ASSEMBLY

### RECORDS REVIEW & ASSISTANCE TEAM

#### MISSION

The Stated Clerk has responsibility for General Administrative Reviews as described by G-3.0108a. This review is normally a review of Presbytery Assembly commissions and committees, as well as member church's registers, minutes, any required policies and manuals, and changes to incorporation documents. The Stated Clerk may appoint volunteers to this Team to assist with records reviews and providing assistance to Clerks of Session in performing their duties. The Stated Clerk is fully responsible for and supervises the work of the Team.

#### COMPOSITION

The Team is appointed, not elected, consisting of a number of volunteers the Stated Clerk deems appropriate to provide assistance in conducting records reviews and educational assistance to Clerks of Session. There is no minimum or maximum term.

#### FUNCTIONS

Assist the Stated Clerk as directed to:

1. Review annually the Session Minutes, rolls and registers of the churches within Presbytery.
2. Confirm establishment of Session approved *Book of Order* required policies and manuals.
3. Maintain records of annual reviews noting any exceptions.
4. Report to the presbytery the churches that have submitted their minutes and records for review; report annually those churches that have not submitted their minutes and records for review.
5. Keep the review of records form up to date with the *Book of Order*; notify Clerks of Session when the review form has changed.
6. Review the minutes of the Presbytery Commissions and Committees.
7. Provide training and education for Clerks of Session.

#### CONFLICTS OF INTEREST

As per the Presbytery Manual of Administrative Operations, Conflict of Interest Policy, paragraph 2, when congregational matters are discussed in which there may be a conflict of interest with any person at the meeting, that person shall be excused for that part of the meeting.

**SECTION III**  
**Presbytery Assembly Policies**  
**And Procedures**

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**PRESBYTERY OF RIVERSIDE ASSEMBLY  
PROCEDURE FOR ELECTING MINISTER OF THE WORD  
AND SACRAMENT COMMISSIONERS  
TO GENERAL ASSEMBLY**

1. The year before a General Assembly, the Committee on Nominations shall ensure that a letter will be mailed no later than July 1st to all who receive the Presbytery Assembly mailing, indicating the need for General Assembly Minister of the Word and Sacrament commissioners. The letter will include a clergy nominations form and a listing of all the Ministers of the Word and Sacrament of the Presbytery of Riverside who attended at least 50% of the meetings in the previous 12 months. The letter should also indicate that the forms can be used to nominate others or for self-nomination.
2. The nominations shall be for the up-coming General Assembly.
3. The deadline for these nominations will be October 1st.
4. The call for the November Presbytery Assembly meeting before GA year will include a brief biographical sketch of those for whom nominations forms were received by the deadline.
5. If there are not at least two nominations by the deadline, the Committee on Nominations shall ensure that a communication will be sent to all who receive the Presbytery Assembly mailings encouraging nominations from the floor. (This letter may be included in the call to the November meeting.)
6. The Committee on Nominations will place in nominations at the November meeting of the Presbytery Assembly those from whom it has received nomination forms. The moderator will open nominations from the floor.
7. Each person nominated will have two (2) minutes to address the Presbytery Assembly. (This information will be placed in the letter asking for nominations. The Committee on Nominations will contact those who have been nominated to inform them also.)
8. At the time of the election, the Committee on Nominations will inform the Presbytery Assembly that the person receiving the most vote's will be the Commissioner and the person receiving the second most votes will serve as the Alternate.
9. Voting will be done by written ballot.

Commissioners Section TV-8-a

**PRESBYTERY OF RIVERSIDE ASSEMBLY  
PROCEDURE FOR ELECTING RULING ELDER COMMISSIONERS  
TO GENERAL ASSEMBLY**

1. The year before a General Assembly, the Committee on Nominations shall ensure that a letter will be mailed no later than July 1<sup>st</sup> to all who receive the Presbytery Assembly mailing, indicating the need for General Assembly ruling elder commissioners. The letter will include a ruling elder nominations form. The letter should also indicate that the forms can be used to nominate others or for self-nomination.
2. The nominations shall be for the up-coming General Assembly.
3. The deadline for these nominations will be early October 1<sup>st</sup>.
4. The call for the November Presbytery Assembly meeting before GA year will include a brief biographical sketch of those for whom nominations forms were received by the deadline.
5. If there are not at least two nominations by the deadline, the Committee on Nominations shall ensure that a communication will be sent to all who receive the Presbytery Assembly mailings encouraging nominations from the floor. (This letter may be included in the call to the November meeting.)
6. The Committee on Nominations will place in nominations at the November meeting of the Presbytery Assembly those from whom it has received nomination forms. The moderator will open nominations from the floor.
7. Each person nominated will have two (2) minutes to address the Presbytery Assembly. (This information will be placed in the letter asking for nominations. The Committee on Nominations will contact those who have been nominated to inform them also.)
8. At the time of the election, the Committee on Nominations will inform the Presbytery Assembly that the person receiving the most vote's will be the Commissioner and the person receiving the second most votes will serve as the Alternate.
9. Voting will be done by written ballot.

**PRESBYTERY OF RIVERSIDE ASSEMBLY  
PROCEDURE FOR ELECTING A YOUNG ADULT ADVISORY DELEGATE  
TO GENERAL ASSEMBLY**

A Young Adult Advisory Delegate is a member of the Presbyterian Church (U.S.A.), between the ages of 17 & 23 years of age, a growing and concerned Christian, a loving critic of the church, chosen without distinction by sex, race, life-style, or ideological stance. It is expected that a Young Adult Advisor Delegate (YAAD) will participate in the General Assembly process in the following ways:

1. Consciousness-raising, i.e., increasing the sensitivity of the General Assembly as to how young Christians see and respond to issues and concerns before the church.
2. As visible and articulate members of the General Assembly.
3. To sharpen the issues and concerns before the church that affect youth particularly.
4. To seek and contribute to the openness, the sensitivity, and the faithfulness of the church on the level of the General Assembly.
5. Young Adult Advisory Delegates shall not be elected to General Assembly with either a direct or tacit understanding as to how they will speak at the assembly, or speak and vote in committee on any pending subject.

**YOUNG ADULT ADVISORY DELEGATE DELEGATES – SELECTION PROCEDURE**

1. Each session shall be notified no later than July 1<sup>st</sup> the year before a General Assembly by the Committee on Nominations of the opportunity to suggest candidates from the local church. A nomination form will be included in the notification.
2. A Young Adult Advisory Delegate shall be nominated by the session of his or her church.
3. A Young Adult Advisory Delegate nominee shall give evidence of an understanding of the meaning of membership in the Presbyterian Church (U.S.A.) and shall give evidence of a concern for the mission of the church.
4. The deadline for these nominations shall be October 1<sup>st</sup>.
5. The Committee on Nominations shall review the applications, and shall interview prospects in person. On the basis of the applications and interviews, a delegate and alternate shall be nominated by the Committee to the Presbytery Assembly for election.
6. The Young Adult Advisory Delegate and alternate shall be elected by the Presbytery Assembly by voice vote at the November meeting of the Presbytery Assembly the year before the General Assembly.

# **Presbytery of Riverside Assembly Gracious Discernment, Dismissal, and Transfer Policy**

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# **Presbytery of Riverside Assembly**

## **Gracious Discernment, Dismissal, and Transfer Policy**

### **I. Preamble**

#### **Biblical and Theological Foundations**

Jesus, in his pastoral prayer for his disciples, prayed, "I ask not only on behalf of these, but also on behalf of those who will believe in me through their word, that they may all be one. As you, Father, are in me and I am in you, may they also be in us, so that the world may believe that you have sent me. The glory that you have given me I have given them, so that they may be one, as we are one, I in them and you in me, that they may become completely one, so that the world may know that you have sent me and have loved them even as you have loved me. John 17: 20-23

Jesus' pastoral prayer for his disciples includes a plea not simply for unity but for the kind of oneness Jesus knew in relationship to God.

The Apostle Paul wrote, "I, therefore, the prisoner in the Lord, beg you to lead a life worthy of the calling to, which you have been called, with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace. Ephesians 4: 1-3

In his letters to the churches, Paul addressed the conflict present in many of these fledgling congregations. He repeatedly appealed for mutual forbearance and unity within the Body of Christ.

The Presbyterian Church was born out of conflict over the beliefs and practices of the Roman Catholic Church. Through the years, the Church splintered as pastors and church members differed over a host of issues, including their understanding of faith, interpretation of scripture, political ideologies and social differences. Regrettably, the church on earth has never been fully "one." Nonetheless, along with other denominations, the Presbyterian Church (U.S.A.) is an integral part of the Body of Christ and exists to serve the Kingdom of God as expressed through the Great Ends of the Church:

- The Proclamation of the Gospel for the salvation of humankind;
- The shelter, nurture, and spiritual fellowship of the children of God;
- The maintenance of divine worship;
- The preservation of the truth;
- The promotion of social righteousness; and
- The exhibition of the Kingdom of Heaven to the world. [F-1.0304]

The mere presence of theological differences does not preclude coexistence within the Presbyterian Church (U.S.A.). "We are persuaded that there is an inseparable connection between faith and practice, truth and duty." [F-3.0104] "We also believe that there are truths and forms



with respect to which men of good characters and principles may differ. And in all these we think it the duty of both private Christians and societies to exercise mutual forbearance toward each other.” [F-3.0105]

“Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ.” [F-3.0204] without dialogue there cannot be a mutual understanding of the will of the people and the will of God.

All property held by a church congregation in whatever fashion is held in trust for the use and benefit of the Presbyterian Church (U.S.A.).[G-4.0203; the “Trust Provision”] “The relationship to the Presbyterian Church (U.S.A.) of a congregation can be severed only by constitutional action on the part of the presbytery (G-3.0303b). If there is a schism within the membership of a congregation and the presbytery is unable to effect a **reconciliation** or a division into separate congregations within the Presbyterian Church (U.S.A.), the presbytery shall determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism.” [G-4.0207]

Bearing in mind these Great Ends of the Church, the Presbytery of Riverside engages the following process of discernment, dismissal, and transfer concerning a congregation’s request for discernment, dismissal or transfer in a cooperative spirit between the congregation and the Presbytery and commits to fair and just negotiations.

This process is informed by the concerns, challenges and struggles of the congregation, its leaders, and denominational issues surrounding a congregation's desire to disaffiliate from the Presbytery of Riverside and/or the Presbyterian Church (U.S.A.).

The interests of the Presbytery and the PCUSA include the possibilities of continuing divine worship or other ministry in the real property, but they also include the possibility of transferring the ‘value’ stored in the real property to another ministry that might be more responsive to the needs of the Presbytery’s area.

Rulings of the Permanent Judicial Commission of the General Assembly and the Synod of Southern California and Hawaii control the constitutional prerogatives for all members of the Presbyterian Church (U.S.A) and the policies set forth herein. See Appendices B through F.

## **POLICY STATEMENT**

The Presbytery of Riverside will consider separately the concerns of each congregation pondering the alternatives. All persons, teams, and councils are expected to work first toward **reconciliation**, and if not possible, toward a resolution that is fair, just and gracious for all parties. It is hoped that healing may result from prayerful use of this process. If it is discerned that a congregation should be dismissed from the Presbytery of Riverside and/or the PCUSA, the accompanying Discernment, Dismissal and Transfer Policy anticipates and expects all persons and entities involved will demonstrate integrity in negotiating the terms and conditions for dismissal.

## II. Discernment

### Process of Discernment for Sessions Considering Departure from the Presbytery of Riverside

1. When the Presbytery of Riverside [hereinafter “Presbytery”] through direct or indirect communication learns a congregation is considering a request for dismissal from the Presbytery and/or the Presbyterian Church (U.S.A.) [hereinafter “PCUSA”], a Discernment Team of no fewer than three persons will be appointed by the Moderator of the Presbytery Assembly to meet with the pastor and Session. Suggestions for the composition of this team include: the Moderator or his/her designee, a representative from the Healthy Pastors and Congregations Commission, a representative from the Partners in Ministry Committee. The Moderator of the Presbytery Assembly will appoint a moderator of the Discernment Team. The Presbytery Leader for Mission and Vision/Stated Clerk will be an ex-officio member of the team without vote.
2. The Discernment Team will hold an initial meeting with the pastor and Session to pray with them and explore their reasons for wanting to disaffiliate from the Presbytery and/or the PCUSA, and what steps might be undertaken to effect reconciliation between the congregation and the Presbytery. The Discernment Team will report findings to the Presbytery Commission and the Session. The Session will appoint three or four representative members of the congregation to complete the Discernment Team. The Session and Discernment Team may schedule additional meetings as needed to determine if mutual forbearance may preserve the relationship.

In reporting to the Presbytery Commission and the Session, the Discernment Team will consider the following questions:

- How have the teaching and ruling elders of the congregation been informed of the presenting issues, and what are their sources of ongoing information? How did the topic of potential dismissal from the Presbytery and/or the PCUSA arise? What resources have been supplied to the Session and congregation, and by whom?
- To what extent is the congregation united in its direction? What evidence exists within the congregation of unity and/or division in the church's direction? If there are members in disagreement with the majority, what opportunities are being offered by the Session and pastor for their voices to be heard? Is it possible to describe why any members have left the congregation? Are there members who wish to remain in the PCUSA and who might be declared the “true church,” pursuant to G-4.0207?
- What is the geographical location of this congregation? How strategic is this location to the mission of the Presbytery? What opportunities exist in this geographic area of the Presbytery to develop a new PCUSA congregation?
- What financial and property resources have the Presbytery and the PCUSA invested in the development of this congregation? Are there outstanding loans to the denomination or to commercial lenders?

- Describe the degree of support from this congregation of the ministries and mission of the Presbytery and the PCUSA through per capita and mission giving. If per capita and/or mission support has been reduced or not paid, what are the circumstances that led to the change? How have members been involved in the Presbytery?
  - How does the Session understand the “common trust” regarding PCUSA property?
  - On what grounds does the Session believe the congregation will be able to better serve God's Kingdom and accomplish the Great Ends of the Church outside the Presbytery and/or the PCUSA?
  - What conversations, if any, have minister(s) of the Word and Sacrament, the Clerk of Session, or other ruling elders entered into with a receiving presbytery and/or other Reformed body?
3. The Discernment Team, in coordination with the Session, will send a letter to the members of the congregation explaining the discernment process and will also include contact information for all members of the Discernment Team and the Session.
4. The Session will schedule at least three congregational forums (at least 3 weeks apart) for the Session and the entire Discernment Team to engage the congregation in conversation and share information regarding the discernment, dismissal/transfer process.
- The meetings will be widely promoted to all members by means effective for each congregation (at least 2 consecutive Sundays' announcements).
  - The Discernment Team and the Session will determine the format and leadership of the Congregational Forums.
  - No official congregational business will be conducted and no official congregational votes taken.
  - The Discernment Team members will attend and have voice. Other guests may attend as invited by the Session or Discernment Team to answer anticipated questions.
  - The Discernment Team will keep a general record of the meetings: their content, spirit, mood, character, and number in attendance, with an eye toward healthy discussions.
5. Members of the Discernment Team will meet individually with the minister(s) of the Word and Sacrament, discussing the following questions:
- How are you feeling personally about dismissal?
  - How is your decision affected by loyalty to present staff and/or the congregation?

- What are your thoughts about the fairness and openness of this process, and how have dissenting opinions been addressed?
  - Would you prefer to stay with the Presbytery and/or the PCUSA if the congregation were to be dismissed?
  - As a Minister of the Word and Sacrament, what kind of leadership are you exercising in the midst of this process?
6. The second meeting of the Discernment Team with the Session will be for the purpose of evaluating the congregational forums. The Discernment Team will make a report to the Presbytery Commission and the Session.
7. The Session will meet for a prayer retreat, at least three hours in length, to seek God's guidance. At the conclusion, the Session may determine to continue with the Discernment Dismissal Transfer Process, to end the process, or to engage in further exploration with the Discernment Team.
8. The Session's decision to proceed with dismissal from the Presbytery and/or PCUSA will be determined by secret ballot at a called session meeting. The tally of the vote of the Session will be communicated in writing to the Presbytery Leader for Mission and Vision/Stated Clerk of the Presbytery. If the vote is not unanimous, the Discernment Team will determine with the Session whether to proceed to the next step.
9. The third required meeting of the Discernment Team and Session will be for the purpose of discussing real terms of dismissal, including the choice of the Reformed Body or presbytery to which the congregation would eventually be released. The tax exempt status of the congregation and the creation of new corporate records and possible name change of the congregation will be addressed in the settlement agreement. The clerk of session shall communicate with the appropriate official(s) of the Reformed Body or presbytery to which the congregation would be released, to determine necessary actions to be taken, and to determine whether it is possible to proceed. The Discernment Team will report to the Presbytery Commission and the Session, including whether or not to recommend seeking an advisory vote from the congregation.
10. The discerning church shall provide complete written disclosure to the Presbytery of all church records, including but not limited to, 1) current church rolls and contact information for all members; 2) current church/corporation by-laws; 3) Articles of Incorporation; 4) recorded deeds to real property; 5) property tax records for the most recent 5-year period; 6) the church's annual reports for the previous five years; 7) the church's financial reports for the previous five years; 8) Statistical Reports to the Office of the General Assembly of the PCUSA for the previous five years; 9) documents relating to any endowments, trusts or investments held by the church or for which the church is the beneficiary; 10) documentation of past PCA payments or deficiencies for the previous 10 year period; 11) copies of all communications between Session and the congregation regarding dismissal/disassociation with PCUSA; and copies of Minutes for congregational and session meetings for the 12 month period preceding the congregational forums.

## III. Dismissal

### Process for Dismissal of a Congregation from the Presbytery of Riverside

Upon completion of the *Process of Discernment for Sessions Considering Departure from the Presbytery of Riverside*, the Session, the congregation, and the Presbytery will be guided by the following process:

#### A. CONGREGATIONAL ENGAGEMENT AND VOTING GUIDELINES

1. The complete Discernment Team shall be informed of and have an opportunity to be present for meetings of the Session and congregation at which decisions regarding dismissal are considered.
2. At the request of the Session, the Presbytery shall invite the congregation to gather for the purpose of considering a vote to request that the Presbytery dismiss the congregation. Notice for the gathering, at least 30 days in advance thereof, with copies of the full dissolution agreement or an executive summary approved by the complete Discernment Team, shall be given through written letter to each member on the roll of the congregation; as well as through Sunday worship announcements and other forms of communication utilized by the congregation. Public worship announcements will be made at all worship services between the date of the call and the actual congregational gathering.
3. A quorum of the equivalent of 66% of members of the congregation must be present. The attendees will be recorded by name. Proxy voting will not be permitted.
4. Representatives from the Presbytery will be allowed the privilege of the floor.
5. The congregational vote to request dismissal will be by secret written ballot. At least eighty percent (80%) of those present and voting must vote in favor of requesting dismissal in order for the proposal to pass.
6. The congregational vote to request dismissal may include options to divide the congregation, dissolve the congregation, transfer to another presbytery within the PCUSA, or leave the PCUSA to join another Reformed denomination; a congregation will not be dismissed to independent status. Reasonable efforts must be made by the congregation to encourage and accommodate the attendance of shut-in members, in both the discussions and voting.
7. If a vote requesting dismissal passes by the requisite majority, then the Discernment Team will continue the dismissal process with the Session. In the event the vote does not pass by the requisite majority or the requisite quorum is not achieved, then the Discernment Team will meet with the Session at a future date to engage in a process of reevaluation and further discernment.
8. Agreement on terms of dismissal by the Session and the Presbytery Commission, and a letter

indicating the intention to receive the congregation from another Reformed body or presbytery must be received by the Presbytery prior to continuing this dismissal process.

