

# Proposed Agreement with Presbytery of New Covenant



# How We Got Here

- February 2015: vote to enter 2011 *Gracious Reconciliation and Dismissal Procedure (GRDP)*.
- With Presbytery's blessing, Session "paused" waiting for Alf.
- July 2015: Alf joined MDPC and spent next 6 months integrating.
- January 2016: MDPC began negotiations with Presbytery.
- March 2016: after being unable to reach agreement, Trustees asked the court to confirm MDPC's ownership of church property.

# Objectives in Presbytery Agreement

- Separate property from *discernment*.
- In settling, pay no more than the amount provided by the GRDP and communicated with the congregation a year ago.
- Honor our Presbytery brothers and sisters with financial support, regardless of our affiliation.
- Protect Pastors, Session & Officers.
- {Not part of Written Agreement – Complete a fair, “all sides heard” discernment process on a reasonable time frame.}

# Terms of Settlement

- MDPC will pay Presbytery \$825k – paid in monthly installments of \$13,750 for a period of 5 years.
- Consistent with culture of generosity, pay \$125k over 5 years to a shared Mission Partner.
- Presbytery provides MDPC with Quitclaim Deed.
- *Monthly Contributions of \$30k total (March and April) will be made for 2 months.*

# Terms of Settlement

- Presbytery agrees that it will not take any disciplinary action against MDPC's pastors, elders, staff, trustees or Session.
- If MDPC changes affiliation, MDPC intends to continue to employ its presently-serving pastors. Pastors can opt out and receive 9 months severance.
- PCUSA will allow pastors to retain PCUSA ordination and continue to serve at MDPC.

## MDPC had strong case – why settle?

- Prevents protracted legal costs and attendant anxiety.
- Litigation involves an uncertain outcome.
- Obtains clear and unencumbered title to church property FOREVER!
- \$125k to Mission Partner in line with MDPC's outreach values and objectives.

# Fostering Relationship

- Recognizes long-lasting relationship with the Presbytery.
- Fosters continued goodwill with the Presbytery.
- Supports MDPC's Mission Partners.
- MDPC continues its affiliation dialogue without further impediment.

## Remaining Steps

- Session approval of Settlement Agreement and Release; Presbytery of New Covenant has already approved.
- Execution of Settlement Agreement by both parties.
- Dismiss the lawsuit.
- First payment due May 2, 2016.

## Motion No. 1 for Session Approval

- To approve Settlement Agreement and Release, and incorporated exhibits, between MDPC and Presbytery, including the \$825k to Presbytery and \$125k to an agreed Mission Partner to be paid in monthly installments over a five-year period.
- Presbytery will release any claim or lien to MDPC's property and MDPC will dismiss the lawsuit.

## Motion No. 2 for Session Approval

- To discontinue payment of monthly Contribution—currently \$15k—to Presbytery of New Covenant beginning in May 2016 in recognition of the monthly settlement amounts that will be paid by MDPC to Presbytery for a five year term in accordance with the terms of the Settlement Agreement between Presbytery and MDPC.
- As expressed in the Settlement Agreement, MDPC intends to pay only the Settlement Amounts, and not the Contribution, for the entire five year period.