

## Introduction to Dismissal Agreement

The Committee on Ministry  
Presbytery of Yellowstone, PC(USA)

October 30, 2012

To: Members of Yellowstone Presbytery and Commissioners to the November 2-3, 2012  
Meeting of Yellowstone Presbytery

**The Committee on Ministry is recommending** approval of the attached negotiated **Dismissal Agreement** with the Community Protestant Church of West Yellowstone. This letter provides **history, context and background** information that has led us to this point.

**A pastoral team was appointed by the COM on February 14, 2012** in response to CPC's "disaccord" with Yellowstone Presbytery over finding pastoral leadership and with the PC(USA) over the 2010 change in ordination standards as well as internal discord in terms of how to resolve such disaccord. Members of the Pastoral Team were David Andrew (TE), Debbie Blackburn (RE), John Clark (RE) and George Goodrich (TE). David Andrew led this team. Freeman McCall (TE) moderated the session of CPC in January.

**The Pastoral Team provided a written report to the COM on April 25, 2012.** It was reported that the Pastoral Team conducted a face to face listening session. There were three conference calls in March and one in April with the CPC session. It was determined that the session was well on its way to requesting disaffiliation. It was also clear that the CPC did not understand the implications of leaving. David Andrew moderated the CPC session on April 11 so George Goodrich could present the Dismissal Process. It was observed that the leadership depends heavily on Daniel Leupold (non-ordained youth minister) to voice its theology and convictions. The session presented a 3 page statement of CPC's intent to be dismissed from the PC(USA). The CPC leadership feels association with the PC(USA) hinders its mission and repeatedly expressed its desire to be "faithful to the gospel" and "biblical".

**The Pastoral Team presented its second and final report to the COM on May 18, 2012.** The report included a summary of the CPC session meeting on May 9, 2012, at which time the team presented a summary of the listening process. The summary included the observation that the session had been working with an outside pastor to draft by-laws. The team shared with the session that this raises the question of pastoral ethics. This was noted with some surprise. The session voted to forgo further listening sessions because no one signed up. George Goodrich presented "Why Remain within the PC(USA)." David Andrew presented "Foundations of Presbyterian Polity". There was discussion. Then options for the direction CPC could take were presented. The session was reminded to seek the mind of Christ. After a night of reflection the session concluded to end the discernment process and separate from the PC(USA).

**The Pastoral Team** reluctantly concurred with the session of CPC West Yellowstone that further discernment would be unfruitful and **recommended to the COM:**

1. The COM dissolves the Pastoral Team with thanks.

## Introduction to Dismissal Agreement

2. The COM appoints a Resolution Team to West Yellowstone Community Protestant Church in accordance with the “A Process for Discerning God’s Future for all Relationships Between the Presbytery of Yellowstone and Our Congregations and Our Congregations Experiencing Disaccord With the Presbyterian Church (U.S.A.)”.
3. The COM clarifies the objectives of the Resolution Team in light of the findings of the Pastoral Team.

The Pastoral Team noted that they had no recommendation on the wisdom of suspending language that directs the presbytery to dismiss a congregation to another reformed body.

**The COM adopted the Pastoral Team’s recommendations, with gratitude, and affirmed the language that directs the presbytery to dismiss a congregation to another reformed body.** It was also affirmed that it is within the purview of the Resolution Team to seek reconciliation. Dick Davis (TE), Debbie Blackburn (RE), Tom Cotton (RE) Mike McCormick (RE) and George Goodrich (TE) were appointed as the Resolution Team with Dick Davis as moderator.

**The Resolution Team met** by way of a conference call on June 14, 2012 and then met face to face **with the CPC session on June 21, 2012.** The Resolution Team reviewed with the session the conclusions of the discernment process, listened to their concerns, shared with them pastoral concern and the presbytery’s desire for reconciliation, outlined the dismissal process including the requirement and rationale for being dismissed to another reformed body. There was interest on the part of the session in becoming an independent church. It was made clear that this was not possible. Both parties understood by the end of the meeting that if CPC were to seek dismissal that they would choose to go to the Evangelical Presbyterian Church. The Book of Order “property trust clause” as well as the deed to the CPC West Yellowstone’s property were discussed.

The deed states “...THIS DEED is made expressly on the condition that the ....premises be used exclusively for church purposes by the COMMUNITY PROTESTANT CHURCH OF WEST YELLOWSTONE,...., and whenever the same shall hereafter ceases to be used for church purposes, with that determinate being made solely by the LOCAL SESSION.....,....., this deed shall become void, and the title to the premises shall revert to the Grantor, .....,... ”.

The CPC session and the Resolution Team **agreed to meet again on August 22, 2012** to present draft proposals for Dismissal. There was a clear understanding on the part of all gathered that both parties intention was to honor Christ.

Over the next 9 weeks The Resolution Team met 3 times by conference call and once in person, sent out a letter to the members of the CPC congregation, sent a letter to members of Yellowstone Presbytery asking for input, reported to the COM on July 20, 2012, contacted the attorney who worked with the presbytery during the Springhill dismissal, contacted attorney Mark Parker in Billings, contacted the Synod of the Rocky Mountains, the Office of the Stated Clerk of the GA and the GA advisory committee to determine legal precedent for the Book of Order ‘Property Trust Clause’ in cases with similarly written deeds, received 2 written responses from CPC members, received 6 written responses from presbytery members,

## Introduction to Dismissal Agreement

reviewed the By-Laws of CPC and The Articles of Incorporation and sent out a report to Yellowstone Presbytery in early August.