## **B. MEMBERSHIP CONCERNS**

If a motion to dismiss passes both the congregation and the Presbytery by the necessary majorities, then:

1. The Discernment Team will make provision for contacting every member of the departing congregation in order to assist the transfer of membership for any persons expressing a desire to maintain membership in a congregation in the Presbytery of Riverside.
2. Any Inquirers or Candidates having membership in a departing congregation will have the opportunity, with the aid of the Commission on Preparation for Ministry, to transfer their membership to another PCUSA congregation and to have the 6-month requirement of membership in the new church waived, thereby maintaining their status in the inquiry or candidacy process.
3. Any pastor desiring not to depart from the Presbytery with the congregation he/she is serving will be paid by the departing congregation severance pay and benefits. Such payments should commence on the date following the final service of worship mentioned in item 4 of section D below, or such other date negotiated between the pastor and Session. Severance payments will stop after six months, or the pastor begins a new call, whichever comes first.

## **C. PROPERTY SETTLEMENT AGREEMENT**

### 1. Assets of the Departing Congregation:

The assets of the departing congregation referred to in this document shall include, but not be limited to, all land, buildings, furnishings, artifacts, cash, endowments, bank accounts, securities, investments, and trust accounts, wherever situated.

- a. Appraisal. Due diligence regarding the value of property requires a fair and complete appraisal of the value of property of the congregation seeking dismissal as follows:
  - i. The departing congregation shall obtain and pay for an appraisal report signed by a member of the American Institute of Real Estate Appraisers. If the Presbytery does not accept such Appraisal Value, the Presbytery shall promptly obtain and pay for another appraisal report signed by another member of the American Institute of Real Estate Appraisers. The average of the two appraisals thus obtained will then be proposed as the Appraised Value. If either party is unwilling to accept the average of the two appraisals and if the parties are unable to otherwise agree on an amount for the Appraised Value, either party may request that the two appraisers be asked to jointly select a third appraiser whose appraisal report will be binding upon both parties. The costs of this appraisal report shall be shared equally by both parties, and the Appraised Value thus obtained shall be used to effect the Settlement from which neither party may withdraw.
  - ii. In addition to the above, the departing congregation shall pay all closing costs due at the time of transfer of title of the assets of the departing congregation. The departing congregation also agrees to maintain the property in good condition, maintain adequate insurance and pay all financial obligations



related to the Assets of the Congregation. In the event of non-compliance of any of the departing congregation's obligations, the Presbytery shall have the right to maintain the property and meet all related financial obligations with reimbursement coming from the departing congregation directly, or added to the proceeds otherwise due to the Presbytery on final transfer of the Assets of the departing congregation.

iii. Payment of such amount determined above shall be paid to the Presbytery prior to the departing congregation being dismissed by the Presbytery.

iv. The departing congregation shall be free of all debt owed to the Presbytery, Synod or other PCUSA entity before being dismissed by the Presbytery.

v. Should the congregation seeking dismissal choose not to pay for the Appraised Value of the assets it seeks to take with it in dismissal, it may, in the alternative transfer title to all the congregation's assets to the Presbytery in lieu of payment.

b. Settlement.

If the congregation desires to retain its property, the Discernment Team and representatives of appropriate committees of the Presbytery of Riverside will evaluate the missional interests of the Presbytery in making recommendations concerning the settlement of financial obligations, including the Presbytery's fiduciary responsibility to the PCUSA. Factors to be taken into consideration include, but are not limited to, 1) the denomination's dollar investment in the congregation, 2) the Presbytery's energy investment over the past 20 years, 3) the Appraised Valuation of the property, 4) all Assets as defined above, and 5) the potential of establishing a new PCUSA congregation in that area. The value of all real estate property held during the five years prior to dismissal will be considered part of the valuation.

c. *Per Capita* and Mission Assessments

i. The congregation will be required to pay any unpaid *per capita* for the current year and any unpaid *per capita* in previous years. In addition, the congregation will pay *per capita* apportionment to the Presbytery (based on the number of members on December 31<sup>st</sup> of the year prior to the session vote approving dismissal, see Section III.A.3. above) for the three years following the year in which the decision to depart was made final by vote at the Presbytery meeting.

ii. In addition to the *per capita* and property payments, the departing congregation will make a onetime contribution to the Mission of the Presbytery of Riverside equal to the average of all mission monies the congregation has given over the previous five years or a minimum of 7% of the general fund budget in use in December of the previous year mentioned in Section III.3 above.

d. Finalizing the Settlement Agreement.

i. A final settlement date will be established by which all financial obligations and encumbrances must be paid before title to the property can be released to the departing congregation or receiving body or presbytery. Also, the agreement will indicate whether payments will be interest-free or will specify the interest rate. No title transfers of property will be transacted until all such financial obligations are met.

ii. If the congregation is departing from the PCUSA, all loans held by the denomination will be

paid in full on or before the final settlement date.

iii. The congregation will assume full responsibility for any loans, debts, or encumbrances incurred through commercial institutions or private individuals.

iv. The departing congregation will be responsible for any and all legal expenses incurred in the process of departing from the Presbytery and/or the PCUSA.

## **D. PROCESS FOR THE PRESBYTERY TO VOTE TO DISMISS A CONGREGATION**

### **1. Procedure for Vote of the Presbytery on Settlement Agreement**

- a. Once the congregation's desire for dismissal from the PCUSA has been validated, and it has accepted the terms of the negotiated agreement for dismissal, *a special meeting of the Presbytery shall be called to consider all matters relating to the proposed dismissal and transfer. At the time of the Call, at least 30 days prior to the special meeting*, a summary of the conclusions and the process of the Discernment Team (*including how the issues listed in Section II.2, above, were resolved*), and the negotiated terms of the agreement for dismissal will be made available to all members of the Presbytery for their review. *In addition, Presbytery will make available for review, electronically and at the meeting, all disclosed documents listed in Section II.10, above.* Presbytery shall vote separately on 1) the dismissal of the congregation under the terms of the Dismissal Agreement; and 2) the membership of the Ministers of the Word and Sacrament.
- b. If the Presbytery Assembly does not approve the proposed dismissal of the congregation, the Discernment Team and the congregation will be strongly encouraged to consider renegotiations and/or mediation in an effort to come to an amended agreement.

### **2. Determination of Members' Desire for Transfer**

- a. Within thirty (30) days of the Presbytery's vote approving dismissal of the congregation to another Reformed body, the Presbytery will prepare and send a letter to members of the church informing them of their options to be dismissed with the congregation or to remain in the PCUSA by transferring their membership to another congregation in the area, or to the Presbytery itself. The church will mail the letter to all active members of the congregation promptly and will bear all costs associated with this mailing. The letter will direct that responses are to be returned to the Presbytery. The Presbytery will then ensure that contact is made with those members wishing to remain in the PCUSA and that they are assisted in joining a new congregation of their choice.
- b. In the event that the Presbytery identifies potential for a new worshiping community to be started in response to this dismissal, the Presbytery leadership will appoint a task force to work with members and other interested parties who choose to stay in the PCUSA.

### **3. Effective Date of Dismissal**

The effective date of dismissal and transfer of property shall be at the completion of all required actions as listed in the terms of the Dismissal Agreement, but in any case, *no sooner than sixty (60) days to allow for proceedings under D-6.0100 et seq., and no more than ninety (90) days after the vote of the Presbytery.*

### **4. Completing the Dismissal**



Recognizing that the departure of valued colleagues in ministry will be a matter of pain for all parties, it is appropriate for the Presbytery to hold a service of worship to provide a time of thanksgiving for prior shared ministry and prayers for the ongoing witness of both the departing congregation and of all the other congregations in the Presbytery and the PCUSA.

## **E. ADDITIONAL ITEMS**

1. The negotiated settlement will address appropriate disposition of financial assets, and other tangible and intangible assets. Session and congregational minutes and the church register will be up to date and surrendered to the Presbytery, for transfer to the Presbyterian Historical Foundation. Copies may be retained by the departing congregation.

2. The Presbytery shall be provided with detailed information concerning the terms of the pending reception of the Ministers of the Word and Sacrament and congregation by the entity to which the congregation is departing. The transfer of the congregation will not be presented to the Presbytery for a vote to dismiss the congregation until the Presbytery Leader for Mission and Vision/Stated Clerk of the Presbytery has received official notice from the receiving entity.

### **Dates of Adoption and revision by the Presbytery of Riverside:**

June 9, 2012; February 23, 2013; September 12, 2015; March 3, 2017; June 10, 2017 (Ratification Date of Presbytery Restructure and republication all governing documents); June 2, 2018.

## IV. Appendices

### Appendix A: Relevant Sections of the New Form of Government

*With regard to Presbytery's relationship with Sessions:*

#### **G-3.0303 Relations with Sessions**

- A. Control the location of new congregations and of congregations desiring to move as well as to divide, dismiss, or dissolve congregations in consultation with their members;
- B. Counsel with a session concerning reported difficulties within a congregation, including:
  - (1) Advising the Session as to appropriate actions to be taken to resolve the reported difficulties,
  - (2) Offering to help as a mediator, and
  - (3) Acting to correct the difficulties if requested to do so by the session or if the session is unable or unwilling to do so, following the procedural safeguards of the Rules of Discipline;
- C. Consider and act upon requests from congregations for permission to take the actions regarding real property as described in **G-4.0206**.

*With regard to Church Property;*

#### **G-4.0203 Church Property Held in Trust**

All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).

#### **G-4.0206 Selling, Encumbering, or Leasing Church Property**

**Selling or Encumbering Congregational Property:** A congregation will not sell, mortgage, or otherwise encumber any of its real property and it will not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation.

#### **G-4.0207 Property of Congregation in Schism**

The relationship to the PCUSA of a congregation can be severed only by constitutional action on the part of the presbytery **G-3.0303b**. If there is a schism within the membership of a congregation and the presbytery is unable to effect reconciliation or a division into separate congregations within the PCUSA, the presbytery will determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the PCUSA. This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism. **See G-4.0208 for exceptions**

## Appendix B: Permanent Judicial Commission of the Presbyterian Church (U.S.A.) (Tom)

### PERMANENT JUDICIAL COMMISSION OF THE GENERAL ASSEMBLY PRESBYTERIAN CHURCH (U.S.A.)

### APPENDIX B

-----	)	
Wilber Tom, David Hawbecker, and	)	
Thomas Conrad,	)	<b>Decision and Order</b>
Appellants (Complainants),	)	Remedial Case 221-03
	)	
v.	)	
	)	
Presbytery of San Francisco,	)	
Appellee (Respondent).	)	
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#### Arrival Statement

This filing before the Permanent Judicial Commission of the General Assembly (GAPJC or this Commission) is an appeal of a Decision of the Permanent Judicial Commission of the Synod of the Pacific (SPJC) rendered on March 23, 2012. The Notice of Appeal was received by the Stated Clerk of the General Assembly on May 10, 2012.

#### Jurisdictional Statement

This Commission finds that it has jurisdiction, that Appellants have standing to file the Appeal, that the Appeal was properly and timely filed, and that the Appeal states one or more of the grounds for appeal under D-8.0105.

#### Appearances

Wilbert Tom, David Hawbecker, and Thomas Conrad (Appellants), were represented by JoAn Blackstone. Presbytery of San Francisco (Presbytery or Appellee) waived its appearance at the hearing and chose to rely on its written submissions.

#### History

Presbytery formed a workgroup on December 11, 2008, to develop a policy regarding any church located in the Presbytery that wished to be dismissed from the Presbyterian Church (U.S.A.) (PC(U.S.A.)). Scott Farmer (Farmer), Senior Pastor, Community Presbyterian Church of Danville (Danville) served on that workgroup. While the exact date is unknown, it is not disputed that Danville had begun discussions regarding the dissolution of their relationship with the PC(U.S.A.) at the time of Farmer's selection to the policy workgroup.

Presbytery, at its September 15, 2009, stated meeting, adopted what was known as the "Gracious Dismissal Policy" (GDP) as a result of the recommendation of the policy workgroup. While the GDP acknowledged *Book of Order* G-8.0201 (now G-4.0203) (the Trust Clause) that provides all property

held by or for a congregation "is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)," the GDP interpreted the Trust Clause "to reflect the church's organic unity as it fulfills 'The Great Ends of the Church,' strengthening its ability to guide its member churches into their witness to the broader community." The GDP found that it was "the right of a congregation to seek and request dismissal with its property to another reformed denomination." The GDP also set forth that the Trust Clause was not to be used as a weapon to threaten civil action against a congregation over issues of conscience.

To mitigate financial impact on mission and ministry of Presbytery, the GDP requested the congregation seeking dismissal to pay Presbytery annually for five years: (1) funds to offset declining per capita and (2) funds to offset a declining contribution to the mission budget. The GDP did not mention payment of any other funds to Presbytery, such as payment for the value of the congregation's real property and other assets.

Five months after the adoption of the GDP by Presbytery, the session of Danville, of which Farmer was moderator, notified Presbytery in February 2010 of its intention to seek dismissal to the Evangelical Presbyterian Church (EPC). Pursuant to the GDP, a Presbytery Engagement Team (PET) was appointed by Presbytery during its stated meeting on April 13, 2010, to work with the session and congregation of Danville to effect reconciliation, if possible, or to negotiate the terms of the dismissal. Also pursuant to the terms of the GDP, Danville formed a Special Committee of the Congregation (SCC), on which Farmer participated, to negotiate with PET. During a called congregational meeting on September 12, 2010, Danville voted to seek dismissal from the PC(U.S.A.) pursuant to the terms negotiated by PET and SCC. The terms of the negotiation were subject to approval by Presbytery.

According to the testimony of members of PET, the GDP did not include a requirement to consider the value of the congregational property for the use and benefit of the PC(U.S.A.). Under the terms of the final agreement reached with PET, Danville agreed to make a lump sum payment of \$108,640 to Presbytery to compensate for declining per capita. Additionally, Danville agreed to pay \$42,000 per year for five years to support targeted PC(U.S.A.) ministries, missions and ministers. No other monies were contemplated or discussed by PET with SCC.

At its November 9, 2010, stated meeting, Presbytery conditionally approved the terms of the dismissal as set forth by PET and SCC. The resolution provides:

The effective date of [Danville's] dismissal will be November 10, 2010. If there is no stay or filing of a complaint during a 90-day waiting period, consistent with the interval identified in the Presbyterian Church (U.S.A.) *Book of Order* for the filing of stays and complaints, full implementation will occur on February 9, 2011.

At that same meeting, Presbytery voted to suspend the GDP. Subsequently, Presbytery adopted a new GDP which is not relevant to this appeal.

On February 2, 2011, within the 90-day time frame approved by Presbytery, Appellants filed a remedial complaint against Presbytery with the SPJC. On June 4, 2011, SPJC answered all the preliminary questions affirmatively under D-8.0105. An amended complaint was filed on October 14, 2011.

Trial was held on March 22, 2012. At the beginning of the trial, Appellants moved to disqualify a commissioner pursuant to D-7.0401b(2), alleging that the commissioner was predisposed to rule against Appellants as evidenced by the "tenor of his comments" set forth in an October 6, 2011, email. The motion was denied by SPJC.

During the trial a number of documents were offered for inclusion in the record. These documents included the PC(U.S.A.)'s *Amicus Curiae* Brief before the California Supreme Court and the Annual Statistical Report of Danville which had been sent to the Stated Clerk of Presbytery. The moderator sustained Presbytery's objections to the admission of these documents. The Appellants objected to the admission of other documentary evidence, including an email from a PET member summarizing her conversation with a representative of the Department of Constitutional Services within the Office of the Stated Clerk. Appellants' objections were overruled.

Additionally, while questioning a witness, a commissioner stated, "The agreement that you struck between the Presbytery and CPC Danville, my home church, also referred to as CPC, so Central, however, has several points in it with subpoints." Neither party made an objection regarding disqualification of this commissioner at that time for any possible conflict of interest, if the commissioner meant by his comment that Danville was his "home church."

On March 23, 2012, SPJC ordered that the action of Presbytery on November 9, 2010, dismissing Danville pursuant to the terms of the agreement, be affirmed.

On May 7, 2012, Appellants mailed their Notice of Appeal to the GAPJC and all other appropriate recipients. During the Presbytery stated meeting on May 8, 2012, the PET reported that the new implementation date of the agreement would fall between May 21 and May 26, 2012. Appellants believe that PET, at this stated meeting, was aware of the Notice of Appeal to the GAPJC.

On May 18, 2012, the GAPJC issued its preliminary order finding that it had jurisdiction, that the Appellants had standing to file the Appeal, that the Appeal was properly and timely filed, and that the Appeal stated one or more of the grounds for appeal under D-8.0105. Notice of such GAPJC decision accepting the Appeal was timely mailed to the parties. On May 21, 2012, Presbytery executed quitclaim deeds to Danville and Danville paid the per capita and mission funds pursuant to the agreement.

### **Specifications of Error**

*Specification of Error No. 1: (Appellants' Specification of Error No. 1) The proceedings of the Synod Permanent Judicial Commission (SPJC) were irregular, in that the decision is inconsistent with substantial evidence from the testimony of witnesses at the trial, that in determining the terms of its dismissal of a large suburban church the Presbytery of San Francisco (Presbytery) failed to consider or to understand the meaning of the property trust clause (G-4.0202, formerly G-8.0201) or that the church property in question was in fact unequivocally owned by the Presbyterian Church (U.S.A.).*

*This Specification of Error is sustained.*  
*See the rationale below Specification of Error 7.*

*Specification of Error No. 2: (Appellants' Specification of Error No. 10) The SPJC erred in*

*constitutional interpretation, in that it failed to apprehend or give effect to the plain meaning of the language of the express trust now at G-4.0203 (formerly G-8.0201) in the context of a church seeking dismissal, that all property held by a congregation “is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).”*

This Specification of Error is sustained.

*See the rationale below Specification of Error 7.*

*Specification of Error No. 3: (Appellants' Specification of Error No. 11) The SPJC erred in constitutional interpretation, in that it failed to consider or give effect to a relevant Authoritative Interpretation (AI) of the Book of Order (Request 9-88), an answer provided by the General Assembly of 1988 on the recommendation of the Advisory Committee on the Constitution (ACC) which, in the context of a presbytery's response to a church seeking dismissal, interprets the property trust clause to require proper consideration to be given to the interests of the Presbyterian Church (U.S.A.) as provided in Chapter VIII. This AI goes on to say, “in particular, G-8.0201 recognizes the principle that all property for or by a particular church is held in trust for the use and benefit of the Presbyterian Church (U.S.A.) Thus the Presbyterian Church (U.S.A.) is a party in interest when a presbytery takes action with respect to a request to dismiss a church with its property.”*

This Specification of Error is sustained.

*See the rationale below Specification of Error No. 7.*

*Specification of Error No. 4: (Appellants' Specification of Error No. 12) The SPJC erred in constitutional interpretation, in that it failed to consider or give effect to a subsequent AI of the property trust clause, in an answer provided by the General Assembly in 1989 on the recommendation of the ACC: “When dealing with a request by a church for dismissal with its property pursuant to G-11.0103i and G-11.0103y, the presbytery is responsible for exercising the express trust provisions of G-8.0201 recognizing and protecting the interests of the Presbyterian Church (U.S.A.). Separate consideration should be given to the questions of dismissing the congregation, the disposal of property, and the relationships of ministers of Word and Sacrament.” “Each request for dismissal should be considered in the light of the particular situation and circumstances involved.”*

This Specification of Error is sustained.

