

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### MEMORANDUM NO. 1452

[Docket No. 1022-13]

IN RE: Report of a Bishop's Ruling, Made During the Regular Session of the Western Pennsylvania Annual Conference, finding that a Proposed Petition Concerning Disaffiliation was in Violation of the Discipline.

#### STATEMENT OF FACTS

At the June 4, 2022 session of the Western Pennsylvania Annual Conference P73 was properly submitted for the purpose of creating additional standard terms in the Conference's disaffiliation template. Any disaffiliation agreement negotiated between the annual conference trustees and the local church trustees would be required to be consistent with these additional terms in accordance with ¶2553.4.

A member of the Annual Conference moved concurrence for P73 on behalf of Section 7. The amended legislation P73 was removed from the consent calendar. The Bishop made a ruling of law regarding the amended P73 as follows:

This petition takes away the authority given to the Board of Trustees under ¶2553 to determine if ¶2553 and conference policies have been complied with before the annual conference votes to approve or deny the request to disaffiliate.

Further, this petition takes away the authority of the Board of Trustees, cabinet, annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor given to them by ¶2553. And (it limits their ability to perform) their duty as officers of the denomination to preserve the [sic] safeguard and protect the interests and rights of the annual conference; to maintain the resources related to the annual conference's interests and those of The United Methodist Church. (The implication of ¶2553.4a is that the Board of Trustees is acting on behalf of GCFA to ensure that the provisions of ¶807.9 are protected in any Disaffiliation Agreement.)

The only right of a local church to disaffiliate is in ¶2553, and this is a limited right. ¶2548.2 does not provide a right to a local congregation to disaffiliate, and the deeding of property pursuant to ¶2548.2 relates only to property and not to the disaffiliation or separation of the church itself. In addition, ¶2548.2 does not address any issues of pension liability, (therefore it's inclusion in this petition is inappropriate).

This petition negates the authority of the Board of Trustees to add additional standard terms to any agreement. Each of those agreements must be ratified by the annual conference.

The designation of “over” and “fully” funded pension is a technical term, not simply a balance sheet total. It is a determination that is made by the Board of Pensions, CFA, and Wespath pursuant to ¶1504.8a and ¶1506.6.

This petition violates ¶2553.4a and ¶1504.23 (in allowing for the option of a \$1 pension liability).

The petition negates the Board of Pensions ability to carry out ¶2512.4.

Further ¶2553 sets the parameters for the effective date of disaffiliation based on the conditions that must be met for disaffiliate as spelled out in ¶2553.

## DIGEST

The Judicial Council lacks jurisdiction. The Judicial Council’s jurisdiction to review a bishop’s ruling of law or a request for a declaratory decision is limited to those provisions contained in ¶ 2609 and ¶ 2610 of the 2016 *Book of Discipline* and may only rule pursuant to those paragraphs. JCD 1448. There was no question of law properly and duly submitted to the presiding Bishop upon which the bishop could issue a ruling of law, nor was there a request for a declaratory decision that was adopted by the Annual Conference. As such, the submission is not properly before us.