

MINUTES OF
THE PRESBYTERY OF MISSOURI RIVER VALLEY
SPECIAL MEETING
July 22, 2009

The Presbytery of Missouri River Valley held a special meeting on Wednesday, July 22, 2009, at 5:30 p.m. at New Horizon Presbyterian Church, Council Bluffs. The meeting was convened with prayer by the Moderator, Elder Andy Cook.

ROLL

The roll was taken by written registration. The following ministers were present: Charles Bulger, Deena Candler, Thomas Clark, Sarah Dickinson, Gary Eller, Ernest Gutha, Kevin Keaton, Jerry Lamb, Regina Maas, Larry Maley, Paul Masters, George Moore, Matt Nieman, David Paul, Caryn Pedersen, Steve Plank, Nancy Ross-Hullinger, Rick Sleyster, Jon Sloan, Roger Todd, Sandy Wainwright

The following elder commissioners from churches were present: Bonnie Brown (Central), Pam Otto (Church of the Cross), Launie Lambert (Church of the Cross), John Molacek (Church of the Master), Charles Downey (Dundee), Wayne Wiley (Dundee), Kathy Olson (Dundee), Joyce Lane (First, Omaha), Laura Shaner (Fort Calhoun), Jeff Dickinson (Mosher-Pilgrim), Zelda Gutha (New Horizon), Bob Howard (Underwood Hills), Linda Moore (Villisca), Richard Hilkemann (West Hills)

The following elder members of Council were present: Kris Adler, Andy Cook, Carol Dworak, Susan Mayer, John Morey

The following commissioned lay pastors were present: William Wood

Visitor who registered included: Marian Reyburn (Dundee), Harry Reyburn (Dundee), Georgie Dudley (Dundee), Sharon Lilledahl (Dundee), Dick Browning (Dundee), Jerry Hertzler (Dundee), Marla Norton (Dundee), Sheryl Thomas (Dundee), Kathy Estes (Dundee), Wendy Monbouquette (Dundee), Ellyn Grant (Dundee), Alta Empkey (Dundee), Linda Wendel (Church of the Master), JoAnn MacDonald (First, Omaha), Jim Scott-Miller (Dundee), Bryan Bredthauer (Dundee), Vonnetta Byington (Dundee) Charles Gutha (West Hills)

Ministers present: 21

Elder commissioners present: 20

Total number of eligible to vote: 41

ANNOUNCEMENT OF A QUORUM

The Stated Clerk announced that a quorum was present.

CALL OF THE MEETING

The Stated Clerk, the Rev. Steven W. Plank, read the call of the meeting as follows:

The Moderator, Elder Andy Cook, has called a special meeting of Presbytery for Wednesday, July 22, 2009 at 5:30 p.m., at New Horizon Presbyterian Church (Council Bluffs, IA). The purpose of this meeting is to consider the question of the dissolution of the pastoral relationship between the Rev. Thomas Albaum and Dundee Presbyterian Church. The Stated Clerk received an Agreement of Dissolution of the Pastoral Relationship on June 25, 2009, signed by the Rev. Mr. Albaum and the Clerk of Session of the Dundee Church. The Dundee Session called a special congregational meeting for July 5, "to act upon the request of Rev. Tom Albaum to dissolve his pastoral relationship with Dundee Presbyterian Church, effective August 10, 2009."

At that meeting, however, a substitute motion was made to maintain the pastoral relationship, and that motion passed. Therefore, the provisions of G-14.0611 come into effect, as follows (*emphasis added*):

“The presbytery may grant authority to its committee on ministry to dissolve the pastoral relationship and to inform the presbytery *in cases in which the congregation and the pastor concur*. *If the congregation does not concur*, the presbytery shall hear from the church, through the congregation’s elected commissioners, the reasons why the presbytery should not dissolve the pastoral relationship.”

Those requesting this special Presbytery meeting are ministers Sally Carlson and Roger Todd, and elders Lynn Baldwin (Shenandoah Presbyterian Church) and Jerry Stone (Faith Presbyterian Church). Only business pertaining to this matter may be considered at this meeting.

Steven W. Plank, Stated Clerk

The Stated Clerk read a letter from Mr. Albaum, asking the Presbytery to concur in the dissolution. The Stated Clerk also reported that he had received 5 emails and had two in-person contacts with members and officers from Dundee, asking Presbytery to maintain the pastoral relationship, as well as one email asking Presbytery to dissolve the pastoral relationship.