*See the rationale below Specification of Error No. 7.*

*Specification of Error No. 5: (Appellants' Specification of Error No. 13) The SPJC erred in constitutional interpretation, in that it disregarded testimony of members of the Presbytery's PET who had negotiated the terms of dismissal of the CPCD and whose recommendation the Presbytery had adopted. This testimony demonstrated, among other things, a consistent failure to understand the meaning of the property trust clause as expressed in the Book of Order, a failure to have read or considered relevant Authoritative Interpretations of the Constitution, an apparent failure to understand that the PC (U.S.A.) owned the church property, a failure to grasp the fact that a transfer of the real property without consideration amounted to a gift, an exclusive reliance on the Presbytery's previously approved dismissal policy as understood by members of the PET, a failure to*



*understand how to apply the trust clause other than in the context of specific process steps in the policy, and a belief that the policy precluded even having a discussion about having the church property remain in the hands of the denomination or asking for any payment for the property upon its transfer.*

This Specification of Error is sustained.

*See the rationale below Specification of Error No. 7.*

*Specification of Error No. 6: (Appellants' Specification of Error No. 14) The SPJC erred in constitutional interpretation, in that it upheld the Presbytery's action as being within its discretion as trustee of the church property, based on Presbytery's contention that the transfer of the property without consideration would serve "the Great Ends of the Church" and further the "total ministry and witness for Christ," thus making any further recognition of the property trust unnecessary or inappropriate.*

This Specification of Error is sustained.

*See the rationale below Specification of Error No. 7.*

*Specification of Error No. 7: (Appellants' Specification of Error No. 15) The SPJC erred in constitutional interpretation, in that its decision would indicate that a presbytery has unfettered discretion with respect to church property being used by a congregation seeking dismissal to another Reformed denomination, while the Book of Order places the fiduciary and related responsibilities of a trustee of the property on the presbytery.*

This Specification of Error is sustained.

Presbytery voted to approve the transfer of the valuable Danville property unless a complaint or stay was filed within 90 days. A complaint was so filed. Following the ruling by SPJC, a new implementation date for the agreement was set. In the interim, an appeal was filed to this Commission and accepted with a preliminary order being entered May 18, 2012. Nevertheless, on May 21, 2012, Presbytery executed a quitclaim deed to Danville before this Commission was able to conduct the hearing on this appeal.

Presbytery, having transferred title while this case was pending, argued that the transfer of title renders the case moot because the quitclaim deed had been signed and could not be revoked. Notwithstanding the transfer of title, in cases where circumstances prevent a remedy, this Commission may exercise its declaratory authority to provide guidance to lower councils and prevent future violations. *Daniel J. McKittrick v. The Session of the West End Presbyterian Church* (Remedial Case 215-5, 2003).

The *Book of Order* provides in G-8.0201 (now G-4.0203) that:

All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust

nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).

Under the Trust Clause, a presbytery's discretionary authority to determine property rights, while broad, must be guided by the presbytery acting as a fiduciary for the benefit of the PC(U.S.A.), the beneficiary of the Trust Clause. A congregation's financial and all other assets are also understood to be covered by the Trust Clause. *Chesterbrook Taiwanese PC v. National Capital Presbytery*, Remedial Case 217-12, 2006.

Under the fiduciary obligations inherent in the Trust Clause, a presbytery must take into consideration the PC(U.S.A.)'s use and benefit of the property in every decision concerning its disposition. To comply with the Trust Clause, the presbytery must consider the interest of PC(U.S.A.) as a beneficiary of the property. Payments for per capita or mission obligations are not satisfactory substitutes for valuations of the property held in trust. (G-4.0203)

The Trust Clause reflects our understanding of the church as a communion of saints across time, with responsibilities both to those who came before and those who will follow. When a congregation seeks to leave the PC(U.S.A.), it is breaking what is often a significant historic relationship; it is also departing from a fellowship in which its officers have participated, by whose polity they have pledged to be governed, and with which many members may feel bonds of affection.

Based on an examination of the record, this Commission finds that the GDP developed by Presbytery, its implementation, and SPJC in its trial decision, failed to duly consider the economic interests of the PC(U.S.A.). Such consideration is essential. SPJC's exclusion of documents which were the most convincing evidence of the position of PC(U.S.A.) in regard to the Trust Clause and of the financial position of Danville, strongly supports the allegation of erroneous interpretation. Failure to consider the property value and the PC(U.S.A.)'s beneficial interest in the property was a fatal omission of the trustee's duty to the PC(U.S.A.).

The justification given by Presbytery for dismissal of the Danville church with property, which included only "Great Ends of the Church" and avoidance of litigation, was erroneously upheld by SPJC. While certainly valid, such considerations alone are not sufficient to satisfy the due diligence requirement imposed by the Trust Clause. SPJC erred in finding that due consideration had been given to the interest of the PC(U.S.A.) as the trust beneficiary under the *Constitution*. Due diligence, of necessity, will include not only the spiritual needs of the congregation and its circumstances, but an examination of the congregation's financial position and the value of the property at stake. It is undisputed that Presbytery failed to make such an examination. SPJC erred in failing to require that financial due diligence be undertaken by Presbytery.

*Specification of Error No. 8: (Appellants' Specification of Error No. 2) The proceedings of the SPJC were irregular, in that one of its commissioners made a comment, before a witness could answer a question, to the effect that the attorney-client privilege would preclude answering the question, and cast doubt on the witnesses' ability to waive the privilege.*

This Specification of Error is not sustained.

There was no error in having the question of attorney-client privilege raised by a commissioner. If the moderator was incorrect in finding that the witness could not waive the privilege, such ruling was



harmless because ultimately the witness was allowed to testify concerning the information objected to.

Specification of Error No. 9: *(Appellants' Specification of Error No. 3) The proceedings of the SPJC were irregular, in that in questioning a witness one of its commissioners made reference to, and quoted, a provision of the Book of Order that was not in effect at the time of the disputed action (G-4.0201), thus providing misleading support for the Presbytery's position.*

This Specification of Error is not sustained.

References to provisions of the *Book of Order* are not evidence. They may be incorrect or untimely but they have no impact without a determination or decision being based on the provisions that are considered.

Specification of Error No. 10: *(Appellants' Specification of Error No. 4) The proceedings of the SPJC were irregular, in that one of its commissioners belatedly revealed, near the conclusion of the trial in which he had materially participated as described at 2. and 3., above and at other times during the proceedings, that the "Danville church" (the church that was to have been dismissed by the Presbytery under the disputed terms), was his home church. In addition, there is nothing from the record that would indicate other than the same commissioner's full participation in the SPJC deliberations that followed the trial, despite the appearance of a significant conflict of interest.*

This Specification of Error is not sustained.

Having reviewed the record, it is clear the commissioner was not referring to Danville as his home church. Support for this conclusion can be found in that there was no objection or question of conflict of interest raised by anyone after his statement.

Specification of Error No. 11: *(Appellants' Specification of Error No. 5) The SPJC erred in declining to receive as proper evidence the Amicus Curiae Brief of Clifton Kirkpatrick et al. in support of the position of the Episcopal Church before the Supreme Court of California in the Episcopal Church Cases. This brief sets forth the official legal position of the Presbyterian Church (U.S.A.) with respect to church property as provided in the property trust clause in the Book of Order.*

This Specification of Error is sustained.

Failure to receive the *Amicus Curiae* Brief into the record was an abuse of discretion in that it was a clear statement of the legal position of the PC(U.S.A.) as it related to the Trust Clause. Recognition of the legal position of the PC(U.S.A.) as the beneficiary under the Trust Clause is integral to any presbytery analysis concerning disposition of church property.

Specification of Error No. 12: *(Appellants' Specification of Error No. 6) The SPJC erred in declining to receive as proper evidence the Annual Statistical Report for the Community Presbyterian Church of Danville (CPCD), which was sent by its Clerk of Session to the Stated Clerk of the Presbytery of San Francisco. Appellants believe this report provides useful information concerning the number of members and financial strength of CPCD, matters which the Presbytery failed to consider but should have considered in negotiating the terms of its dismissal.*

This Specification of Error is sustained.

The failure to receive the report on Danville was an abuse of discretion because it provided relevant information which should have been considered as part of the dismissal.

*Specification of Error No.13: (Appellants' Specification of Error No. 7) The SPJC erred in receiving as proper evidence a copy of an E-mail communication from a member of the Presbytery Engagement Team (PET), the ad hoc committee that was charged with negotiating the terms of dismissal with representatives of CPCD, to the other members of the PET, describing her telephone conversation with a third party, despite her testimony that there was no follow-up discussion of its contents on the part of the PET and hence no indication that the PET based its actions on that conversation or E-mail message.*

This Specification of Error is not sustained.

There was no abuse of discretion by SPJC in receiving such evidence.

*Specification of Error No. 14: (Appellants' Specification of Error No. 8) The SPJC erred in receiving as proper evidence a copy of an E-mail communication from a member of the PET to the other members of the PET in which she related her understanding of the reasons for the CPCD Sessions' desire to leave the PC(U.S.A.). At no time was any evidence testimony produced to suggest that the Presbytery's terms of dismissal were influenced in any way by the matters discussed in that communication.*

This Specification of Error is not sustained.

There was no abuse of discretion by SPJC receiving such evidence.

*Specification of Error No. 15: (Appellants' Specification of Error No. 9) For the reasons stated at 10 (Appellants' 4) and 14 (Appellants' 8), above, there was a manifestation of prejudice in the conduct of the case.*

This Specification of Error is not sustained.

This Commission did not sustain either Specifications of Error No. 10 or No. 14 (Appellants' No. 4 and No. 8). Therefore, there was no manifestation of prejudice as a result of the conduct alleged in those Specifications of Error.

### **Decision**

When the lower council's actions cannot be undone, this Commission may exercise its declaratory authority to provide guidance to lower councils and to prevent future violations.

When a congregation seeks dismissal under G-11.0103i (now G-3.0301a), it is the responsibility of the presbytery to fulfill its fiduciary duty under the Trust Clause. This fiduciary duty requires that the presbytery exercise due diligence regarding the value of the property of the congregation seeking

dismissal. Due diligence, of necessity, includes not only an evaluation of the spiritual needs of the congregation and its circumstances but also financial analysis of the value of the property at stake. Payments for per capita or mission obligations are not satisfactory substitutes for the separate evaluation of the value of the property held in trust.

### **Order**

IT IS THEREFORE ORDERED that the Decision of the Synod of the Pacific Permanent Judicial Commission is affirmed in part and reversed in part as set forth above.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Pacific report this Decision to the Synod of the Pacific at its first meeting after receipt, that the Synod of the Pacific enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of San Francisco report this Decision to the Presbytery of San Francisco at its first meeting after receipt, that the Presbytery of San Francisco enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

### **Absences and Non-Appearances**

Commissioner Mary Charlotte McCall was not present and did not participate in this decision. Commissioner Patrick Notley did not participate in this decision.

### **Concurring Opinion of H. Clifford Looney and Terry Epling**

We concur in the majority decision.

Transfers of property remain within the discretion of Presbytery but the Presbytery must be mindful of the interest of the PC(U.S.A.) in maintaining the presence of the denomination to meet the needs of that affected Community including that portion of the church membership that wishes to remain within the PCUSA.

We also join in the majority's conclusion that the language of the Gracious Dismissal Policy adopted by the Presbytery of San Francisco did not require adequate consideration of property retention issues. The needs of future congregations, the involved debt, the probability that a substantial number of dissenting members may be enabled to continue a PCUSA congregation would compel retention of a property or equity facilitating those or similar interests are all matters to be considered to be involved in the Presbytery trustee's decision. The Gracious Dismissal Policy did not require the PET to deal with those aspects of the dismissal decision.

However erroneous the omissions of the GDP, and the construction given by its PET, it may well have been within the discretion of the Presbytery to dismiss the Danville church with its property.

Many factors other than the attempt to be "gracious" with the Danville congregation may have been considered. Those include:

This Danville congregation acquired these assets and had been paying on them and had been successful in meeting the need of a Presbyterian witness for the Christian faith in this community for many years;

The church had tried development of other PC (USA) churches in the area without success;

Only 4% of the congregation voted against the dismissal decision;

The PET felt, apparently with substantial basis, that the needs of the community for Presbyterian witness to the faith would be met by this church as it was constituted, and that no plan for an additional church was presently feasible, so that there was no need to use any of the equities of the property interests of the church for that purpose; and that no resources of the denomination had been used in the form of loans, nor was there any remaining indebtedness which was not being assumed by the Danville church.

In short, there may have been no apparent reason to require retention by the PC (USA) of any property interest. With the evidence in that stature, the burden of proof that the Complainant would have to have met to show an abuse of discretion by the Presbytery would have been heavy.

The testimony of Lois Quick (record p. 262 & 286) indicates that the properties were encumbered by about three million dollars in debt that the Danville congregation agreed to pay in accepting the property. Rev. Kathy Runyeon indicates at page 174 of the record that the Presbytery had no competing plans for the property.

The facts here presented to the PET are not ones that suggest that there would be substantial benefit from retaining the property. What the Presbytery did in securing additional mission and per capita payments may or may not have been sufficient to “balance the books” in this particular scenario, but it was within their discretion once they exercised due diligence and considered all the factors inherently required by the fiduciary duty of a trustee.

### **Certificate**

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 221-04, Wilbert Tom, David Hawbecker, and Thomas Conrad, Appellants (Complainants), v. Presbytery of San Francisco, Appellee (Respondent), made and announced at Louisville, KY this 28<sup>th</sup> day of October 2012.

Dated this 28<sup>th</sup> day of October, 2012.

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Bradley C. Copeland Moderator  
Permanent Judicial Commission of the General Assembly

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Jay Lewis, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by Federal Express Next Day Air, directing C. Laurie Griffith to deposit it in the mail at Louisville, KY, this 28<sup>th</sup> day of October, 2012.

JoAn Blackstone, Counsel for Appellant (Complainant) Linda Lee,  
Committee of Counsel for Appellee (Respondent) Stated Clerk, Synod of  
the Pacific  
Stated Clerk, Presbytery of San Francisco  
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to Joyce Lieberman, on October 28, 2012.

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Jay Lewis, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, in Louisville, KY on October 28, 2012, Remedial Case 221-04 Wilbert Tom, David Hawbecker, and Thomas Conrad, Appellants (Complainants), v. Presbytery of San Francisco, Appellee (Respondent), and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, KY on October 28, 2012.

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Joyce Lieberman, Assistant Stated Clerk

## Appendix C: Permanent Judicial Commission of the Presbyterian Church (U.S.A.) (PNYC)

### PERMANENT JUDICIAL COMMISSION OF THE GENERAL ASSEMBLY PRESBYTERIAN CHURCH (U.S.A.)

### APPENDIX C

Presbytery of New York City )  
Appellant (Respondent) )  
 )  
vs. )  
 )  
Ruling Elder Mildred McGee, Teaching )  
Elder Flora Wilson Bridges, Ruling Elder )  
Douglas Howard, Teaching Elder Lonnie )  
Bryant, Ruling Elder Daniel Amiot Priso, )  
Teaching Elder Phillip Newell, Ruling Elder )  
Emmanuel Gouad Njayick, Teaching Elder )  
George Todd, Ruling Elder Estella Taylor, )  
and Ruling Elder Norita Chisolm )  
Appellees (Complainants) )

### DECISION AND ORDER

Remedial Case 221-08

### Arrival Statement

This filing before the Permanent Judicial Commission of the General Assembly (GAPJC or this Commission) is an appeal of a Decision of the Permanent Judicial Commission of the Synod of the Northeast (SPJC) rendered on September 11, 2013. The Notice of Appeal was received by the Stated Clerk of the General Assembly on September 23, 2013.

### Parties

Appellant/Respondent is The Presbytery of New York City (PNYC). Appellees/Complainants are Ruling Elder Mildred McGee, Teaching Elder Flora Wilson Bridges, Ruling Elder Douglas Howard, Teaching Elder Lonnie Bryant, Ruling Elder Daniel Amiot Priso, Teaching Elder Phillip Newell, Ruling Elder Emmanuel Gouad Njayick, Teaching Elder George Todd, Ruling Elder Estella Taylor, and Ruling Elder Norita Chisolm.

### Jurisdictional Statement

This Commission finds that it has jurisdiction, that Appellants have standing to file the Appeal, that the Appeal was properly and timely filed, and that the Appeal states one or more of the grounds for appeal under D-8.0105.

## Appearances

Appellant/Respondent was represented by John Griem and Reade Ryan.  
Appellees/Complainants were represented by Tee Gee Wilson and Lisa Borge.

## History

On February 13, 2013, the Stated Clerk of the Synod of the Northeast received a Remedial Complaint from Ruling Elder Mildred McGee, *et alia*, alleging that the action of the PNYC in adopting and implementing its Gracious Dismissal Policy (GDP) was irregular in regard to constitutional requirements of The Presbyterian Church U.S.A. (PC(U.S.A.)).

The development of the GDP by the PNYC began early in 2012, informed by the action (Resolution 04-28) of the 218th General Assembly (2008) (GA) urging presbyteries to formulate a gracious and pastoral response to churches requesting dismissal from the PC(U.S.A.). This GA resolution, although not an authoritative interpretation, was used as the basis for the development of the GDP. Just after that Assembly in October 2008, the PNYC through its Committee on Mission and Finance, which also served as the Board of Trustees (BoT), had obtained a realtor's opinion of value of the properties held by all its congregations. Almost four years later, in July 2012, the BoT created a draft GDP that was distributed to the PNYC for its meeting on July 28, 2012; however, there was no discussion of the draft at that meeting. A later draft was given a first reading and discussion at the December 6, 2012, meeting of the PNYC. After two open hearings on December 13 and 20, 2012, the present GDP was approved by the PNYC on January 29, 2013, by a vote of 56 in favor and 49 against.

The SPJC summarized the GDP in the following way:

...[T]he PNYC GDP allows sessions to request initiation of the dismissal process following a 2/3 vote. Upon receipt of the notice, the stated clerk then calls one or more meetings between the Special Resolutions Committee of the presbytery and the session (or its representatives), as well as the BOT (or its representatives) during the 120-day period following receipt of the notice. If the filing notice is not withdrawn at the end of the period, a congregational meeting is called (50% quorum) and dismissal is approved if confirmed by a 3/4 congregational vote. Financial arrangements include payment of any arrears in per capita, five years of per capita payments on a declining scale, and compensation for church property of 10% of the assessed value that exceeds \$1,000,000, with a cap on the compensation of \$2,000,000.

In addition, the policy allows for a downward adjustment or waiver in the case of hardship.

With the remedial complaint, Complainant also requested a Stay of Enforcement. The Executive Committee (EC) of the SPJC answered the Preliminary Questions in the affirmative and the Stay of Enforcement was subsequently granted by the SPJC.

Respondent requested an extension of the deadline for filing its response and the SPJC granted this extension. Respondent submitted a motion to the SPJC on April 29, 2013, to refer the case to the GAPJC, to which Complainants responded on May 14, 2013. The SPJC denied the motion on May 23, 2013. Respondent filed a second motion on July 2, 2013, asking the SPJC to reconsider its decision to



deny the earlier motion to refer the case to the GAPJC, to which Complainants again responded on July 16, 2013. The SPJC EC denied this motion on July 27, 2013.

