

**MANUAL PROCEDURES
FOR DISBANDING/AMALGAMATING CONGREGATIONS**
31ST REVISED EDITION - 1998

Section 268

- A. In cases of amalgamating Congregations it is recommended that each Congregation meeting separately agree to amalgamate and direct its Board of Trustees to transfer its property to a new Board of Trustees when elected by the amalgamated Congregation following the provisions of Section 9 of the Trusts of Model Deed.
- B. When two or more Pastoral Charges or Congregation are to be amalgamated by the Presbytery under section 334:
5. After consulting with the Pastoral Charges or Congregations, and before any amalgamation takes place, the Presbytery must declare surplus the part or parts of the property of the amalgamated Pastoral Charge or Congregations determined by the Presbytery no longer to be needed; and;
 5. Such surplus property shall be applied either before or after the completion of the amalgamation, for such purpose for the benefit of the United Church as the Conference may determine.
- C. Where two or more Pastoral Charges or Congregations have become amalgamated, all the property, both real and personal, including any surplus property not yet disposed of, held by the Trustees of each of the amalgamated Pastoral Charges or Congregations for their respective Pastoral Charges or Congregations shall, from and after the amalgamation, be deemed always to have become property held by the Trustees of the amalgamated Pastoral Charge or Congregation, without any conveyance from the Trustees of the amalgamating Pastoral Charge or congregation being required.

Section 267 outlines the procedure for the Trustees' power to buy, sell, mortgage, exchange, lease or otherwise deal with the real property of any Congregations including demolition, enlarging or rebuilding only with the Presbytery consenting to the action after full details have been disclosed.

Section 269

- A. In order for a Congregation to initiate the process to disband, the Congregation shall pass a resolution indicating its desire to disband and shall seek the approval of Presbytery of the resolution to disband.
- B. Provided that the Presbytery agrees with the resolution, the congregation shall the make provisions for the transfer of its members to other Congregations as may be desired by the members, shall submit to the Presbytery a proposal regarding the disposition of its property, both real and personal, following where applicable the procedures outlined in section 267, and shall place with the Presbytery the records of the congregation in order that these may be forwarded to the Conference Archives.

Section 270

Congregations Ceasing to Exist Where the Presbytery has made a Decision that a Congregation has ceased to exist as an organized body, all of its property, real and personal, shall be applied for such purpose for the benefit of the United Church as the Conference may determine after having consulted with the Presbytery.

Section 334

Amalgamate, Disband. The Presbytery shall have the power to amalgamate, realign, reconstitute, relocate or disband Pastoral Charges, Congregations or Missions within its bounds.

- A. Before amalgamating, realigning, reconstituting, relocating or disbanding Pastoral Charges, Congregations, or Missions, the Presbytery shall hold separate meetings with the Pastoral Charge or Mission concerned, for the purpose of hearing and considering any proposals or representations that they or any of them wish to make. Any Pastoral Charge or Congregation may empower the Official Board or Church Board or Church Council to represent it at any such meetings.
- B. It is competent for the Presbytery ... to attach conditions respecting the assumption of liabilities or the disposition of assets.
- C. When a congregation has ceased to exist, the Presbytery shall take possession of its records and arrange through its Archives Committee to forward them to the Conference Archives.

Section 428

Application of Property:

- A. Where a Presbytery has made a Decision that a Congregation has ceased to exist as an organized body, all of its property, real and personal, shall be applied for such purpose for the benefit of the United Church as the Conference may determine after having consulted with a Presbytery.
- B. Where there has been an amalgamation and the Presbytery has declared property to be surplus, such surplus property shall be applied, either before or after the completion of the amalgamation, for such purpose for the benefit of the United Church as the Conference may determine.

From The Trusts of Model Deed - Section 9:

And it is hereby further declared that in case there shall be at any time fewer than three Trustees, the Presiding Officer or Clerk of the Presbytery within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining Trustees under these presents until the full Board is duly appointed, and at any time thereafter the Presbytery may cause notice to be given from the pulpit on two consecutive Sundays requiring the congregation to proceed with the appointment of new Trustees. And if the said Congregation shall not in the meantime have appointed new Trustees in the manner hereinbefore provided, it shall be lawful for the said Presbytery, at any time after four weeks from the last giving of such notice, by resolution duly entered into the minutes of the Presbytery, to appoint new Trustees. Such appointment shall be communicated to the congregation by notice from the pulpit.... (Page 323-324)

Section 9 also provides for the removal of Trustees who have ceased to be members of the United Church of Canada by a two-thirds vote of the remaining Board of Trustees. (Page 322)

**GOVERNMENT REGULATIONS
FOR DISPOSAL OF SALABLE AND NON SALABLE ASSETS & MOVABLES
FOR CHARITIES**

A letter must be sent to the charities department stating what action is being taken.

Only other qualified registered charities are to receive dispositions.

There is a final return to be made. It is a special one and must be requested. The number at time of writing is 1-800-267-2384.

