

Procedural Outline for Congregational Withdrawal from the Church of the Brethren Atlantic Northeast District

It is the desire that all congregations feeling conflicted about remaining in the Church of the Brethren will be open to conversation and discernment. It is further desired that reconciliation and being in full fellowship will be the outcome of this process. In the event that reconciliation is not achieved, then it is the desire that the leaving group and the Church of the Brethren may separate with grace and prayers for well-being for each other.

In the December 2016 update of the Church of the Brethren Manual of Organization and Polity, Chapter 6 - Property Holdings and Financial Resources, the following is noted on Disorganizing or Withdrawing Congregations (Section I. D. 3.):

If a congregation is disorganized by the district pursuant to the powers granted in chapter 3 (II.E. "Disorganizing Congregations") and chapter 4 (I.C.16.d. "Disorganizing Congregations") of this manual, or if it attempts by either majority or unanimous vote to withdraw from the Church of the Brethren district in which it is located or otherwise ceases to exist or function as a congregation of the Church of the Brethren, any property that it may have shall be within the control of the district board and may be held for the designated purposes or sold or disposed of in such a manner as the district board, in its sole discretion, may direct. When assuming responsibility for the control of disorganizing or withdrawing congregations, the district board shall give aid and counsel to the congregation.

Polity does not give a specific process or guidelines on exactly how a congregation may conduct such a vote or what the involvement of the district should be. However, there is more general guidance that can be gleaned from polity and is offered here as best practices for such a process. As noted at the end of the above quoted section, "When assuming responsibility for the control of disorganizing or withdrawing congregations, the district board shall give aid and counsel to the congregation." By using guidance from polity on congregations that have a disagreement with Annual Conference decisions, the following is offered as a best practice for a congregation that is considering leaving the denomination and for the district in which that congregation is located. (from the December 2016 update of the Church of the Brethren Manual of Organization and Polity, Chapter 3 - The District, Section VI. A.)

The goal of the following process is to find God's truth together in a respectful Christian community. It is hoped that any congregation that feels led to disagree with Annual Conference decisions should assume a special responsibility to initiate extended dialog with others in the denomination about its choice. In so doing, the congregation should not automatically assume the role of prophet, but rather, try to model and encourage a spirit of finding the mind of Christ amid diversity in discernment.

In light of this section, a congregation must engage the district board or its representatives in conversation as a first step when considering withdrawal from the Church of the Brethren (COB). The district board should respond without delay to such requests for conversation. This conversation includes engaging in district-led process to become fully informed about the factors involved with making a decision to leave.

Upon notification to the district that a congregation desires to withdrawal from the COB, the district shall form a committee to meet with the congregation, acting as liaisons for the district board.

The committee shall begin by meeting with the leadership of the congregation to listen and understand the reasons for withdrawal, and to seek means of reconciliation with the COB.

If reconciliation is not achieved at the first meeting, a second meeting will be held with the leadership of the congregation to explain the polity and procedure regarding property/assets ownership in the event of a withdrawal. Also included in this meeting would be a discussion of specific ways to reconcile with the COB.

As noted above, *any property that a withdrawing congregation may have shall be within the control of the district board and may be held for the designated purposes or sold or disposed of in such a manner as the district board, in its sole discretion, may direct.* Therefore, district board may recommend different action than that named in Step 6 of this procedure if special circumstances warrant. Special circumstances could include things such as, if the district already owns the church property, or where a congregation has recently joined the Church of the Brethren with a property they themselves purchased. Church of the Brethren Polity states (In the December 2016 update of the Church of the Brethren Manual of Organization and Polity, Chapter 6 Property Holdings and Financial Resources, Section I. E):

In cases where the aforementioned restrictive covenant providing for the divestiture of title to property owned by a congregation results in the title being vested in the district board, in trust, it is understood that this action is taken only as a means of preserving property for the purposes of the Church of the Brethren. This property has been purchased and developed by consecrated effort, and in many cases at great sacrifice, by individuals who have been loyal to the principles of the Church of the Brethren. If the district board determines that circumstances warrant, the district board may return the property to the congregation. If the district board determines that circumstances do not warrant the return of the property to the congregation, the district board shall use or dispose of the property in the best interests of the Church of the Brethren.

If reconciliation is not achieved at the second meeting, the following steps will be taken:

Step 1

District representatives are to be present at an official congregational meeting to explain the process, to share consequences of leaving, including but not limited to the assumption of all outstanding liabilities and the cemetery maintenance responsibilities, and to respond to questions. If, following an adequate time for the above, a motion is made and properly supported to conduct a vote on withdrawal, the district representatives shall oversee a first vote on withdrawal. The congregation will provide a current membership list to the district representative and the vote will be by paper ballot with signature and printed name of the person voting. *Only recorded members of the congregation can vote. Members listed as inactive by the congregation are not eligible to participate in the vote.* The district representative will then confirm each ballot as being cast by a member of the congregation, will count the votes and report the results to the congregational meeting, either at the same meeting or a subsequent meeting depending on the complexity of confirming and counting the ballots.

A vote to continue the withdrawal process will only be considered successful by a 2/3 majority vote.

If the vote is successful, the congregation and the district representatives will call for a period of prayer to seek additional wisdom of the Spirit and discernment of the members. Additional questions or insights may be sought of the district representatives.

If the first vote for withdrawal is less than a 2/3rds majority, the congregation and the District will engage in further discernment, calling in skilled persons to assist in this process, with the goal of reaching reconciliation. This discernment period will be a minimum of one year before another vote to withdrawal will be considered.