Complainant filed for relief on February 13, 2013, and this remedial case was decided by the SPJC on September 11, 2013. In its decision, the SPJC sustained five of the seven specifications of error by Complainant and ordered that the GDP of the PNYC shall be set aside and shall have no force or effect.

### **Specifications of Error**

*Specification of Error No. 1: The SPJC erred in constitutional interpretation by holding that the Presbytery GDP conferred a unilateral right on a congregation to depart from the Presbyterian Church (U.S.A.), in violation of G-4.0207 and Sundquist v. Heartland Presbytery, GA PJC 219-03.*

This specification of error is not sustained.

While it may be understandable for a presbytery to develop a policy dealing with congregations considering dismissal, with the intention of avoiding costly litigation, the GDP at the center of this case breaches the bounds of the Constitution of the PC(U.S.A.). The PNYC GDP exhibits substantial constitutional flaws in at least three ways concerning this specification of error. First, the GDP establishes a dismissal process that, as the SPJC notes, is “self-executing,” whereby fulfillment of a series of steps and conditions automatically enacts dismissal upon their completion. A final vote by the PNYC is purposefully denied in the GDP in order to avoid divisive and argumentative response to a dismissal request, as admitted by the PNYC in the record and during arguments. Even though the process contains provisions for consultation with the PNYC and congregational input, it is in fact a predetermined and formulaic mechanism that replaces a final specific review and vote by the PNYC. The Constitution at G-3.0301a reserves as a direct act of the presbytery the authority to dismiss a church, a polity provision explicitly reasserted by G-4.0207.

As the SPJC noted, the PNYC does not need an independent policy in order to accomplish a just and effective dismissal:

The Respondent has asserted that an order by this Commission to set aside this GDP would leave the presbytery in limbo and render it unable to reach any agreements on dismissal agreements, leaving only the option of costly litigation. This is a seriously overreaching assessment. We are sensitive to the difficult situation in which the PNYC finds itself and appreciate its sincere desire to deal with that as well as it can....[A dismissal agreement] can be achieved, either through Administrative Commissions appointed in each case that presents itself and is empowered to do so, or, indeed, by a Special Resolutions Committee, preparing the proposal for presbytery action. Considering that the presbytery mustered a majority vote, however slim, for the GDP under consideration in this case, and with the case-by-case requirement satisfied in these cases, it ought to be possible for the PNYC to reach agreement on approval for such dismissal arrangements.

The second constitutional error in the GDP is its provision that the vote by a congregation effectuates the dismissal process. This vote terminates the process and has the authority to effect



dismissal without any constitutional authority so to act. The final certification by the PNYC is merely perfunctory. Further, such a congregational vote is not authorized within the permitted functions of a congregation in G-1.0503 and is specifically prohibited in *Sundquist et al. vs. Heartland Presbytery*: “Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting” and the consultations of presbytery with members of the congregation “are not meetings at which business of the congregation may be conducted.” [citation] It should also be noted that the General Assembly in 1991 declared: “Nowhere is written that the congregation is permitted to make the decision that the presbytery commits itself in advance to confirm.” GA Minutes (1991, Req. 91-24, Part I, p.411). In spite of this stream of clear constitutional interpretation, the GDP portrays a self-implementing dismissal rooted in a congregational decision in violation of the exclusive right and responsibility of a presbytery to dismiss a congregation.

The third constitutional error of the GDP is that a predetermined, formulaic mechanism runs counter to constitutional provisions for mutual dialogue and particular discernment. This Commission has previously rejected such approaches in matters related to ordination and membership (Larson citation here). The presbytery's right and responsibility for specific review and the necessity of individualized consideration on sensitive matters in the life of the church remain a core concept of PC(U.S.A.) polity.

*Specification of Error No. 2: The SPJC erred in constitutional interpretation by holding that the GDP does not give effect to the Trust Clause (G-4.0203) as required by Tom v. Presbytery of San Francisco, GA PJC 221-03 and G-4.0204.*

This specification of error is not sustained.

The Book of Order provides in G-4.0203 that “[a]ll property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), ...is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.).” The Trust Clause was interpreted by this Commission in *Tom, et al., v. Presbytery of San Francisco*, as it related to that presbytery's gracious dismissal policy, in the context of a number of factors including both spiritual and pecuniary aspects of the fiduciary responsibility. In *Tom*, this Commission said:

When a congregation seeks dismissal under G-11.0103i (now G-3.0301a), it is the responsibility of the Presbytery to fulfill its fiduciary duty under the Trust Clause. This fiduciary duty requires that the Presbytery exercise due diligence regarding the value of the property of the congregation seeking dismissal. Due diligence, of necessity, includes not only an evaluation of the spiritual needs of the congregation and its circumstances but also financial analysis of the value of the property at stake. Payment for per capita for missions obligations are not satisfactory substitutes for the separate evaluation of the value of the property held in trust. *Tom, et al., v. The Presbytery of San Francisco*, Remedial Case GA PJC 221-03, October 2012.

This Commission is again called upon in this case to clarify the parameters of the Trust Clause. The Trust Clause creates an express trust in favor of the PC(U.S.A.) as a whole and not for the presbytery, the congregation, or any other body. Therefore, the presbytery, acting in the role of trustee, must exercise due diligence such that its determination is both reasonable and evident in the record.

While presbytery is entitled to deference in making the fiduciary decisions under the Trust Clause, such deference is limited by the fiduciary obligations owed to the whole church.

Under the facts of this case, the PNYC argues that the requirement of due diligence under the Trust Clause has been met by adopting a formula for determining the value of the property at the time of enacting the GDP by the PNYC. However, the fiduciary nature of the Trust Clause requires an individual determination of the facts and circumstances related to dismissal of any church rather than a set formula, which may not be appropriate to the particular circumstances of a congregation. As stated by the SPJC, there must be an “individual assessment and valuation of the church’s unique situation, finances, history, spiritual needs and financial needs” when considering dismissal.

In addition, the exercise of the fiduciary duty must be carried out during the course of discernment of a particular church's request for dismissal. A formulaic predetermination fails to account for the individualized requirement demanded by proper application of the fiduciary duty incumbent upon a presbytery. The SPJC correctly determined that the PNYC, acting as a fiduciary, may not abdicate this role (G-4.0207 and G-3.0303b). The record shows that the PNYC sought to avoid conflict and litigation. However, concern about conflict and litigation cannot justify abandonment of constitutional mandates.

Thus, the presbytery, in exercising its authority to perform due diligence under the fiduciary duties required by the Trust Clause, is required to make an appropriately timed, individual, unique determination of the circumstances applicable to any church requesting dismissal. In accountability to the PC(U.S.A.) as the beneficiary under the Trust Clause, such determination must be reasonable and based on documented facts. The GDP enacted by the PNYC fails to meet these requirements and, therefore, is unconstitutional.

*Specification of Error No. 3: The SPJC erred in constitutional interpretation by holding that the GDP did not provide specific guidance regarding discernment of theological differences as a basis for dismissal, in violation of F-1.0302a and F-1.0301.*

This specification of error is not sustained.

The PNYC adopted the GDP "to provide for reconciliation and resolution within the Presbytery of New York City" and to permit their congregations to be dismissed to join another Reformed denomination for theological reasons. The policy did not seek reconciliation and resolution as the initial step in the process (G-4.0207). The policy accepts notice from a congregation of perceived theological differences as sufficient for dismissal without concern for mutual discernment and dialogue (Sundquist). It is the nature and weight of theological difference that is critical in a justification for dismissal. The mere presence of theological differences does not preclude coexistence within the PC(U.S.A.). As stated in F-3.0105 "there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty of private Christians and societies to exercise mutual forbearance toward each other." The GDP contains no procedures to encourage early discussion with the PNYC about a congregation's perceived differences. As indicated in F-3.0204 "Presbyters are not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ." Without dialogue there cannot be a mutual understanding of the

will of the people. Without joint discernment councils can misunderstand the will of Christ. The SPJC rightly concluded it was important that the PNYC "ensure that dismissal is the only viable remedy for the relevant theological differences."

*Specification of Error No. 4: The SPJC erred in constitutional interpretation by holding that the GDP did not provide an opportunity for the minority of a church in schism to retain the property of a congregation, in violation of G-4.0207.*

This specification of error is not sustained.

The PNYC GDP ignores the constitutional requirement under G-4.0207 to "determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.)." The GDP process is initiated when the PNYC receives a written notice from the session. At that point, the PNYC automatically surrenders its constitutional obligation to determine whether a loyal faction exists and is entitled to the property. Under the GDP provisions, there is no attempt to identify the true church within the PC(U.S.A.). A fully implemented GDP effectively guarantees the property for those seeking dismissal.

It is clear what a presbytery must do when confronted with a property issue. Under G-4.0207, a presbytery is obligated to serve the interests and guard the rights of the "true church within the Presbyterian Church (U.S.A.)," regardless of who is in the majority of any session or congregational vote. The presbytery shall determine if one of the factions is entitled to the property because it is the "true church within the Presbyterian Church (U.S.A.)," majority notwithstanding. Any negotiation and decision about the disposition of the property must consider this interest of the true church. The GDP failed to comply with G-4.0207.

*Specification of Error No. 5: The SPJC erred in constitutional interpretation by holding that the GDP allowed a dismissed congregation to retain its records, in violation of G-3.0107.*

This specification of error is not sustained.

According to G-3.0107, when a congregation is dismissed to another denomination its session ceases to exist as a council of the PC(U.S.A.). The successor to a former church council is the presbytery and upon dismissal of the congregation the minutes and registers of the session become the property and responsibility of the presbytery. The presbytery may make provision for the departing congregation to retain copies of the records for historical purposes.

### **Decision**

For the reasons set forth above, this Commission finds that The Permanent Judicial Commission of the Synod of the Northeast did not err and affirms its decision.

### **Order**

IT IS THEREFORE ORDERED that the Decision of the Synod of the Northeast Permanent Judicial Commission is hereby sustained in its entirety and that the Gracious Dismissal Policy of The Presbytery of New York City be set aside and shall have no force or effect.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Northeast report this Decision to the Synod of the Northeast at the first meeting after receipt, that the Synod of the Northeast enter the full Decision upon its minutes and an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of New York City report this Decision to the Presbytery of New York City at the first meeting after receipt, that the Presbytery of New York City enter the full Decision upon its minutes and an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

### **Absences and Non-Appearances**

Commissioner Mary Charlotte McCall did not participate in the hearing or deliberations.

### **Certificate**

We certify that the foregoing is a true and correct copy of the Decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 221-08, The Presbytery of New York City, Appellant (Respondent), v. Ruling Elder Mildred McGee, Teaching Elder Flora Wilson Bridges, Ruling Elder Douglas Howard, Teaching Elder Lonnie Bryant, Ruling Elder Daniel Amiot Priso, Teaching Elder Phillip Newell, Ruling Elder Emmanuel Gouad Njayick, Teaching Elder George Todd, Ruling Elder Estella Taylor, and Ruling Elder Norita Chisolm, Appellees (Complainants), made and announced at San Antonio, TX this 4th day of May, 2014.

Dated this 4th day of May, 2014.

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Bradley C. Copeland Moderator  
Permanent Judicial Commission of the General Assembly

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Jay Lewis, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by Federal Express Next Day Air, directing C. Laurie Griffith to deposit it in the mail at San Antonio, TX this 5th day of May, 2014.

John M. Griem, Jr., Committee of Counsel for Appellant (Respondent)  
Trina Moore, Counsel for Appellees (Complainants)  
Stated Clerk, Synod of the Northeast  
Stated Clerk, Presbytery of New York City  
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith, on May 4, 2014.

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Jay Lewis, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, in San Antonio, TX on May 4, 2014, in Remedial Case 221-08, The Presbytery of New York City, Appellant (Respondent) v. Ruling Elder Mildred McGee, Teaching Elder Flora Wilson Bridges, Ruling Elder Douglas Howard, Teaching Elder Lonnie Bryant, Ruling Elder Daniel Amiot Priso, Teaching Elder Phillip Newell, Ruling Elder Emmanuel Gouad Njayick, Teaching Elder George Todd, Ruling Elder Estella Taylor, and Ruling Elder Norita Chisolm, Appellees (Complainants) and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at San Antonio, TX on May 4, 2014.

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C. Laurie Griffith  
Manager of Judicial Process and Social Witness

THE PERMANENT JUDICIAL COMMISSION  
*of*  
THE SYNOD OF SOUTHERN CALIFORNIA AND HAWAII THE PRESBYTERIAN CHURCH  
(U.S.A.)  
DECISION & ORDER

STEPHEN LOCKE,	)	
RUDOLPH J. KOSITS, RUTH	)	Case Number: 2016-R-3 MACINNES SWEET,
	)	
Complainants	)	Decision of the Permanent Judicial
	)	Commission of the Synod of Southern
V.	)	California and Hawaii after Trial
) PRESBYTERY OF SAN DIEGO,	)	
Respondent	)	

This is a remedial case which has come before this Permanent Judicial Commission as a result of a complaint filed by the above named complainants against the Presbytery of San Diego, respondent. It is a complaint against the Presbytery of San Diego for six alleged irregularities associated with a vote of the Presbytery on April 12, 2016, to transfer Trinity Presbyterian Church of Spring Valley to ECO The Covenant Order of Evangelical Presbyterians.

On April 28, 2015, the officers of the Permanent Judicial Commission found that the Commission has jurisdiction, that the complainant has standing to complain, that the complaint was properly and timely filed, and that the complaint states a claim upon which relief can be granted.

The necessary members of the Commission also granted complainant's request for a stay of enforcement. The Permanent Judicial Commission met on August 12, 2016 at the Northminster Presbyterian Church in Diamond Bar, California, for a pre-trial conference in accordance with D-6.0310.

The remedial case proceeded to trial on December 2, 2016, at First Presbyterian Church, Orange, California. A quorum of the Permanent Judicial Commission was present, moderator teaching elder Michael D. Haggin, presiding. Complainants Stephen Locke, Ruth MacInnes Sweet, and Rudolph J. Kosits, were present. Respondent was represented by Committee of Counsel members Chris Lenocker, Whitney M. Skala, Esq., and the honorable R. Curtis McKee, Esq. Witnesses were heard, documents were accepted into evidence, and both parties made closing arguments. After deliberation, the Commission reached these findings:

**FINDINGS**

SPECIFICATION OF COMPLAINT #1: "The action [i.e., the Presbytery's vote to transfer] is the result of a process that as implemented fails to adequately consider the interests of the Presbytery of San Diego and the PC(USA) in continued ministry in the geographical area encompassed by the Presbytery of San Diego"



This specification of irregularity is sustained by a vote of 6 for and 0 against.

The interests of the Presbytery of San Diego and the PC(USA) include the possibilities of continuing divine worship or other ministry in the real property at Trinity Presbyterian Church, but they also include the possibility of transferring the ‘value’ stored in the real property to another ministry that might be more responsive to the needs of the Presbytery’s area. The Task Force that prepared the transfer recommendation for the Presbytery offered opinions about the usefulness of the real property as an active church, but its inquiry appears to have been perfunctory and does not appear to have engaged any of the standing committees of the Presbytery structure charged with forwarding either worship or community service ministries. No consideration seems to have been given to the possibility of transferring the value in the Property to another more promising work.

SPECIFICATION OF COMPLAINT #2: “That the action is irregular because of an inadequate process by the Task Force which did not apply due diligence in taking into consideration the fiduciary need and the interest of the Presbytery of San Diego and the PC(USA). ... In determining the monetary amount agreed upon the Task Force failed to do due diligence in determining the value of the property in agreement with the trust clause.”

This specification of irregularity is sustained by a vote of 6 for and 0 against.

The evidence at trial showed that the Task Force took a serious interest in comparisons with other congregational transfers across the country, but the inquiry into the value of the Trinity Presbyterian Church property was casual. Several estimates were collected from relevant sources, but the Presbytery and its Task Force did not get a professional appraisal. In setting a payment amount, the principal concern seemed to have been selecting a sum that would be convenient for the congregation, requiring (for example) no indebtedness or appeals to the congregation.

SPECIFICATION OF COMPLAINT #3: “The action also failed to consider the fiduciary responsibility of the Presbytery of San Diego in its intent and ability to continue ministry in that encompassed area of the Presbytery of San Diego.”

This specification of irregularity is sustained by a vote of 6 for and 0 against. See rationales on #1 and #2, above.

SPECIFICATION OF COMPLAINT #4: “The action was based on an incomplete and inadequate Gracious Dismissal Policy of the Presbytery of San Diego (GDP) which does NOT state the responsibility for the Presbytery of San Diego’s fiduciary responsibility under the trust clause, nor the church’s fiduciary responsibility to the Presbytery on behalf of the PC(USA), but only asks the complaining church how its dismissal would ‘affect the mission and ministry of the congregation and of the Presbytery.’ This is not responsible, nor is it adequate to fulfill the duty of the Presbytery under the fiduciary responsibility of the trust clause (G-4.0203) nor the Great Ends of the Church.”

This specification of irregularity is sustained by a vote of 6 for and 0 against.

At trial, Respondent’s witnesses claimed that a presbytery Gracious Dismissal Policy (GDP) need not speak to any issue adequately addressed by the Book of Order. Since the trust clause is clear in the Form of Government, it is not addressed in the GDP. This is not a sufficient or responsible position.

As has become manifest in the Tom and McGee cases, presbyteries across the country have paid little heed to the provisions of the Book of Order in their attempts to effect ‘gracious dismissals.’ This is why the decisions in the Tom and McGee cases were necessary. Neither GA PJC decision directly stopped a congregation from transferring. Each was written to bring certain widely-disregarded provisions of the Book of Order to the fore. Respondent Presbytery had reason to assume that church and session members caught up in the struggle to leave the PC(USA) would rely on the Presbytery GDP as a roadmap to departure. It is not sufficient to excuse the GDP’s silences by saying that they are covered by the Book of Order, properly used.

SPECIFICATION OF COMPLAINT #5: “The action was irregular based on an inadequate GDP of Presbytery of San Diego which fails to provide for a minority congregation of a church schism to retain its property or to allow the presbytery to even look at this scenario.”

This specification of irregularity is sustained by a vote of 6 for and 0 against.

This allegation of irregularity is almost indistinguishable from an allegation of irregularity in the case of Presbytery of New York City, Appellant/Respondent, v. Mildred McGee, *et alia*, Appellees/Complainants (GA PJC remedial case 221-08, 2014). In that case, the GA PJC found that presbytery GDP to be wholly inadequate and unconstitutional, detailing::

The PNYC GDP ignores the constitutional requirement under G-4.0207 to “determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.).” The [inadequate] GDP process is initiated when the PNYC receives a written notice from the session. At that point, the PNYC automatically surrenders its constitutional obligation to determine whether a loyal faction exists and is entitled to the property. Under the [inadequate] GDP provisions, there is no attempt to identify the true church within the PC(U.S.A.).

.....

It is clear what a presbytery must do when confronted with a property issue. Under G- 4.0207, a presbytery is obligated to serve the interests and guard the rights of the "true church within the Presbyterian Church (U.S.A.)," regardless of who is in the majority of any session or congregational vote. The presbytery shall determine if one of the factions is entitled to the property because it is the "true church within the Presbyterian Church (U.S.A.)," majority notwithstanding. Any negotiation and decision about the disposition of the property must consider this interest of the true church. The GDP failed to comply with G-4.0207.