**PROTOCOL
FOR LAMBTON PRESBYTERY
FOR THE DISPOSAL OF SALABLE AND NON SALABLE
ASSETS AND MOVABLES**

All assets - including movables, memorials and dedications items are to be inventoried. Memorials and dedications are to have their histories taken and recorded under the direction of the Pastoral Charge Oversight Committee. As far as possible, donors/survivors of memorials and dedications are to be traced.

The Presbytery Finance and Administration Committee will take control of general operating and trust accounts and see that Revenue Canada is advised about their disposal

The Pastoral Charge Oversight Committee will take possession of all official and office records, make inventories of all these records and determine an appropriate place to store them prior to deposit with the Conference Archival material.

**PROTOCOL
FOR THE CONCLUSION OF THE USE OF A BUILDING
FOR UNITED CHURCH PURPOSES**

Following a majority vote to cease its activities as a Congregation or Pastoral Charge of The United Church of Canada, Lambton Presbytery's Pastoral Relations Committee will organize and conduct a Worship Service of celebration to conclude the ministry that is ending

As there are long standing examples of The United Church of Canada renting, leasing and selling its redundant buildings to others both within the Christian tradition and beyond, Lambton Presbytery's Property Committee will explore and report to the Presbytery the most likely use of buildings held by local Trustees, or arrange for demolition and sale of the land bearing in mind that there are continuing costs for unused buildings and that 'replacement value' of fixtures is far less than 'market value.'

The United Church Manual gives Presbytery the power to appoint Trustees in the event that the minimum number of Trustees required does not exist. (Section 270)

HOW TO FULFILL GOVERNMENT AND CHURCH REGULATIONS IN THE CLOSING / AMALGAMATION OF CONGREGATIONS

In light of the above:

1. Presbytery has the power and obligation to act in issues of closure, disbanding and amalgamation of United Church of Canada Congregations and Pastoral Charges.
2. In cases of closure, disbanding and amalgamation Presbytery meets with the Congregation as a whole or with the Official Board if it has been authorized by the Congregation to address these matters.
3. Presbytery needs to do a feasibility study based on financial assets and liabilities as well as the established pattern of stewardship and the number of identifiable contributors - to determine the likely viability of the Congregation or Pastoral Charge contemplating closure, disbanding or amalgamation.
4. If an amalgamation is the result of this study, then:
 - ★ Presbytery will determine the financial assets and liabilities of the amalgamating entities to determine local responsibility through the Finance and Administration Committee. Assurance of the preservation, location and use of all record books will also be made by the Presbytery through the Pastoral Charge Oversight Committee.
 - ★ Presbytery will see that histories are taken and recorded of all memorials and dedications through the Pastoral Oversight Committee. A copy will be retained in the files of the Pastoral Charge Oversight Committee of the Presbytery. Donors/survivors will be traced as far as possible.
 - ★ Presbytery through the Finance and Administration Committee will see that an inventory of all salable and non salable items is taken prior to valuation by an independent valuator.
 - ★ Presbytery through the Pastoral Relations Committee will conduct a worship service to celebrate the past and future ministry of the amalgamation.
5. If a closure or disbanding is the result of the study, then Presbytery needs to: See that all memorials and dedications have their histories taken and recorded under the direction of the Presbytery Pastoral Charge Oversight Committee. As far as possible, donors/survivors are to be traced. A copy of this inventory is to be retained in the files of the Pastoral Charge Oversight Committee of the Presbytery.

Take control of general operating and trust accounts and see that Revenue Canada is advised receives that the final return is submitted under the direction of the Presbytery Finance and Administration Committee.

Take possession of all official and office records, make inventories of all these records and determine an appropriate place to store them prior to deposit with the Conference Archives material.

Concluding the Use of a Building for United Church Purposes:

Following a majority vote to cease activities as a Congregation or Pastoral Charge of the United Church of Canada, and after a decision is taken that any remaining minority cannot sustain a ministry as an identifiable Congregation or Pastoral Charge, Lambton Presbytery's Pastoral Relations Committee will organize and conduct a Worship Service of celebration to conclude the ministry that is ending.

As there are long standing examples of The United Church of Canada renting, leasing and selling its redundant buildings to others both within the Christian tradition and beyond, Lambton Presbytery's Property Committee will explore and report to Presbytery about the most likely use of buildings held by local Trustees, or arrange for demolition and sale of the land - bearing in mind that there are continuing costs for unused buildings and that 'replacement value' of fixtures can be less than "market value."

Presbytery has the power to appoint Trustees should there not be a minimum number according to United Church Manual requirements.

Shut Down Costs:

There are ongoing costs related to unused buildings until they are sold or demolished .

These costs may include ongoing insurance, heat, electricity, water, upkeep, and demolition.

Trustees and Official Boards of disbanding or amalgamating congregations will be responsible for seeing that the Fire Marshall's regulations are met.

The Trustees and Official Boards disbanding or amalgamating congregations with redundant buildings will be responsible for having the financial resources to cover shut down and demolition costs.

LAMBTON PRESBYTERY'S PREFERRED ACTION REGARDING CHANGES IN CONGREGATIONS

Lambton Presbytery encourages amalgamation over the closing of congregations. But if a congregation chooses to disband, it needs to settle all of the financial issues before it disbands so that the congregation can determine how the financial assets are dispersed with the approval of Presbytery.