Elder commissioners from the Dundee Church then addressed the Presbytery. Elder Wayne Wiley spoke on behalf of the decision of the congregation at their July 5 meeting to maintain the pastoral relationship. Elder Charles Downey spoke on behalf of the Personnel Committee and the Session in working with Mr. Albaum to dissolve the pastoral relationship.

Rev. Sally Carlson, Moderator of the Committee on Ministry, spoke about the committee’s decision to approve the terms of dissolution between Mr. Albaum and Dundee Presbyterian Church.

The Moderator then opened the floor to other questions and comments by members and commissioners to the Presbytery. After discussion, the moderator put the question, asking presbyters to vote in favor of dissolving the pastoral relationship or in favor of maintaining the relationship. The vote to dissolve the relationship prevailed. Therefore, the pastoral relationship between the Rev. Mr. Albaum and Dundee Presbyterian Church is dissolved according to the Terms of Dissolution agreed to by Mr. Albaum, the Session, and the Committee on Ministry, as follows:

Effective June 22, 2009, this Agreement of Dissolution replaces the Pastoral Call between the Rev. Thomas G. Albaum to serve Dundee Presbyterian Church of Omaha, Nebraska, signed originally on July 23, 2002, together with all amendments subsequently agreed to by the parties. This Agreement of Dissolution is subject to the approval of the Committee on Ministry of the Presbytery of Missouri River Valley.

Each party hereby acknowledges that no promise or commitment regarding the Pastor’s status or rights after the date of the original Pastoral Call, not set forth explicitly in this Agreement, was made, orally or otherwise, by either party to the other.

Effective August 10, 2009, the Rev. Albaum shall no longer serve Dundee Presbyterian Church.

As of the aforementioned date, the Rev. Albaum shall be in the status of a former pastor of the congregation whose relationship was dissolved by mutual agreement. Furthermore, both the Rev. Albaum and the Congregation agree to abide by the Statement of Ethics When a Pastor Departs of the Presbytery of Missouri River Valley. No pastoral duties shall be performed nor shall any pastoral commitments be made or fulfilled by the Rev. Albaum after this date.

Following the effective date of dissolution and continuing not later than April 9, 2010, Dundee Presbyterian Church shall provide Rev. Albaum with the following compensation and benefits ("Effective Salary"):

1. Continuation of salary and housing (less ordinary deductions) at the rate of \$5,054.58 per month (gross), plus \$368.25 per month for SECA.
2. Continuation of benefits through the Board of Pensions, PCUSA, per denomination guidelines.
3. Compensation for unused earned annual leave (vacation) in the amount of \$0.00 as of the effective date of dissolution;
4. Reimbursable business expenses and funds for continuing education are not included as they are granted for the ongoing ministry of the congregation, and that is hereby terminated. Accumulated, unpaid continuing education funds may be held in escrow (by the church or by the presbytery) and forwarded to the next employee of record.
5. During such time as the Rev. Albaum is receiving the continuation of salary and benefits, the Rev. Albaum shall continue to be covered by the church's insurance policies.

If prior to April 9, 2010 the Rev. Albaum finds full-time church employment at an Effective Salary less than his Effective Salary defined in this agreement, then Dundee Presbyterian Church shall pay the Rev. Albaum only the difference between what is received from the new employment and what is promised in this Agreement. If, however, the Rev. Albaum finds full-time church employment at an Effective Salary equal to or greater than his Effective Salary defined in this Agreement, then Dundee Presbyterian Church shall be released from all obligations of this Agreement. If neither situation occurs, all commitments of Dundee Presbyterian Church to the Rev. Albaum shall terminate no later than April 9, 2010.

In consideration for the actions taken pursuant to this Agreement in favor of the Rev. Albaum by Dundee Presbyterian Church, the Rev. Albaum hereby releases and forever discharges Dundee Presbyterian Church and its associated entities/organizations, and their current and former members, elders, trustees, deacons, employees, agents, and servants, in both their individual and organizational capacities, of and from any and all claims, demands, causes of action, and liabilities of every nature or kind arising out of or in any way related to his pastoral relationship with Dundee Presbyterian Church, and the dissolution of that relationship.

ADJOURNMENT

The purpose for which this special meeting was called having been fulfilled, the meeting adjourned with prayer at 6:25 p.m. by the Vice-Moderator, the Rev. Nancy Ross-Hullinger.

Steven W. Plank,
Stated Clerk