The inquiry required is not an easy one and cannot be done in the perfunctory manner used by the Task Force. Members of congregations can be expected to be very reluctant to identify themselves as differing from their pastors and their session members when their denominational councils and staffs – especially distant ones – are criticized, even vilified. In this respect, the natural bias of church-goers to seek harmony, rather than conflict, makes it challenging for a presbytery to sift the comparatively-satisfied worshipers from the promoters of dissent and dissatisfaction. The inherent difficulty of this task does not excuse the subject Task Force from declining to do it at all.

SPECIFICATION OF COMPLAINT #6: “The Presbytery of San Diego failed to allow the members of presbytery to engage in discerning a proper dismissal by prohibiting amendments to the motion to dismiss under the agreed terms.”



This specification of irregularity is sustained by a vote of 6 for and 0 against.

At the time of the Presbytery vote on April 12, 2016, the presbyters were told that the consideration of the Task Force recommendation would be governed by a ‘rule,’ previously formulated, that would not permit any motions to amend. Respondent claimed at trial that the right of a presbytery meeting to exercise powers equal to that of previous and subsequent meetings was not fatally compromised: the presbyters on April 12, 2016, should have known that by voting down the un-amendable motion, they would have freed themselves to propose a new –effectively, substitute – motion. This is not satisfactory. It is the duty of the officers of a presbytery to organize its business to enable the presbyters to make the decisions they want, not in ways that confuse and ‘trap’ the presbyters into choosing between undesirable options.

Accordingly, this Commission would have respected the Presbytery’s right to make a ‘rule’ to govern the action on the Task Force recommendation if the ‘rule’ had been made at the same meeting by the same presbyters whose choices would have been constrained by it. Otherwise, the previous action of a Presbytery meeting or an executive committee or a Task Force cannot be permitted to forbid a subsequent Presbytery meeting from acting within its normal powers.

## FURTHER RATIONALE AND CONCLUSIONS

In the course of addressing each specification of irregularity, the Commission identified some specific instances of deficiency in the Gracious Dismissal Policy of the Presbytery of San Diego. At the same time, the Commission recognized two broad ways in which the GDP is unconstitutional which were not central claims of the specifications of complaint.

First: The Gracious Dismissal Policy, although purporting to be a guide to constitutional action for the Presbytery, is founded on an idea of polity and ecclesiology that is fundamentally congregational or ‘free church’ and not at all Presbyterian. In the words of the Policy, “The congregations of the Presbytery of San Diego have covenanted together to live out the Faith, and .... to be a relational community .... Into this covenant each of the congregations have willingly come.” After that beginning, the Policy proceeds to explain the steps by which sessions and “Congregations who want to reexamine their membership in the covenant of the Presbytery of San Diego” move toward withdrawal from the ‘relational community into which they have willingly come.’ The required steps aim to ensure that the congregation and the session are acting with deliberation over time, rather than intemperately and hastily, and that they afford opportunities for people with different opinions to make their cases *to the congregation*. In the penultimate step, the congregation makes the decision for or against withdrawal from the covenant by a super-majority vote which then goes to the Presbytery for ratification. The process is shaped to prepare a case for the sincerity and intensity of the congregation’s desire (or need) to leave the PC(USA). The Policy does admit of the possibility that the Presbytery might vote against ratification/transfer, but the whole process of discernment with regard to the character of the congregation’s life, leadership, and culture and with regard to the congregation’s place in the mission, ministry, and witness of the Presbytery is conducted by a small set of people (in this case, five) whose meetings and explorations with the congregation and with its representatives occur in isolation from the more- broadly participatory councils and committees dealing with the Presbytery’s ‘real’ work.

In contrast, in Presbyterian polity each congregation is a local and temporal expression of the Church

Universal that is simultaneously contextually relevant and spiritually united with the whole, as an organ of a physical body. As an instance of the whole Body of Christ in a particular time and place, a PC(USA) congregation is neither self-constituted nor self-sufficient. As an organ of Christ's body, it does not withdraw itself or change its allegiance. It is called into being by an action of a presbytery. If necessary, it is dissolved by an action of a presbytery. The sole provision in the Book of Order authorizing its transfer to the jurisdiction of another Reformed council identifies that as an action of a presbytery taken "in consultation with its members." (G-3.0301a) The form of that consultation is not spelled out in the Form of Government, but (a) it is mentioned in connection with other presbytery actions traditionally done through or by a Committee on Ministry and (b) the list of Business proper to Congregational Meetings (G-1.0503) says nothing about voting to secede from the PC(USA).

Even in the process of 'discernment' and witness to conscience, the Policy betrays its congregational foundation. A conscience belongs to a person. Poetically we could personify a group of people by speaking of its 'conscience.' In Presbyterianism, the Church is the Body of Christ. Its conscience is a corporate property, well-discussed in chapter 2 of the Foundations of Presbyterian Polity. Ordained officers of the church, in the exercise of their offices, submit their private opinions to formation and education by the community (G-2.0105). Individuals, as persons, can have distinguishable consciences, and the Book of Order recognizes and protects the right of each person to hold and act upon his or her own conscience, even to the point of withdrawing peaceably from membership (F-1.0301). In assuming that a congregation has a theology or a conscience that is distinguishable from that of the Whole Church, however, the GDP breathes a spirit of congregationalism.

Second: The Policy assumes that the ordained officers of the Presbytery and its congregations will walk away from their responsibilities as 'trustees' and act as owners instead. The property of the Church has arisen largely through gifts of its adherents. The law is clear, once you give money away, it is not yours anymore. If you make a conditional gift – retaining the right to take it back in some future circumstances, you cannot take a tax deduction for it. So the property of the Church belongs to the Church and not to any one or set of us. Session members are trustees, pledged to exercise care to preserve and use the property for the benefit of the PC(USA) and its purposes. Those session members can become unhappy and leave the PC(USA), but even in concert they have no right to take the property of the PC(USA) with them when they go. And the members of the Presbytery have a responsibility to preserve the assets of the congregations for the benefit of the PC(USA) and its purposes. This is not especially restrictive. Through the passage of time, a particular building of a certain size and location may cease to be suitable for the direct uses for which it had been built, but it is still a store of value that can make a new mission or ministry possible. The Presbytery of San Diego has declared an intention to bring new worshiping communities into existence in its jurisdiction. In the face of the manifest need for capital for this purpose, the decision to alienate the property of Trinity Presbyterian Church for \$75,000 cannot be justified – except by assigning unjustified ownership rights to the people who want to leave the PC(USA).

Further, the "Trust Clause reflects our understanding of the church as a communion of saints across time, with responsibilities both to those who came before and those who will follow. When a congregation seeks to leave the PC(USA), it is breaking what is often a significant historic relationship; it is also departing from a fellowship in which its officers have participated, by whose polity they have pledged to be governed, and with which many members may feel bonds of affection." (GA PJC decision Wilber Tom, *et al.*, v. Presbytery of San Francisco, remedial case 221-03) Accordingly, the monetary gifts received by congregations are not regarded as given for

the benefit of a single congregation only but are held in trust for this generation and for future generations. The GDP in question, however, accords each particular fellowship in one local time and place and each set of session members at a single point in time a right to lift the life and mission of a church out of one channel and re-direct it to another as if all the work, commitment, and generosity of past Christian disciples were intended for the benefit of this one set of people alone. This is inconsistent with the Reformed tradition's ecclesiology, and it is inconsistent with civil society's notions of trustee responsibility.

## ORDER

The Permanent Judicial Commission of the Synod of Southern California and Hawaii sustains each and all of the alleged irregularities. Accordingly, the action of the Presbytery of San Diego on April 12, 2016, transferring Trinity Presbyterian Church of Spring Valley to ECO The Covenant Order of Evangelical Presbyterians is set aside and of no effect. The stay of enforcement is hereby vacated.

In addition, the Commission advises the Presbytery of San Diego that its Gracious Dismissal Policy, as used in its preparation for the action of April 12, 2016, is inconsistent with requirements of the PC(USA) *Book of Order* and should not be used as a guide for its response to any other particular church seeking to transfer to another denomination.

Ms. Geraldine Tayler took no part in the proceedings in accordance with D-5.0205. Rev. Mickie Choi and Rev. Shelby Larsen were not present and took no part in the proceedings. Mr. Izar Martinez and Mr. Peter Lee were present for and participated in the trial hearing, but they were called away by personal obligations which prevented their participation in the Commission's deliberations and in the determination of the decision.

Dated this 2<sup>nd</sup> day of December, 2016.

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Rev Michael Douglas Haggin  
Moderator, Permanent Judicial Commission

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Marie Castellano  
Clerk *pro tempore*, Permanent Judicial Commission

THE PERMANENT JUDICIAL COMMISSION  
*Of*

**THE SYNOD OF SOUTHERN CALIFORNIA AND HAWAII**  
THE PRESBYTERIAN CHURCH (U.S.A.)  
DECISION & ORDER

**APPENDIX  
E**

MICHAEL REGELE, STEVEN MARSH,	)	
R. WINSTON PRESNALL,	)	
LISSA SMITH, MICHAEL VAUGHN,	)	
KIRK WINSLOW, HOWARD PROL,	)	
PENELOPE PROL, FRANCES BUCKLIN	)	Case Number: 2016-R-2
Complainants	)	Decision of the Permanent Judicial
	)	Commission of the Synod of Southern
V.	)	California and Hawaii after Trial
	)	
PRESBYTERY OF LOS RANCHOS,	)	
Respondent	)	

This is a remedial case which has come before this Permanent Judicial Commission as a result of a complaint filed by the above named complainants against the Presbytery of Los Ranchos, respondent. It is a complaint against the Presbytery of Los Ranchos for four alleged irregularities associated with a vote of the Presbytery on March 12, 2016, to transfer La Habra Hills Presbyterian Church of La Habra, California to A Covenant Order of Evangelical Presbyterians (ECO) Presbytery of Southern California according to the terms presented in the Joint Solution pending acceptance by the congregation and the session. The initial complaint was received on April 10, 2016.

On April 18, 2016, the officers of the Permanent Judicial Commission found that the Complainants have standing to complain, that the complaint was properly and timely filed, and that the complaint states a claim upon which relief can be granted. On April 22, 2016, the necessary members of the Commission also granted a stay of enforcement.

Complainants filed an amended Complaint on May 13, 2016, alleging that the Presbytery of Los Ranchos failed to take into consideration that, at the time of the action, neither the Presbytery nor the congregation held title to the real property or improvements, and thus had no authority to grant dismissal with the property.

The Permanent Judicial Commission met on August 12, 2016 at the Northminster Presbyterian Church in Diamond Bar, California for a pre-trial conference in accordance with D-6.0310.

Vice Moderator Shelby Larsen presided. Present for the Commission were: Shelby Larsen, Vice Moderator; Izar Martinez, Clerk; Mickie Choi; Larry Lindsay; and Gerry Tayler. A quorum of the full PJC was not constituted.

The parties present were Michael Regele, Steven Marsh, Lissa Smith, Kirk Winslow, Complainants, and Bruce Grubaugh, attorney, counsel for the Complainants.

Present for the Respondents was the Committee of Counsel, Merlin Eelkema, Marilyn Moore, John Holcomb and Forrest Claassen, Stated Clerk of Los Ranchos Presbytery.

With the consent of the participants, the parties stated their positions, in order to discover in this pre-trial proceeding if any grounds for settlement existed or if an action could be recommended, pending acceptance and approval by a quorum of the Permanent Judicial Commission.

In the presentations and questioning, neither party added any argument or claim of fact that did not appear in their filings.

The initial Complaint, received on April 10, 2016, did not include the fact that the property in question was titled to the Synod of Southern California and Hawaii.

At the pre-trial conference both parties claimed that they knew, at the time of the Presbytery action of March 12, 2016, that title to the real property and improvements lay in the Synod of Southern California and Hawaii.

Complainants, in their Amended Complaint, alleged that the Presbytery of Los Ranchos failed to take into consideration the fact that at the time of the action it did not hold title to the property or improvements, and thus had no authority to grant dismissal with property. The Respondent's Answer, dated May 25, 2016, in Section III (5) denies that it has failed to take into consideration the fact that at the time of the action it did not hold title to the La Habra Presbyterian Church property, and denies that it has no authority to grant dismissal with property.

The Synod of Southern California and Hawaii is not a party to this action, and its interests and fiduciary duty to the PC(USA) have therefore not been considered.

Respondents, citing D-4.0102, claim that the Permanent Judicial Commission of Southern California and Hawaii has a conflict of interest, and that this is a case for which "it is desirable or necessary that a higher council decide this case."

The members of the Permanent Judicial Commission of Southern California and Hawaii present at this pre-trial conference agreed.

Therefore, at the pre-trial conference of August 12, 2016, the Commission members informed the parties that they would recommend to the full Commission that the Commission issue a Request for Reference (D-4.0100) to the GAPJC in regards to Regele v. Presbytery of Los Ranchos, Case 2016-R-2.

The Permanent Judicial Commission of Southern California and Hawaii met by telephone conference on Friday, August 26, 2016.

Present were Vice-Moderator Shelby Larsen, Clerk Izar Martinez, members Mickie Choi, Marie Castellano, Peter Lee, and Larry Lindsay.

Also present was Doska Ross, Stated Clerk for the Synod of Southern California and Hawaii. A quorum was declared. A motion to refer the case to the GAPJC was made, and passed unanimously.

On October 5 2016, the Permanent Judicial Commission of the Synod of Southern California and Hawaii was notified that the GAPJC had, in meeting by telephone conference call on October 3, 2016, voted

not to accept the reference of case.

A trial date was set for March 23, 2017 at 10:00 a.m. On that date, the Synod of Southern California and Hawaii Permanent Judicial Commission met in order to hear evidence in the trial.

Members of the Commission present were Vice Moderator Shelby Larsen, Clerk Izar Martinez, Marie Castellano, Mickie Choi, Geraldine Tayler, and Bob Wendel.

Present for the Complainants were Michael Regele, Steven Marsh, Lissa Smith, Kirk, Winslow.

Present for the Respondents were Merlin Eelkema, Marilyn Moore, John Holcomb and Forrest Classen, Stated Clerk of Los Ranchos Presbytery. Each party made their statements and presented their witnesses, and evidence submitted.

Upon questioning by the Commission, both parties stated that neither had taken any further action in relation to the legal title and ownership of the property, nor had either contacted, or attempted to contact, staff or officers of the Synod of Southern California and Hawaii. Furthermore, upon questioning by the Commission both parties agreed that the property is titled to the Synod of Southern California and Hawaii. The Los Ranchos Presbytery cannot, within the laws of the State of California, make a transfer of property it does not own. Therefore, all arguments in favor or against the transfer are moot.

In addition, neither party presented any evidence, testimonial or otherwise, to demonstrate that the interest(s) of the Synod of Southern California and Hawaii, including but not limited to its fiduciary responsibility and obligation to mission, have been taken into consideration. This Permanent Judicial Commission is part of the body of the Synod of Southern California and Hawaii, and taking into consideration a recent ruling in the case of *Llewellyn v. Presbytery of Los Ranchos* (concurring opinion), the Commission considers itself to have a conflict of interest that precludes resolution of the matter until an agreement with the Synod of Southern California and Hawaii regarding the transfer of legal title has been reached.

The Commission recognizes that this dispute has turned into a situation costly in both time and money to both parties. It may also be that the mission of the church, the Presbytery, and the PC(USA) has suffered as resources are absorbed by this case. Mindful of the case of *Llewellyn*, (above) and of *this* body's decision in *Locke v. the Presbytery of San Diego* (December 2, 2016), the Permanent Judicial Commission by a unanimous vote of Commissioners present moved that the case be continued until such time as:

- I. the appropriate representatives of the Synod of Southern California and Hawaii have been consulted, and
- II. the issue of legal title to the land and real property has been adequately settled, and
- III. attention to fiduciary obligations and responsibilities of the presbytery and synod, and its mission is demonstrated.

The Permanent Judicial Commission ordered that trial be continued until such conditions are met and a decision can be reached. The Rev. Winston Presnall, member of the Commission, took no part in the proceedings in accordance with D-50205

Having been informed that conditions I – III noted above were met, the Permanent Judicial Commission met at the Norwalk Presbyterian Church Norwalk, CA on November 17<sup>th</sup> 2017 at 11:00AM.

Members of the Commission present were Moderator Shelby Larsen, Clerk Izar Martinez, Marie Castellano, Larry Lindsay, Geraldine Tayler, and Bob Wendel. A quorum of the Permanent Judicial



Commission was present.

After deliberation, the Commission reached these findings:

***FINDINGS:***

SPECIFICATION OF COMPLAINT #1: The action is irregular because it is the result of a process that, as implemented, fails to adequately consider the interests of the Presbytery of Los Ranchos and PC(USA) in continued ministry in the geographical area encompassed by the Presbytery of Los Ranchos.

This specification of irregularity is sustained by a vote of 6 to 0 against.

The interests of the Presbytery of Los Ranchos and the PC(USA) include the possibilities of continuing divine worship or other ministry in the real property at La Habra Presbyterian Church but they also include the possibility of transferring the “value” stored in the real property to another ministry that might be more responsive to the needs of the Presbytery’s area. The Task Force that prepared the transfer recommendation for the Presbytery offered opinions about the usefulness of the real property as an active church, but its inquiry appears to have been limited. Little consideration seems to have been given to the possibility of transferring the value in the property to another more promising work.

SPECIFICATION OF COMPLAINT #2: The action is irregular because the terms presented in the Joint Solution fail to show a reasonable and fair relationship between the value of the property and the compensation La Habra Hills Presbyterian Church will pay upon dismissal. PJC (*Tom v. Presbytery of San Francisco, 2012*)

This specification of irregularity is sustained by a vote of 6 to 0 against.

In setting a payment amount, the principal concern seemed to have been selecting a sum that would be convenient for the congregation, requiring (for example) no indebtedness or appeals to the congregation.

SPECIFICATION OF COMPLAINT #3: “The action is irregular because the Presbytery of Los Ranchos has failed to take into consideration the PC(USA)’s use and benefit of the property. PJC (*Presbytery of New York City v. McGee, 2014*)”

This specification of irregularity is sustained by a vote of 6 for and 0 against.

The action failed to consider the fiduciary responsibility of the Presbytery of Los Ranchos in its intent and ability to continue ministry in that encompassed area of the Presbytery of Los Ranchos.

SPECIFICATION OF COMPLAINT #4: “The action is irregular because the Presbytery of Los Ranchos has failed to exercise due diligence in the valuation on the property it holds for the benefit of the PC(USA) under the Trust clause. PJC, (*Tom v. Presbytery of San Francisco, 2012*)

This specification of irregularity is sustained by a vote of 6 for and 0 against. See comment in Complaint #1.

**Further Rationale and conclusions:**

In the course of addressing each specification of irregularity, the Permanent Judicial Commission of the synod of Southern California and Hawaii followed the practice of this Synod, as clearly enunciated in *Locke v Presbytery of San Diego (December 2, 2016)*. That is not only the separate parts of the Gracious Dismissal Policy, but also the whole of the policy, be compared to Presbyterian ideals and principles. This practice is consonant with theology in relation to ecclesiology and the Constitution of the PC(USA). While the definitive answers to such a question is beyond the scope of the specific issues

brought before the Commission in this case, it is nevertheless the SPJC' obligation to note whether or not implementation of such a policy is in concert with the basics of the PC(USA). This is especially true when dealing with those policies and rules dealing with what is known as the Gracious Dismissal Policy (GDP). In *Locke*, the Commission identified two broad ways in which the GDP of the Presbytery of San Diego is unconstitutional, although these particular constitutional conflicts were not part of the central complaint. While there may be other considerations besides these two, at the very least *Locke* noted, first, the variance between concepts of ecclesiology and polity, and second, in the nature of the trust relationship and the fiduciary obligations entailed with a trust.