It was decided to use the format of the Dismissal Agreement with Springhill and to **engage Attorney, Mark Parker** to finalize the Agreement with an attorney for the Community Protestant Church of West Yellowstone and then file the Agreement with Gallatin County following the November 2012 meeting of Yellowstone Presbytery if the Agreement passes.

We were advised that **legal precedent** throughout the country has been **in favor of the ‘property trust clause’**. We did not discover a Deed written quite like this one, on the other hand the By-Laws of CPC default to the authority of the presbytery but the Articles of Incorporation do not. We also discovered that CPC has not filed for incorporation since 2010. **The ‘property trust clause’ has not been tested in Montana. The Synod advised us to seek an amicable resolution.**

**The letters** we received from the members of **the presbytery** expressed a hope and **desire for reconciliation** recalling the fifty-year history and meaningful memories both personal and of the presbytery’s relationship to CPC.

We received one letter from CPC members who were strongly dissatisfied with the presbytery and in favor of CPC leaving the PC(USA) and another letter expressing sadness at the possibility of separation from the presbytery.

**A 109 page summary appraisal** of the property and building was received by the Resolution Team from CPC, done by Bishop Appraisal, valuing the **building and property at \$1,320,000**. The Team reviewed the financial records of CPC which indicated that during the summer months expenses averaged \$500 a month less than income but during the winter expenses are as much as \$1500 a month more than income. As of June 30, 2012 there was **\$148,280** in the bank with **total assets including the property of \$1,757,845**.

**At the meeting on August 22, 2012** this information was shared with the CPC session. There had been phone calls between members of the session and members of the Resolution Team during the preceding weeks. These conversations were open, honest and caring with the intent of all parties to **seek the mind of Christ** while gathering information. This spirit of **understanding the goodwill and deep faith of both parties** continued on during this meeting.

The session intention continued to be to seek dismissal. The CPC session presented a ‘draft’ Dismissal Agreement with the financial terms of a onetime **payment of \$12,000** to Yellowstone Presbytery from CPC. CPC based this on 5 years of per-capita which was understood to be part of the Springhill agreement. The Resolution Team reminded the session that according to Yellowstone Presbytery’s adopted “A Process for Discerning God’s Future...”: *11. Property issues will be approached in such a way as not to constrain local congregations in their ability to do mission and ministry. 12. Property issues*

## Introduction to Dismissal Agreement

*will be approached in such a way as not to constrain the Presbytery's ability to do mission and ministry in any given locality under its jurisdiction.*

It was decided to arrange a formal **negotiation** meeting to decide on the **financial terms**. Zane Buxton (former Synod of the Rocky Mountains Executive) was asked to be the **mediator**. The meeting was set for September 12, 2012 at First Presbyterian Church in Bozeman.

**The Resolution Team was not of the same mind** regarding what the counter proposal should be. Each member of the team in good faith was guided by the above direction from our 'process' document. One member of the team felt that **\$40,000 was a starting point and \$12,000** was acceptable. The rationale for this was "not to constrain" a small congregation that is struggling with income and to avoid going to court. Another member of the team felt that **\$250,000 over 5 years should be offered with \$175,000 to be as low as we could go**. The rationale for this is compensation for the loss experienced by the presbytery and to give the ability to presbytery to replace this congregation as "not to constrain" the presbytery. **The Resolution Team asked the COM for guidance at its meeting on August 24, 2012.**

The Resolution Team negotiated among themselves and agreed (with one dissent) to **begin the negotiation with \$175,000 divided into 5 equal payments over 5 years.**

The negotiation meeting took place on September 12, 2012. It was clearly the intention of all gathered to seek the mind Christ. The proposed Dismissal Agreement before you (terms: **\$60,000 over 5 years**) was the result of that meeting mediated by Zane Buxton. At the conclusion of the meeting there was a feeling of deeper understanding on the part of both parties.

**On September 23, 2012** the congregation of Community Protestant Church of West Yellowstone voted to approve the proposed Dismissal Agreement. Twenty-eight (28) of the thirty-two (32) members of the church were present; there were four (4) no votes and twenty-four (24) votes in favor.

Questions regarding the process have been raised by the CPC session in the last week. They do want to continue with dismissal according to this proposed Dismissal Agreement. The COM has reminded the session in a letter dated October 22, "that until CPC is fully received into the EPC, Yellowstone Presbytery will continue to provide you with a moderator and any other help and guidance that you request that is within the presbytery's ability as well as CPC being afforded full representation in Yellowstone Presbytery until you are received by the EPC. This process assumes that there will be full transparency between Yellowstone Presbytery and CPC until such time."

The proposed **Dismissal Agreement is recommended and is before you:**

Dick Davis (moderator of the Resolution Team),  
On behalf of the Committee on Ministry of Yellowstone Presbytery