Step 2:

The committee will contact the congregation's members to determine how many members wish to remain COB. The committee will then enter into conversation with the group who wishes to remain COB to discern whether or not they desire and are able to remain in the present church facility considering outstanding liabilities and cemetery maintenance.

If the group that wishes to remain COB is deemed viable to continue corporate worship as a fellowship or congregation at the present facility, all property and assets shall remain COB and the withdrawing group will be asked to leave immediately upon a final vote to withdrawal.

If the group that wishes to remain COB is deemed not viable to continue corporate worship at the present facility, the committee shall work with the group to remain in the COB moving forward.

Examples may be:

- Finding another nearby COB congregation to transfer membership.
- Finding a smaller facility to meet at corporately.

Step 3:

If there is not a viable group from the congregation to continue corporate worship as COB, the Committee shall consider if any other nearby COB fellowships would benefit from using the property and assets of the withdrawing congregation. If there is another COB fellowship or

congregation that is approved by the district board to corporately worship at the facilities of the withdrawing congregation, then upon a successful vote to withdrawal, all withdrawing members will be asked to immediately vacate the property. Providing there are no outstanding liabilities, the District will hold in trust those properties and assets for the future COB fellowship or congregation. Any future fellowship or congregation must agree to maintain the cemetery and develop a plan of transition for any outstanding liabilities. Notwithstanding the foregoing, the District Board may liquidate the assets to satisfy any obligations and establish a fund from which to maintain the cemetery if it so decides in its total discretion. Any excess money shall be used for District Ministry.

Step 4:

If there is no COB fellowship or congregation that is interested in continuing corporate worship at the facility, the committee will complete an assessment of the financial net value of the properties and assets, being gross assets minus liabilities.

Step 5:

The District Committee will inform leadership of the withdrawing congregation the results of steps 1-4 prior to the final vote to separate. This is for the benefit of the withdrawing group in their future plans for corporate worship and ministry in the name of Jesus Christ and upon the authority of the Bible. **Congregations that are withdrawing and not deemed to be continuing on in a “Christian Ministry” will not be eligible for this agreement. “Christian Ministry” shall be defined at the sole discretion of the district board.**

Step 6:

A final vote to withdrawal will be conducted by the District Committee. The vote will record individual member's name, Yes to withdrawal, or a No to remain COB. A vote to withdrawal will only be considered successful by a 2/3 majority vote. Only recorded members of the congregation can vote. Members listed as inactive by the congregation are not eligible to participate in the vote. Absentee ballots will be allowed for the final vote to withdrawal and are to be sent to the District Office postmarked by the date of the vote.

If the second vote for withdrawal is less than a 2/3rds majority, it is recommended that the congregation and the district engage in further discernment, calling in skilled persons to assist in this process, hopefully leading to reconciliation.

If the second vote to withdrawal is successful, the properties and assets will be divided according to the following formula.

1. Division of properties and assets will be based on the percentage of voting members. The division of the net assets will be determined by the percentage of members who vote to remain COB. Those funds will be held in trust by the District for whatever congregation or fellowship those members will choose to worship with in the future. No money will be distributed to an individual or group of individuals that are not part of a fellowship or congregation. Any funds left in trust for 5 years after the withdrawal will be used for District Ministry.

Based upon the percentage of congregational members who vote to withdrawal from the COB, the remaining assets will be divided between the District and the congregation with 10% going to the District and 90% to the withdrawing congregation. These funds will:

- Honor the historic contributions made for Church of the Brethren ministries;
- Help replace the loss of future donations that would be made by the withdrawing congregation;
- Cover the expenses of the withdrawal of the congregation.

Any and all historical artifacts in the congregation pertaining to the COB will be considered to be property of the District, and not be considered with the value of properties and assets.

Example: Value of properties and assets of the congregation are \$1,000,000. The final vote to withdrawal is 15% to remain and 85% to withdrawal. \$150,000 will be designated to be held in trust by the District for those who wish to remain COB. Of the remaining \$850,000, 10% or \$85,000 will be designated to be used for District Ministry as the district board decides and the remaining value of \$765,000 will be the designated to be given to the withdrawing congregation. Then, upon legal settlement of the property or properties, \$235,000 (\$150,000+\$85,000) will be paid to the District by the withdrawing congregation.

2. After a majority vote to withdrawal, there will be up to 90 days until settlement for the withdrawing congregation to prepare financially for settlement. At or before settlement the withdrawing congregation, a condition of settlement shall be to provide proof of assumption of all outstanding liabilities, a Release of the District from any such liabilities, and an agreement assuring the proper maintenance of the cemetery. During that time, the building will remain in trusteeship of the District, but the withdrawing group will be allowed to use the facility for corporate worship so long as operating expenses are assumed and timely paid by the withdrawing congregation. Any cost the District incurs during this time will be added to the 10% settlement. The withdrawing congregation must show proof of insurance listing the District as beneficiary of any damages to the property or from liability for any accidents at the property. Failure of either rent or insurance will prevent the facility from being used until the settlement. The withdrawing congregation must approve in writing its financial responsibilities as outlined above. If the congregation refuses, then the property and assets will be immediately turned over to the district board.
3. If a final vote to withdrawal is taken outside of the District Committee or if the leadership of the withdrawing congregation do not recognize the authority of the district board, then upon a successful vote to withdrawal, the withdrawing congregation will be expected to immediately turn over the property and assets to the district board. The District Committee will attempt to contact the members of the congregation to assist any members who wish to retain their COB membership. All assets will come under the trust of the District and be at the sole discretion of the District Board.