As we look at these allegations of irregularity involving the policy promulgated by the Presbytery of Los Ranchos for those situations where the question of leaving the denomination has arisen, they are similar in purpose if not in detail to those discussed in *Locke* and the SPJC is obligated to give them the same scrutiny.

To the first point, the Reformed Tradition, as honored and practiced by the PC(USA) recognizes that, as stated by the scriptures, we are all part of the Body of Christ. ( 1 Corinthians 4:27, Eph 4:12). Throughout our history, Presbyterians have voluntarily chosen to affirm that unity, and our place in the Church Universal by voluntarily, as individuals, and as officers and members in a particular congregation, or other body of the church, taken vows that bind us to that unity and communion of saints that exists through time and space, working in love of God, and in the mission of our Lord Jesus Christ.

It is upon these foundational principals that the denomination has promulgated all the varying rules, policies, practices, and requirements as it has felt necessary to allow it to interact with and pursue its mission and message in the world.

*Locke* explicates the differences between the “freechurch” or “congregational” model of ecclesiology. In that discussion, it is apparent that the trend towards individuality, and divisiveness based thereon, does not necessarily coincide with belonging to the body of Christ, membership in the Church Universal, or the fundamentals of Presbyterianism. When, as the culture around us currently affirms, the individual interpretation over the communal, the calls of Presbyterian polity to be one in the Body of Christ become conflicted: if I have a right to my interpretation of scripture and culture, what then happens to your interpretation? Must you agree with me, or must we separate and be two?

Does the hand of the Body separate itself from the rest, or the foot, and are they then still the Body of Christ, and are they part of the Church Universal, and can the mission be carried out without hand or foot, or either? These are difficult questions for Christians of good conscience, and in a situation contemplating the retraction of vows to God, to the denomination, and to the separation from brothers and sisters in Christ, past, present and future, they are questions not to be ignored or made light of. The PC(USA) and its Presbyteries are making good faith attempts at facing these issues by creating their individual Gracious Dismissal Policies, but that does not lighten the burden of ensuring that mission, the work of Christ, as it is needed in today's culture, is not lost.

*Locke* directs our attention to a second point. Although not phrased in precisely this way, the subject of what mission is in current times cannot be avoided.

As part of their commitment to the work of Christ in God's world, the saints past and present have made material contributions which are held in trust ultimately for the benefit of the PC(USA). A Trust, as its name implies, is something dedicated to a particular purpose. In the case of Presbyterians, all properties given to a particular congregation, or to the Presbytery, Synod, or denomination itself are held in trust, so that it will be used for the work for which it was given. Various officers act as trustees, that is, caretakers of such assets, dispersing them in ways that in their best judgment, fulfill the requirements



of the trust, in this case the mission of the church.

Again, *Locke* makes a very clear explication of the difference between owners, who can do as they please with whatever property they own, and a trustee, who has a fiduciary duty to use it within the constraints of the trust, regardless of his or her personal opinion.

Thus, each GDP must require that the fiduciary obligations, both missional and financial, of the trust are met. These obligations are not only, or even primarily, financial, despite often being treated as such. The work of the mission of the church, in congregational, outreach, spiritual support, care for others as commanded by Christ and other manifestations of the spread of the Good News are the primary fiduciary obligations of the Presbyterian trustee. It is true, however, that the accomplishment of mission almost always requires some financial support, and so the fiduciary obligations of the trustees to administer the assets contributed to the trust by generations past as well as congregational members present becomes by necessity a management of money and property. All too often we consider a church to be a building wherein people of like mind meet to worship God in ways that are particularly pleasing to them. In many people's minds, the definition of "church" and mission is accomplished by providing this place and programs that emanate from that model. As time, and culture, and neighborhoods and needs change, the viability of the "church" may change. As pointed out in *Locke*, though, even if that original model becomes impractical, there is still "value" in the asset, whether real or personal property.

The PJC has in the past and continues to express concern that the fiduciary duty under the Trust Clause of the PC(USA) unfortunately has and continues to be breached. The PJC is of the opinion that existing GDPs as they relate to fiduciary guidelines need to be reviewed and strengthened in an effort to avoid the existing problems. The Presbyteries are the ones at risk when the fiduciary duty to the PC(USA) has been breached. Therefore, there are specific financial procedures that need to be followed during the dismissal process. All real property should be appraised by an independent professional third party, specifically, an experienced commercial property appraiser, with no relationship to the parties involved. The independent appraiser should determine the fair market value of all real property. If there is a dispute as to the fair market value, this should be resolved by each party obtaining an appraiser, and the two appraisers agree on a third appraiser, who will resolve the differences, and give the final fair market value. The Presbyteries may then dismiss a Church, after receiving the fair market value, for the property, or leasing the property to the Church being dismissed at the fair market value lease rate. The fair market value for a lease should be determined by an independent third party commercial Real Estate Company experienced in the area. The PJC recommends that each team tasked with negotiating a GDP should have as one of its members a financial professional.

## **ORDER**

The Permanent Judicial Commission of the Synod of Southern California and Hawaii sustains each and all of the alleged irregularities. Accordingly, the action of the Presbytery of Los Ranchos on March 12, 2016, transferring La Habra Hills Presbyterian Church of La Habra to A Covenant Order of Evangelical Presbyterians (ECO) Presbytery of Southern California is set aside and of no effect. The stay of enforcement is hereby vacated.

The Permanent Judicial Commission orders this decision and order be transmitted to all of the Presbyteries of the Synod of Southern California and Hawaii and that this decision be read at the next Presbytery meeting.

Rev. R. Winston Presnall and RE Pat Niles took no part in the proceedings in accordance with D-5.0205. Rev. Peter Hintzoglou and Mr. Peter Lee were not present and took no part in the proceedings.

Dated this 2<sup>nd</sup> day of December, 2017

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Rev. Shelby Larsen  
Moderator, Permanent Judicial Commission

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Izar A. Martinez  
Clerk, Permanent Judicial Commission

THE PERMANENT JUDICIAL COMMISSION OF  
THE SYNOD OF SOUTHERN CALIFORNIA AND HAWAII  
THE PRESBYTERIAN CHURCH (U.S.A.) DECISION & ORDER

APPENDIX  
F

ROBERT G. SPITZER	)	
Complainant	)	Case Number: 2017-R- 2
	)	Decision of the Permanent Judicial
	)	Commission of the Synod of Southern
V.	)	California and Hawaii after Trial
	)	
PRESBYTERY OF RIVERSIDE	)	
Respondent	)	

This is a remedial case which has come before this Permanent Judicial Commission as a result of a complaint filed by the above-named Complainant against the Presbytery of Riverside, Respondent. It is a complaint against the Presbytery of Riverside for four alleged irregularities associated with a vote of the Presbytery on March 18, 2017, to transfer Idyllwild Community Presbyterian Church of Idyllwild, CA to A Covenant Order of Evangelical Presbyterians (ECO) Presbytery of Southern California according to the terms presented in the Gracious Discernment, Dismissal and Transfer Agreement. The initial complaint was received on June 6, 2017.

On June 15, 2017, the officers of the Permanent Judicial Commission found that the Complainant has standing to complain, that the complaint was properly and timely filed, and that the complaint states a claim upon which relief can be granted.

A trial date was set for October 13, 2017. However, the Complainant requested a continuance as his witness was not available on this date.

A trial date was set for December 29, 2017. At 11:00 a.m. on that date, the Synod of Southern California and Hawaii Permanent Judicial Commission met in order to hear evidence in the trial. Members of the Commission present were Moderator Rev. Shelby Larsen, Elder. Marie Castellano, Elder Peter K. Lee, Elder Larry Lindsay, Elder Pat Niles, Rev. R. Winston Presnall, and Rev. Bob Wendel, Clerk Pro Tem. A quorum was present.

Present for the Complainant was Elder Robert Spitzer. The witness for the Complainant was Rev. Bradley Copeland.

Present for the Respondents were: Committee of Counsel, Rev. Neal Neuenschwander and Rev. Cheryl Raine. The witness for the Respondents was Elder Melodee Kistner.

Each party made their statements and presented their witnesses and evidence.

#### FINDINGS

SPECIFICATION OF COMPLAINT #1: “The Presbytery’s vote and subsequent action to transfer the

property of Idyllwild Community Presbyterian Church is a result of a process that as implemented failed to adequately consider the interests of the Presbytery and the PC(USA) in continued ministry in the geographical area currently served by the Idyllwild Community Presbyterian Church.”

This specification of irregularity is sustained by a vote of 7 for and 0 against.

The Agreement failed to identify any other Presbyterian, or Reformed Church in the geographical area of the San Jacinto Mountain currently served by Idyllwild Community Presbyterian Church.

The officers and members of Idyllwild Community Presbyterian Church breached their fiduciary duty under the Trust Clause of the Constitution of the Presbyterian Church (USA).

The Presbytery of Riverside, and its delegates breached their fiduciary duty under the Trust Clause of the Constitution of the Presbyterian Church (USA).

Both parties were in breach of the requirements of *Locke v The Presbytery of San Diego, 2016- R-3* that the issue of valuation of personal and real property did not follow the specific directions of *Locke*

The parties were in error when they allowed the exchange of compensation (\$75,000 for the property assessed at \$1,400,000) prior to the dates of expiration for challenges to the transaction. The interests of the Presbytery of Riverside and the PC(USA) include the possibilities of continuing divine worship or other ministry in the real property at Idyllwild Community Presbyterian Church, but they also include the possibility of transferring the ‘value’ stored in the real property to another ministry that might be more responsive to the needs of the Presbytery’s area. The Task Force that prepared the transfer recommendation for the Presbytery offered opinions about the usefulness of the real property as an active church, but its inquiry appears to have been limited. Little consideration seems to have been given to the possibility of transferring the value in the property to another more promising work.

SPECIFICATION OF COMPLAINT #2: “In determining the monetary amount agreed upon to justify the transfer of real property to the departing congregation, the Presbytery ignored its own Gracious Discernment, Dismissal and Transfer Policy and its fiduciary responsibilities under the “trust provision” to the PC(USA) and the other churches within the Presbytery.”

This specification of irregularity is sustained by a vote of 7 for and 0 against.

The action is irregular because the terms presented in the Gracious Discernment, Dismissal and Transfer Policy agreement fail to show a reasonable and fair relationship between the value of the property and the compensation Idyllwild Community Presbyterian Church will pay upon dismissal. GAPJC, (Tom v. Presbytery of San Francisco, 2012)

In setting a payment amount, the principal concern seemed to have been selecting a sum that would be convenient for the congregation, requiring, for example, no indebtedness or appeals to the congregation.

The Presbytery of Riverside’s Gracious Discernment, Dismissal and Transfer Policy needs to take into account the SPJC’S decision in *Locke v Presbytery of San Diego, 2016 R-3* and needs to permanently include a copy of that decision as an appendix to their policy.

SPECIFICATION OF COMPLAINT #3: “The Gracious Discernment, Dismissal and Transfer Policy, the actions of Vision Coordinating Team and the parliamentary procedures in place at the March 18, 2017 meeting failed to provide the Presbytery with the information upon which it could intelligently and deliberately exercise its non-delegable fiduciary duties as trustee over the Idyllwild Community Presbyterian Church property.”

This specification of irregularity is sustained by a vote of 7 for and 0 against.

The information regarding the assessment of the community, the preferences of the members (as opposed to the vote of those in attendance on March 18, 2017 meeting of the Presbytery), the details over the last five years of the financial standing of the congregation, as well as the factors affecting the widely varying monetary value of the property were not presented at the meeting of Presbytery, and, insofar as can be determined, were collected in one place, known as the Big Notebook. Said notebook may have been available for examination at the Presbytery Office, and may have been in the room during debate on March 18, 2017. However, information in it was never summarized or distributed to Commissioners to Presbytery by means of posting on the website, power point presentations, letters, or other means of communication

In addition the failure of the team and presbytery officers to inform the Presbytery of the complete *Locke v Presbytery of San Diego, 2016 R-3* decision hindered the Presbytery from being prepared to make an informed decision. This lack of due diligence is demonstrated by the fact that the Presbytery changed their Gracious Discernment, Dismissal and Transfer Policy the same day that the team presented their report, and told the Presbytery that the one change was all that was needed to have their policy be compliant with *Locke*.

The action is irregular because the Presbytery of Riverside has failed to take into consideration the PC(USA)'s use and benefit of the property. GAPJC (Presbytery of New York City v. McGee, 2014)

SPECIFICATION OF COMPLAINT #4: “The Gracious Discernment, Dismissal and Transfer Policy, the actions of Vision Coordinating Team and the parliamentary procedures in place at the March 18, 2017 meeting failed to provide the Presbytery with the information upon which it could reasonably determine what members of the Idyllwild Community Presbyterian Church congregation represented the “true church” and were thus entitled to possession of the church property.”

This specification of irregularity is sustained by a vote of 7 for and 0 against.

The Gracious Discernment, Dismissal and Transfer Policy Team report lists seven members who wished to remain in the PC(USA) and no report of eleven members who did not vote. There is no report of the interest of these eleven members in remaining in the PC(USA).

Also see comments under specification#3 ADDITIONAL COMMENTS

“The polity of Presbyterianism--- with its strong insistence on the rule of the majority and the rights of the minority--- is indeed the way in which Presbyterians affirm their unity amid their diversity. This polity not only organizes dissent and diversity, it is itself a product of dissent, diversity, compromise and creative resolution of bitter conflict.” (Historic Principles, Conscience, and Church Government, adopted by 195th General Assembly (1983), Presbyterian Church U.S.A. p. 1)

The Presbytery of Riverside in its meeting on March 18, 2017 acted contrary to the historic principle of “conscience” to dismiss Idyllwild Community Presbyterian Church to ECO by denying a thirty (30) day allowance for commissioners to file a stay of enforcement (D- 6.0103a). The action of Presbytery to dismiss the Idyllwild Community Presbyterian Church property was consummated a mere 13 days later (March 31, 2017) by the deed of transfer.

Indeed, the Gracious Discernment, Dismissal and Transfer Policy for the Presbytery which was last revised on March 18, 2017 imposes a time to complete a dismissal of “no more than ninety (90) days after the vote of the Presbytery.” (Effective Date of Dismissal, p.10) There is no limitation on the Presbytery to dismiss a congregation in less than thirty (30) days. To dismiss a church with property within thirty (30) days is to expend the matter of conscience and render moot a rule of Church Discipline (D-6.0103a), which protects the rights of the minority to file a stay of enforcement along with a complaint. The action by the Presbytery of Riverside to dismiss Idyllwild Community Presbyterian Church to ECO in a matter of thirteen (13) days demonstrates very little “insistence” on the rights of the minority.

It is grievous that the action of the Presbytery cannot be overturned and the property retained for a future decision by the Presbytery of Riverside. However, at the least the Gracious Discernment, Dismissal and Transfer Policy should be revised to deny any transfer of church property before thirty-one (31) days and the Presbytery to act on no dismissal of a church with property until such time as the policy is revised to reflect the change.

#### DECISION AND ORDER

The Permanent Judicial Commission of the Synod of Southern California and Hawaii sustains each and all of the alleged irregularities. While the precipitate action of the church and the Presbytery prevents us from recovering the wrongly transferred property, except by civil action, the Commission can provide the appropriate order under ecclesiastical authority. Accordingly, the action of the Presbytery of Riverside on March 18, 2017, transferring Idyllwild Community Presbyterian Church of Idyllwild, CA to A Covenant Order of Evangelical Presbyterians (ECO) Presbytery of Southern California is set aside and is of no effect.

It is also ordered that the Gracious Discernment, Dismissal and Transfer Policy should be revised to deny any transfer of church property before 31 days and the Presbytery to act on no dismissal of a church with property until such time as the policy is revised to reflect the change.

FURTHERMORE, the Permanent Judicial Commission of the Synod of Southern California and Hawaii hereby orders all churches and presbyteries under its jurisdiction, to rely on the Constitution of the PC(USA) as it conducts its business. In particular, the churches and presbyteries that comprise the Synod of Southern California and Hawaii are to use caution in exercising their fiduciary duties, and to be cognizant of the fact that breach of fiduciary duty can result in civil and criminal liability, both corporate and individual.

Rev. Mickie Choi and Elder Izar Martinez took no part in the proceedings in accordance with D-5.0205. Rev. Peter Hintzoglou and Elder Geraldine Tayler were not present and took no part in the proceedings.

Dated this 29<sup>th</sup> day of December, 2017.

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Rev. Shelby Larsen  
Moderator, of the Permanent Judicial Commission

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Rev. Bob Wendel  
Clerk Pro Tem of the Permanent Judicial Commission



# Presbytery of Riverside Assembly

## Parliamentary Special Rules & Procedures

### Introduction

The *Book of Order* designates the most recent edition of *Robert's Rules of Order, Newly Revised* (RONR) shall be the parliamentary authority for all meetings of the Presbytery Assembly. As RONR also allows us to adjust those rules with ones which are more suitable for our Assembly, the rules within this document take precedent over rules stated in RONR. In instances where the *Book of Order* is in conflict with RONR or these procedures, the *Book of Order* shall prevail. (G-3.0105). Commissions, Committees and Teams (hereafter referred to as committees, except in the Virtual Meetings section) may follow relaxed rules such as Respectful Communications Guidelines (RCG), Conocimientos, Mutual Invitation and other adjustments, as agreed upon by their committee's members. However, minutes of all meetings are required, which must include motions in writing.

Virtual meeting rules for Presbytery Assembly meetings and Committee meetings are also included, beginning on page 6.

### Pre-Assembly Meeting

- **Committee Preparation:** Committees who have conducted work since the prior meeting of the Presbytery Assembly should prepare a written report and submit it to the Stated Clerk. They may request their report be included in the consent agenda, particularly if it contains routine motions they believe would be quickly approved. The Stated Clerk may instruct the committee to verbally present motions which he or she believes are best processed by normal deliberation. If the committee wishes to verbally highlight sections of the report, they should request docket time from the Stated Clerk.

### Assembly Meeting

- **Prayer:** All Presbyterian meetings are opened and closed with prayer.
- **Orders of the day:** Generally announced or specified in the docket.

#### **Committee Reports & Docketed Presentations**

- **Wait to be recognized:** The Moderator will call the various committees and speakers according to the docket. Committee reports or speaker's comments are addressed to the membership, unless they are making a motion, at which time they will address the Moderator.



## Deliberations

- **Making a motion:** A committee may make a motion during their report. Other members may make a motion at an appropriate time. Once the motion has been made (and seconded, if necessary), and the moderator states it, **it then becomes the main motion and belongs to the Assembly** and shall be processed by the Moderator. The Moderator may allow time for information from the committee or person who made the motion or for information questions from the floor before debate begins. A main motion is debatable, is amendable, and requires a majority vote to pass. See also "Withdrawing a Motion" below.
- **Seconding a Motion:** All motions require a second, with the exception of a motion that comes from a committee, commission, or team, which then does not require a second. Such a motion already comes from more than one person and can be assumed that it has "already" been seconded.

## Discussion

- **Gaining recognition by the moderator:** A person wishing to speak to the motion should approach one of the microphones designated for that purpose and wait to be recognized by the Moderator. Comments and amendments should be addressed to the Moderator.
- **Limits of Debate:** The docket has allocated a specific amount of time per agenda item, so in order to be able to process all our business in one meeting, the standard amount of time per speaker will be **5 minutes**. If all wishing to speak have done so, and there is still time on this docket allocation, a person may speak a second time. Additional 5-minute time allocations are allowed with permission of a majority of the Assembly, until the overall time allocation on this docket item is reached. Time for informational questions and answers do not count towards the speaker's time allocation. One member may not yield their unused time to another member. When a speaker is repeating points previously made, the Moderator may interrupt and ask the speaker to limit remarks to new information.

## Motions During Discussion

- **Call the Previous Question(s):** Anyone wishing to make a motion to end debate should stand and be recognized by the Moderator, particularly if there is still active

debate on the subject. In order to make it clear for the Moderator to know what is intended, the preferred wording is "I make a motion to end debate on the main motion and/or the amendment(s) under discussion". This must be seconded, then put to an immediate vote, with two-thirds majority required for acceptance. If debate is winding down, and the last speaker recognized has finished, the Moderator may choose to recognize the person who calls out "Call the Question" even if that person is not at a microphone.

- **Motions to defer to a later time:** Motions to defer discussion can get complex, so the Moderator may ask questions of the person making the motion to clarify intent and may offer a suggested form of the motion.
  - **Motion to lay on the table:** Can be made only on the item under consideration and is not debatable. The item can be brought back with a motion to bring back from the table, but if not done within 1 calendar quarter, the motion dies, so this is a non-preferred method to postpone action.
  - **Postpone:** This motion can be used to postpone an item to a future time or meeting, or postpone indefinitely, and is debatable. This is a good motion for a temporary deferral to allow for order of the day or another time-critical matter to be discussed. It is not preferred if the intent is to gather more information about the subject before further discussion. Postponing indefinitely is also non-preferred.
  - **Refer to a committee:** This is the preferred method to defer a motion until we can gather more information in order to make an informed decision. It is also referred to as a motion to commit. The motion must specify the committee to which referral is being made. The committee can be a standing committee or it can be a special committee, specifying the makeup of the committee or, alternatively, it could say "to be appointed by the Moderator" or something similar. The motion could include additional requirements such as "to be reported at the next meeting".
- **Limit or extend limits on debate:** A motion may be made to limit or extend debate. This motion requires a second but is not debatable. The motion may be amended to adjust the proposed time. The main motion must be voted on without debate, and requires a two-thirds majority to pass.
- **Withdraw a Motion:** A person who made a motion may only withdraw their motion before it is seconded and stated by the Moderator, but not after, as it is then

owned by the Assembly. Instead, that person may make a new motion to withdraw their original motion. This new motion must be seconded and approved by the Assembly for it to be withdrawn.

- **Parliamentary Inquiry:** A person who is unsure about the current parliamentary situation, or has a question, may interrupt the current speaker, if necessary, and say “M. Moderator, parliamentary inquiry please.” The Moderator would normally stop the speaker and allow you to ask your question. The Moderator may try to clarify the situation, give an opinion on the subject, or ask for guidance from the Stated Clerk. This is, at times, similar to a point of order.
- **Point of order:** This point is used to raise a question about what is seen to be a violation of the rules or an error in procedure. The Moderator may rule on the point raised or ask guidance from the Stated Clerk before making the ruling. After the Moderator has ruled, a member may appeal the decision.
- **Appeal a ruling by the moderator:** Once the Moderator has made a ruling, that ruling may be challenged by a member by immediately rising and saying “M. Moderator, I appeal the decision of the moderator.” This motion requires a second and is generally debatable, with each member being able to speak only once. The Moderator is able to speak at the beginning and at the end of the debate, after which he or she shall pose the question “Shall the decision of the moderator be sustained?”
- **Raise a question of privilege:** Two examples of this occasional happening: 1) If a person is uncomfortable because it is too warm/cold/noisy in the room, that can be brought to the Moderator's attention as a question (or point) of personal privilege, or 2) If someone during debate incorrectly describes your position on an issue AND refers to you by name, you may request a question of privilege in order to respond. This point is dealt with as the Moderator sees fit.
- **A motion to divide the question:** If a motion contains two or more parts, each of which could be a complete motion, it is permissible to request that the motion be divided – that is, the parts be considered separately. The motion requires a second and is not debatable. The separation can be complete or only one or more parts may be divided out. The motion must specify how the division is to be made. An amendment to change the way the motion is divided is allowed. The Moderator may declare the motion divided without a vote, or call for a vote, where a majority can then approve/disapprove the motion.
- **A motion to amend or offer a substitute motion:** The main motion may be amended multiple times, with each amendment being voted upon. Once all

amendments are handled, then the revised main motion is voted upon. However, if a person recognizes that the motion as stated is not quite right for the intention, they may offer a substitute motion on the floor. If a substitute motion is offered, the Moderator shall ask if the substitute motion shall become the main motion. If a majority agree, then the original motion and amendments are set aside, and discussion begins again on the new main motion. This can get confusing, so the Moderator will do his or her best to get clarity on the motion actually up for discussion.

## **Voting**

- **General voting:** When it is time for a vote, the Moderator should clearly state what the motion is before proceeding to the vote. When such a vote is inconclusive, the next step is to request a show of hands, or at the Moderator's discretion, move to a standing vote where yeas and nays can be counted if the outcome is not obvious. A member who may not agree with the interpreted results of a voice vote may stand and loudly request a "Division of the Assembly", after which the Moderator must call for a standing vote, with or without counting the yeas and nays.
- **Voting by ballot:** Voting by ballot is required where there are:
  - a) Elections where there are more candidates than positions to fill.
  - b) Any dismissal action of a congregation or a Minister of the Word and Sacrament.
  - c) Voting requirements handed down from the General Assembly or Synod.
  - d) At the discretion of the Moderator.

--- End Parliamentary Rules and Procedures ---

## **Virtual Meetings\* Rules**

**The Presbytery Commission is empowered by its Charter to update this portion of this document.**

Within this section, the term “Chair” refers to the Commission, Committee or Team’s Chairperson or Co-Chair. The term “Moderator” refers to the person actually moderating a particular meeting, which may be someone other than the chairperson.

**A. Our Bylaws allow for virtual meetings of the Presbytery Assembly. The following rules restate and augment those found in the Bylaws.**

**1. (Excerpted from Bylaws, 3.05A):**

Meetings of the Presbytery Assembly may be held by electronic means, as established by the Presbytery Assembly as recommended by the Presbytery Commission. Such meetings shall provide “opportunity for simultaneous aural communication among all participating members...The notice of an electronic meeting must include an adequate description of how to participate in it.” (RRO, NR, 11th Edition, p. 97) Standard quorum requirements shall apply, from the total members and commissioners in attendance at all locations. The Moderator, Vice Moderator, Presbytery Leader for Mission and Vision/Stated Clerk and Minute Clerk shall be together in one location. The Moderator may appoint meeting assistants at each location, as desired. Such meeting assistants will help with matters designated by the Moderator and related to the conduct of the meeting. Motions made from the floor shall be emailed to the Presbytery Leader for Mission and Vision/Stated Clerk before they are acted upon.

2. The technology for the virtual meetings may include combinations of audio conference calls, video calls, and other web-based systems which allow for simultaneous aural or aural/video communication. At each virtual meeting of the Assembly, instructions for participation will be distributed and must include how a speaker is to request the floor (equivalent to approaching the microphone at an in-person meeting), how to vote, and how to email motions not already submitted.

**B. Our Bylaws allow for virtual meetings of the Commissions, Committees and Teams of the Presbytery Assembly. The following rules restate and augment those found in the Bylaws.**

**1. (Excerpted from Bylaws, 3.05B):**

Every effort should be made for commissions, committees and teams of the Presbytery to deliberate in one location. When the Chair determines that is not

practical, other alternatives may be employed that must allow for simultaneous aural communication among the members of the group. Telephone conference call, GoToMeeting, Zoom or Skype are current examples of such options. Deliberations should be conducted as follows:

- i. Matters to be voted on must be recommended by an official Presbytery entity or session and be submitted to the moderator of the voting entity in writing;
- ii. The moderator of the voting entity will determine whether the matter is suitable for remote deliberation;
- iii. If one-third of the current members of the voting entity request a face to face discussion on the topic then the matter will not be decided by remote deliberation;
- iv. In order for a motion to pass, it must be approved by a majority of the voting members present;
- v. The decision reached by remote deliberation will be immediately reported to the members of the voting entity and will be entered into the minutes of the voting entity, in accordance with Robert's Rules of Order.
- vi. Each entity choosing to use electronic means must follow rules established by the Presbytery Assembly or Presbytery Commission, which may specify: provider of technology; manner of determining quorum, obtaining "the floor", how voting will occur, and whether there is conflict of interest.
- vii. As in all other meetings, if quorum is reached at the beginning of the meeting, it will be assumed for the rest of the meeting, unless challenged with a point of order.
- viii. If it is a special called meeting, the moderator of the entity will notify all members of the matter to be acted upon, the time and date of the electronic meeting, and the details of how to participate at least 48 hours in advance of the event.

## 2. Virtual Commission, Committee, & Team Meeting Procedures:

- i. A quorum shall be determined by roll call, taken by the moderator or a designated minute taker. If non-committee members are present, either by themselves or with a committee member, they must be identified and not be allowed to vote.
- ii. The moderator shall proceed at a deliberate, measured pace, ensuring all participants have every opportunity to gain the floor, make a motion, speak to each motion, and vote. Pausing often to solicit comments will ensure all have an opportunity to participate as they desire.

- iii. Voice vote is allowed at the moderator's discretion. However, if there are both yea and nay votes cast, and it is not clear which side has the required majority, or if there is a division of the house requested, then the moderator shall call for a roll call vote.
- iv. If a virtual meeting technology is used which allows for electronic votes to be submitted, then the moderator may use that voting method as part of a roll call vote. Such technology may also be used to obtain the floor.
- v. The moderator shall use standard techniques to determine any conflicts of interest and use the Conflict of Interest Policy as guidance as necessary.

### **C. Meetings of the Committees and Teams of the Presbytery via Email:**

#### **1. (Excerpted from Bylaws, 3.05C):**

From time to time a matter of routine business needs to be acted on between meetings of a Committee or Team. At the discretion of the Chair of the entity, it may be determined reasonable to provide for a vote by e-mail by the members of the entity in the interest of time and efficiency. This procedure is not intended to be used casually, but rather as a means of conducting non-controversial or routine business expeditiously when necessary. If one-third of the members of the voting entity request a face to face or electronic discussion on the topic then the matter will not be decided by email vote. A quorum of the members will have to vote and the votes of these responding members will have to be unanimous in order for the business to be approved. All members of the voting entity shall be allowed 48 hours to make their responses. The business approved will be recorded in the minutes of the next meeting of the Committee or Team. Email meetings shall never be allowed for such items as Budget Revisions or spending money above a certain preset limit. When in doubt of what is appropriate, contact the Stated Clerk. **Email meetings shall not be available for use by the Presbytery Assembly or Presbytery Commissions.**

- 2. The Moderator of the entity shall use other means to attempt contact of all entity members who have not cast a vote to determine if they are unable to participate. Those who may not be able to participate may request a face-to-face or electronic discussion of the topic, subject to the one-third rule.

\*Virtual Meetings – The term “Virtual Meetings” is used within our Bylaws, and is therefore used within this document. It refers to meetings “... at which, rather than all participating members being physically present in one room or area as in traditional (face-to-face) meetings, some or all of them communicate with the others through electronic means such as the Internet or by telephone.” (RONR, 11th ed., pp.81-82)

**SECTION IV**  
**Personnel Policies**

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## **PRESBYTERY OF RIVERSIDE ASSEMBLY PERSONNEL POLICIES**

### **I. DEFINITIONS**

- A. Exempt employees are those employees whose work requires professional training in the work of the Presbytery of Riverside (the "Presbytery"). This includes functions that are administrative, programmatic, pastoral, or executive in nature. Working hours vary and are determined by agreement with the Head of Staff. These employees are exempt from overtime compensation and other employment conditions as provided for in the Fair Labor Standards Acts and other applicable federal and state laws and regulations (FLSA). Benefits for exempt employees generally are the same as non-exempt employees, but adjustments may be negotiated at time of employment.
- B. Non-exempt employees are those employees whose work is supervised and regular working hours are assigned. These employees are not exempt from overtime and other distinctive provisions of the FLSA and are eligible to receive overtime compensation for extra hours worked. Non-exempt full-time employees work forty (40) hours per week.
- C. Independent Contractors: are persons with specific skills who contract with a Presbytery entity for a time-defined task. If certain tests established by the Internal Revenue Service are met, this person may perform work as an independent contractor. Independent contractors are not employees, cannot be paid through the payroll system, and are not eligible for any benefits available to employees. Independent contractors are required to disclose any conflict of interest before work begins. Current employees are not eligible to work for the same employer as independent contractors.
- D. Temporary employees (those who will receive a paycheck and have payroll taxes withheld) may be hired to complete tasks of short duration. Such employees generally are not eligible for any benefits except as required by law or may be included in the terms of employment and subject to approval by the Personnel Committee. A temporary employee may only work for up to three months in a temporary status. If immediately hired to a regular status after the temporary period, benefits will be retroactive to their first day of employment.
- E. Called Ministers of the Word and Sacrament are employees in positions which have been designated as a "called" position. Such employees will be offered at least minimum salary and benefit packages as defined by the Presbytery and the PCUSA Board of Pensions (pro-rated if not full-time). If a Minister of the Word and Sacrament is in non-called position, his or her status would be one of the above, with the benefits of that particular status.

### **II. EMPLOYMENT PRACTICES**

#### **A. General Principles**

- 1. At-Will Employment Policy: All employees, except those who have a written contract, are employed at-will and for no specific duration. All employees are hired conditionally

on the basis of continuing fitness or need. The employee or employer may terminate the employment at any time, with or without cause or prior notice. Nothing contained in these policies and procedures guarantees employment for any specified length of time. Employees with a written contract may be terminated for cause. The employment-at-will status cannot be changed except in writing by the Personnel Committee. At-will termination is limited by anti-discrimination law, or public policies set forth in statutes or regulations.

2. All employment policies and practices will be administered without discrimination, based on race, color, sexual orientation, creed, or religious affiliation (except where creed or religious affiliation is determined to be a bona fide occupational qualification), national origin, ancestry, gender, age, marital status, physical disability, mental disability, or medical condition.
3. Sexual Misconduct (Including Sexual Harassment): All employees are required to complete an approved Sexual Misconduct Prevention Training within the first twelve months of employment. All employees must continue to attend an approved Sexual Misconduct Awareness event every three years thereafter. All employees must abide by the current "Prevention and Response Policy: Sexual Misconduct". Grievances will be addressed as described in the policy. Sexual Harassment training shall be completed according to current California law.
4. Employment of Family Members: To affirm and facilitate equal opportunity for all employees and candidates, care will be exercised in the employment and assignment of direct relatives or members of the same household of Presbytery employees. Such people should not be automatically denied employment nor fair treatment in the full spirit of these policies.

However, individuals shall not be employed by or through the involvement of direct relatives or members of the same household, and they shall not be assigned to a position where a direct relative or member of the same household is in a position to influence the employee's salary, promotion or other aspects of Personnel Policies.

#### B. Hiring Procedures

1. Minister of the Word and Sacrament employees: Any Minister of the Word and Sacrament employee will be employed through the regular process of the Presbytery according to the Book of Order and the current Manual of Administrative Operations.
2. Presbytery Leader for Mission and Vision or Stated Clerk: The Presbytery Leader for Mission and Vision or Stated Clerk (may be a teaching or ruling elder) is nominated follows:
  - a. A special search committee is nominated by the Presbytery Committee on Nominations according to the terms of inclusivity set forth in the Book of Order and the current Manual of Administrative Operations.
  - b. The special search committee is elected by the Presbytery.

- c. The Presbytery Leader for Mission and Vision or Stated Clerk is elected by the Presbytery according to the terms of inclusivity set forth in the *Book of Order* and the current Manual of Administrative Operations.
3. The Transitional Presbytery Leader for Mission and Vision and Transitional Stated Clerk: The Transitional Presbytery Leader for Mission and Vision and Transitional Stated Clerk (may be a teaching or ruling elder) is nominated by a special nominating committee appointed by the Personnel Committee. The Transitional Leader for Mission and Vision and Transitional Stated Clerk is elected by the Presbytery Assembly according to the terms of inclusivity set forth in the *Book of Order* and the current Manual of Administrative Operations.
4. Non-called positions: Applicants for non-called exempt and non-exempt positions will be required to complete an application form. Those seeking a non-called position will be hired by the Personnel Committee in consultation with the appropriate Presbytery staff and committees and according to the terms of inclusivity set forth in the *Book of Order* and the current Manual of Administrative Operations.
5. Employment Eligibility Verification: The Presbytery is committed to employing only those individuals legally authorized to work in the United States. In compliance with the *Immigration Reform and Control Act of 1986*, each new employee, as a condition of employment, must complete any and all employment eligibility verification forms required by the United States Immigration Service including documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the forms if they have not been completed for the Presbytery within the past three (3) years, or if their previous forms are no longer retained or valid. The Personnel Committee is responsible to ensure the completion of the employer's portions of these forms and otherwise assuring that the employer's obligations are met. These forms will be kept in each employee's payroll file.

C. Supervision and Evaluation:

1. Performance Evaluation: Each employee (except as provided in 2 and 3 below) shall be given an annual written performance evaluation of his/her work by June 1. This written evaluation shall be based on input from the Head of Staff, the Personnel Committee and the employee.
2. Presbytery Leader for Mission and Vision and Stated Clerk: The Presbytery Leader for Mission and Vision is accountable to the Personnel Committee and the Presbytery Commission. As the *Book of Order* requires a Stated Clerk, he or she is accountable to the Presbytery Assembly through the Presbytery Commission.
  - a. The Presbytery Leader for Mission and Vision and the Stated Clerk shall be given an annual written performance evaluation of his/her work by June 1. This written evaluation shall be based on written input from the Personnel Committee, the Presbytery Leader for Mission and Vision, the Stated Clerk and from individuals

selected by the Personnel Committee.

- b. Should it be determined that the Presbytery Leader for Mission and Vision or the Stated Clerk's performance during the preceding years has been unsatisfactory, one of the following will occur:
  - 1) The Presbytery Leader for Mission and Vision or Stated Clerk implements an agreed upon set of remedial steps with periodic reviews of progress during the coming six (6) months or the Personnel Committee recommends to the Presbytery that the term of office be terminated. If the Presbytery votes to terminate, the search process shall be initiated.
  - 2) Six months before the end of the Presbytery Leader for Mission and Vision or Stated Clerk's term, the Personnel Committee and two members of the Nominating Committee shall conduct a comprehensive performance review. At the completion of the comprehensive performance review, the Personnel and Nominating Committees shall recommend to the Presbytery that the Presbytery Leader for Mission and Vision or Stated Clerk be re-nominated or not for another term. If the current Presbytery Leader for Mission and Vision or Stated Clerk is not re-nominated, the search process shall be initiated.
3. Initial Evaluation: During the initial 3-month employment period, every effort shall be made to provide adequate training and coaching to the new employee. An initial evaluation of a newly hired employee will take place after the third month of employment, and the Head of Staff and the Personnel Committee shall assess the employee's ability and adaptation to the position. A similar training and evaluation period shall happen whenever a current employee is in a new position performing duties significantly different than those in the previous position. On-going evaluations during any phase of employment may reveal that the Presbytery believes the employee may not be up to the assigned tasks even with additional training, and reserves the right to terminate or reassign the employee.
4. Performance Record: The original performance evaluation will be signed by the Head of Staff, the employee and a representative from the Personnel Committee and will become part of the employee's personnel record. The employees' signature is an acknowledgement of the evaluation and does not indicate his/her agreement with the evaluation. If the employee does not agree to sign the evaluation, it shall be so annotated and dated by the Head of Staff. These reports will be placed in the employee's personnel file and will be treated as confidential information. A copy of the performance evaluation with all signatures will be given to the employee.
5. Terms of Employment: Terms of employment for all employees are to be determined in each case by the Personnel Committee in consultation with the Head of Staff and/or the appropriate body of the Presbytery. Written terms of employment shall be provided for each employee at the time of employment. A copy shall be placed in the employee's personnel file.

6. Salary Review: Every employee shall have an annual salary review.

D. Grievance Procedure (Other than sexual harassment or sexual misconduct):

1. If an employee feels he/she has been unfairly treated or something unethical is happening within the Presbytery office, the employee is encouraged to discuss the issue with the Head of Staff or the Chairperson of the Personnel Committee. If the issue is not resolved to the employee's satisfaction, the following grievance procedure will be followed.
2. General: All employees shall have the right to submit a written grievance to the Personnel Committee on matters affecting their status and treatment. The statement shall document the alleged situation which led to the grievance and any attempts to address the grievance. It shall be submitted within thirty (30) days of the occurrence.
3. Within thirty days of receiving the complaint, the Personnel Committee will meet with all parties to seek resolution.
4. Employee Rights:
  - a. The employee shall have the right if he/she desires to seek the guidance and support of an individual to serve as ombudsman to help him/her prepare for the meeting, state the issue clearly, serve as a second set of ears, and reflect on what has been said. The ombudsman will not speak for the employee.
  - b. The employee concerned shall have the right, if he/she so desires, to ask the Head of Staff to leave the meeting while this matter is being discussed. If necessary, the Personnel Committee may confer with the Head of Staff and/or other potential corroborating parties in private.
5. If the employee is not satisfied with the decision of the Personnel Committee, he/she can send a written appeal to the Presbytery Commission or its successor for final action within 10 to 20 days of receipt of the appeal. The employee shall be present and other potential corroborating parties may be present at the meeting of the Presbytery Commission or its successor when the appeal is discussed and acted upon.
6. A written report will be provided by the resolving agent within 60 days of the alleged grievance. The Moderator of the Presbytery Commission or its successor will deliver to the employee, and the Head of Staff and the Personnel Committee the final decision on the appeal. A copy of the final written report from the resolving agent will be filed in the employee's personnel file.
7. Employees will not be retaliated against in any way for using this grievance procedure.

E. Employee Records

1. Personnel Records: The Personnel Committee will maintain a Personnel File for each employee. The file will be secured in a locked file. The Personnel File may include, but is not limited to, the following:

- a. Application
  - b. Resume
  - c. Offer letter
  - d. Position descriptions, current and previous
  - e. Performance evaluations including annual goals and objectives
  - f. Documentation on disciplinary issues
  - g. Attendance records
  - h. Compensation history
  - i. Current home address and phone number
  - j. Name and phone number of persons to be notified in case of emergency.
  - k. Record listing the dates and names of person(s) inspecting the file
  - l. A signed statement indicating that the employee has received and read the policies, terms of call or employment, and records of all changes related to employment.
  - m. Other information as directed by the Head of Staff and/or state law with the knowledge of the employee.
  - n. Employee Eligibility Verification (Form I-9)
2. Employees have the right to view their personnel file upon a written request to the Head of Staff. Access to a Personnel file is otherwise restricted to the Head of Staff and members of the Personnel Committee.
  3. Accurate Contact Information: Within fifteen (15) days of a change in personal or emergency contact information, employees will provide updated information to the Presbytery office.

### **III COMPENSATION AND BENEFITS**

- A. Salary Reviews and Adjustments: The Presbytery, through the Personnel Committee, shall annually conduct a compensation and benefits review with each exempt and non-exempt employee by July 1. Compensation and benefits adjustments for non-exempt and exempt employees shall be implemented on January 1 of the following year.
- B. Pay: All employees are paid every two weeks.
- C. Non-exempt Employee Overtime Compensation:
  1. In consultation with the employee, the Head of Staff will adjust the individual's work day or work week to accommodate special requirements. Deviations from normal office hours will be agreed upon between the employee and the Head of Staff in writing.
  2. No overtime will be granted without prior written permission of the Head of Staff.
  3. Non-exempt employees will record hours worked, vacation, and personal days in the Presbytery's designated manner. The Office Manager/Bookkeeper will prepare a monthly report accounting for all time by each non-exempt employee for the Head of Staff and the Personnel Chair.



#### D. Benefits:

1. **Benefits Eligibility - Vacation and Sick Leave:** Called Ministers of the Word and Sacrament will receive vacation according to their call. All other employees (except temporary employees) accrue vacation and sick leave based on scheduled hours worked. Those whose normal work schedule is 5 hours or fewer per week will not receive vacation or sick leave. Employees whose normal work schedule is greater than 5 but fewer than 35 hours will receive prorated vacation and sick leave (based on 40 hours per week). Employees whose normal work schedule is 35 hours per week or more will receive vacation and sick leave at the normal full-time rate. Eligibility for other benefits are as specified elsewhere in this document.
2. **Worker's Compensation:** Worker's Compensation, required by state law and paid for entirely by the Presbytery, protects employees in the event of occupational injury or sickness. An accident on the job, no matter how small, shall be reported to the Head of Staff within twenty-four (24) hours of occurrence. This is a requirement under the law (Senate Bill 198) and is posted in full view of staff.
3. **Social Security:** The Presbytery is exempt from Social Security provisions for any called Minister of the Word and Sacrament staff because for Social Security and Medicare they are self-employed. All other employees are treated in accordance with the provisions of the Internal Revenue Service and updated annually in Circular E.
4. **Pension:**
  - a. All Minister of the Word and Sacrament employees ordinarily will be enrolled in the Presbyterian Pension Plan. Payment of pension dues is made to the Board of Pensions by the Presbytery.
  - b. No pension benefits will be available for non-clergy employees.
5. **Medical Insurance:**
  - a. All Minister of the Word and Sacrament employees ordinarily will be enrolled in the medical plan sponsored by the Presbyterian Board of Pensions. Payment of medical premiums will be made to the Board of Pensions by the Presbytery.
  - b. Medical benefits for non-clergy full-time employees will be negotiated at the time of hire.
6. If Presbytery staff preach in a congregation in relation to Presbytery business, he/she shall make it clear to the church that no compensation is expected. If Presbytery staff fills a pulpit as a guest preacher, such as in the absence of the pastor, he/she may receive compensation/honorarium.
7. **Holidays:**
  - a. The same number of holidays will be given to employees at all levels:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day and the following Friday
President's Day	Christmas Eve Day
Good Friday	Christmas Day
Memorial Day	The week between Christmas Day
Independence Day	and New Year's Day

- b. Exceptions: Holidays that occur on a Friday, Saturday or Sunday will be observed on the following Monday. Should a holiday occur during an employee's scheduled vacation, the holiday will not count as a vacation day.
- c. Eligibility: To be eligible for holiday pay, an employee must work the last regularly scheduled work day preceding the holiday and the first regularly scheduled work day following the holiday, unless the absence is approved by the Head of Staff.  
Employees who are on approved non-paid or paid leave, other than vacations, are not eligible for additional holiday compensation should a holiday occur during the stated leave period.

#### 8. Annual Vacation Leave

- a. Policy: Presbytery believes that employees and the Presbytery alike benefit from scheduled time for each regular employee to enjoy relaxation and recreation and to return to work revitalized. In order to provide for such absence without concern for pay continuation, the Presbytery provides the following paid annual vacation leave plan.
- b. The normal full-time vacation accrual rate is established below. Employees begin accruing vacation credit on the first day of employment. New employees may not use paid vacation leave until they have completed at least six months of continuous service.

Years of Service	Paid Vacation Accrual Rate/Year (Full-time rate)
0 through 2 years	(104 hours)
3 through 5 years	(144 hours)
6 through 10 years	(184 hours)
11 years and over	(240 hours)

- c. Vacation use and credits:
  - (1) Vacation dates must be scheduled in advance with the Head of Staff. The Head of Staff vacation schedule dates will be reported to the chairperson of the Personnel Committee.
  - (2) All employees will be encouraged to use vacation within each calendar year.
  - (3) Vacation accrues at the end of each month, with a maximum accumulation of the total hours which would be accumulated in one year. At the time of termination, accumulated vacation will be paid to the employee.
  - (4) If a payday should occur within the scheduled vacation period, wherever possible, the employee will be given a salary check before leaving on vacation.

- 9. A called Minister of the Word and Sacrament employee's vacation will be consistent with the current Healthy Pastors and Congregations Commission vacation policy.

#### 10. Sick Leave:

- a. At the employee's discretion, up to five days per year may be taken as leave from an illness, injury or personal reason. The employee shall report a period of such leave to



- the Head of Staff, or when the employee is the Head of Staff that employee shall report such leave to the chair of the Personnel Committee. Concerns about abuse of this leave provision shall be referred to the chair of the Personnel Committee.
- b. Periods of leave for longer than five consecutive days shall be substantiated by a statement from the employee's attending physician advising the avoidance of normal responsibilities. The statement shall be provided by the employee to the Head of Staff and the chair of the Personnel Committee.
  - c. When a period of leave for illness/injury extends beyond fourteen days the employee shall provide, prior to resumption of responsibilities, to the Head of Staff and/or the chair of the Personnel Committee, a statement from the employee's physician certifying clearance to resume normal responsibilities. The physician will have been provided with the employee's position description for review before certifying clearance.
11. Leaves of Absence: A leave of absence for any reason shall be granted by the Head of Staff as deemed appropriate. If questions arise in this area, the Personnel Committee shall be consulted. These leaves are normally unpaid.
12. Extended Leave of Absence: An extended leave of absence for disability, personal or family necessity may be granted by Head of Staff in consultation with the Personnel Committee.
13. Jury Duty: Employees are to notify the Head of Staff, or, in the absence of the Head of Staff, the chair of the Personnel Committee promptly upon receipt of a jury summons and subsequent notice of selection to serve as a juror. Employees required to provide this community service will receive their regular rate of pay for normal hours worked up to a maximum of 5 work days for this occasion of absence, provided the employee submits evidence of the summons and selection notice. Employees will be allowed to retain any compensation paid by the respective court jurisdiction.
14. Military Leave will be dealt with by the Personnel Committee on a case by case basis according to State and Federal laws that apply.
15. Continuing Education
- a) Policy: The purpose of continuing education is to afford employees the opportunity to acquire new skills and knowledge and/or refresh old skills and knowledge consonant with the needs of the Presbytery and with the employee's own career goals and objectives. Continuing education (time and money) is cumulative up to six (6) weeks, subject to prior approval by the Personnel Committee. Annual continuing education requests are to be submitted sufficiently in advance of the leave period to the Personnel Committee to allow time for cost review and approval. Continuing education does not usually include attendance at conferences, seminars, or meetings that are in line with the duties and responsibilities of the governing bodies.

- b) Eligibility for called Ministers of the Word and Sacrament: These employees shall have a continuing education provision in the terms of their call, congruent with the Healthy Pastors and Congregations Commission guidelines.
- c) Eligibility for all other employees: The Presbytery may allocate professional growth funds for these employees to update their work-related skills at the discretion of the Head of Staff or the Personnel Committee.
- d) Any unused monies are not payable at the time of termination.
- e) Reports: A written report on learning in relation to agreed goals must be reviewed with the Head of Staff within one month following the completion of continuing education. A copy of the report shall be sent to the Personnel Committee

#### **IV. TERMINATION**

##### **A. General Policy**

1. Authority: The Head of Staff and the Personnel Committee are responsible for employees and are held accountable to ensure that all terminated employees are treated in a fair and equitable manner including the opportunity to utilize the grievance procedure. (G-3.0104; G-3.0110)
2. Terminated Employee's Records and Wages: There shall be a written termination summary for all employees who leave the employment of the Presbytery which shall be retained in the employee's personnel file. If the Presbytery terminates the employment of an employee, all wages are payable immediately. If an employee voluntarily terminates employment, wages are due within 72 hours and a termination interview is required. All termination requests are to be made to the Head of Staff and referred to the Personnel Committee.
3. Reasons for Presbytery termination of exempt or non-exempt employees may include but are not limited to:
  - a. Unsatisfactory performance
  - b. Refusal to do work within his/her position description
  - c. Repeated unexcused absences and/or habitual tardiness
  - d. Incompetence
  - e. Providing false or misleading information
  - f. Sexual harassment
  - g. Financial malfeasance
  - h. Insubordination
  - i. Malicious gossip
  - j. Excessive use of Presbytery time for personal business
  - k. Lack of budget to sustain the position
  - l. Reorganization of staffing needs
  - m. Intoxication on the job due to alcohol, marijuana or illegal drugs.
4. Dismissal for Cause: The Head of Staff in the presence of witnesses shall have the authority to immediately terminate an non-called employee for cause followed by prompt notification of to the Personnel Committee.

5. Dismissal for Other Than Cause: With the exception of called and regular employees within their first 4 months of employment, staff can expect to receive no less than thirty (30) days notice of dismissal for other than cause. Appropriate severance pay may be given on the recommendation of the Personnel Committee.

**B. Resignation:**

1. Ordinarily non-exempt employees are asked to provide a written resignation at least 14 days in advance of termination.
2. Ordinarily exempt employees will submit a written resignation to the Presbytery through the Personnel Committee at least thirty (30) days in advance of termination.
3. Resignation of called Minister of the Word and Sacrament employees shall not become effective until after action of the Presbytery.

- C. Death in Service:** In the event of the death of either an exempt or non-exempt employee, the salary of that person will be continued to the spouse or dependent for four weeks from the date of death. Death benefits are provided through the Pensions and Benefits plan of the Presbyterian Church (U.S.A.) for covered employees.

- D. Retirement:** The Presbyterian Church (U.S.A.) Pensions and Benefits Plan provides retirement benefits for its members. (See the provisions of the current Plan for further information.)

An employee member may retire early according to the terms of the current plan. Notice of planned retirement should be given to the Head of Staff at least three (3) months prior to the date of retirement. Notification of Presbytery shall be planned with the Head of Staff.

- E. Exit interview:** An exit interview shall be conducted by the Personnel Committee with each employee leaving the employment of the Presbytery.

## **V. OFFICE MATTERS**

- A. Telephone Use:** The Presbytery's telephones are principally for work-related communication. Unless there is an emergency, employees are required to limit long distance telephone calls to business purposes only. Employees should limit personal use of the telephone to brief communications during break periods where possible. Casual conversation with friends and relatives during working hours is strongly discouraged.
- B. Postage:** Employees are required to limit usage of the mail to business purposes only. Employees may not use the Presbytery postage meter for personal mail or receive personal mail at the Presbytery address. Any suspicious package or envelope must be reported to the Head of Staff immediately.
- C. Computer Use:** The Presbytery's computer network services and world wide Internet access are available to employees as a business tool for the purpose of promoting and advancing

church programs and mission. All computerized information, email or voice mail messages, including information obtained with the use of the Presbytery's Internet access, are considered Presbytery records. Employees have no expectation of privacy for information contained in Presbytery computers or property. Misuse of Presbytery computers or the Internet can have serious and expensive consequences, and will result in discipline up to and including termination.

- D. **Fitness for Work and Intoxication:** While on Presbytery premises and while conducting business-related activities off Presbytery premises, all employees must be mentally and physically fit for work. The Head of Staff may make arrangements to provide transportation for an employee to their home if he or she believes the employee is unfit for work. No employee may be under the influence of alcohol, marijuana, or illegal drugs while working. Violations of this policy may lead to disciplinary action, up to and including immediate termination or required participation in a substance abuse rehabilitation or treatment program.

## **VI. PERSONNEL COMMITTEE**

### **A. Composition and Operation of Personnel Committee**

- 1. **Composition:** The Personnel Committee's composition is defined within its charter document.
- 2. **Employee Relations:** Any employee may request a meeting with the Personnel Committee with prior notice to the committee chairperson. Changes to the Personnel Policies will be communicated to all employees.

- B. **Staff and Compensation Review:** The Personnel Committee is required to evaluate staff and staff compensation annually. As part of the evaluation, the committee is required to evaluate whether compensation is appropriate and to recommend any changes deemed necessary. This does not mean that the Committee may only recommend compensation increases, but it is obligated to recommend compensation increases or reduction if it deems it to be appropriate.

- C. **Position Descriptions:** The Personnel Committee shall draft all non-ordained position descriptions, consulting with others as appropriate. New and updated position descriptions shall be approved by the Presbytery Commission. The search committee for all ordained (Teaching Elder or Ruling Elder required) positions shall draft the position description coordinating with the Personnel Committee and Presbytery Commission as appropriate. It shall be approved by the Presbytery Commission and the Presbytery Assembly. Subsequent adjustments will be approved by the Presbytery Commission.

- D. **Review of Personnel Policies:** The Personnel Committee will review the Personnel Policies as appropriate, and revisions to these policies will become effective upon approval of the Presbytery.

## **"ACCOUNTABLE" REIMBURSEMENT POLICY**

1. Any employee of the Presbytery of Riverside shall be reimbursed for any ordinary and necessary business and professional expense incurred on behalf of the Presbytery, if the following conditions are satisfied:
  - (a) the expenses are reasonable in amount;
  - (b) the person documents the amount, time and place, business purpose, and business relationship of each such expense with the same kinds of documentary evidence as would be required to support a deduction of the expense on the person's federal income tax return; and
  - (c) the person documents such expenses by providing the Presbytery treasurer with an accounting of such expenses, no less frequently than monthly. In no event will an expense be reimbursed if substantiated more than sixty (60) days after the expense is paid or incurred by the employee.
2. Reimbursements shall be paid out of the Presbytery funds and not by increasing pay checks by the amount of business expense reimbursements.
3. Reimbursable business and professional expenses include local transportation, overnight travel (including lodging and meals), entertainment, books and subscriptions, education, vestments, and professional dues.
4. The Presbytery shall not include in a person's W-2 form the amount of any business or professional expense properly substantiated and reimbursed according to the preceding paragraph and the person should not report the amount of any such reimbursement as income on Form 1040.
5. Any Presbytery reimbursement that exceeds the amount of business or professional expenses properly accounted for by a person pursuant to this reimbursement policy must be returned to the Presbytery within 120 days after the associated expenses are paid or incurred by the person, and shall not be retained by the person.
6. If, for any reason, the Presbytery's reimbursements are less than the amount of business and professional expenses properly substantiated by a person, the Presbytery will report no part of the reimbursements on the person's W-2, and the person may deduct the unreimbursed expenses as allowed by law.
7. Under no circumstances will the Presbytery reimburse a person for business or professional expenses incurred on behalf of the Presbytery that are not properly substantiated according to this policy. The Presbytery and staff understand that this requirement is necessary to prevent our reimbursement plan from being classified as a "non-accountable" plan.
8. All receipts and other documentary evidence used by a person to substantiate the business nature and amount of his/her business and professional expenses incurred on behalf of the Presbytery shall be retained by the Presbytery.
9. Only expenses that are approved for reimbursement in the budget and by the Treasurer or the Personnel Committee of the Presbytery of Riverside shall be considered for reimbursement. The Treasurer's expenses are approved by the Presbytery Leader for Mission and Vision.

This document replaces all previous Personnel Policies.