

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1464

[Docket 1022-06]

IN RE: Review of a Bishop’s Ruling on a Question of Law in the South Georgia Annual Conference Regarding the Legality and the Scope of Authority of an Annual Conference to Schedule a Special Session of Annual Conference Predicated Upon Various Conditions Precedent.

DIGEST

The Decision of the presiding Bishop is affirmed. The resolution violates Church law, is moot and hypothetical and is therefore void and of no effect.

STATEMENT OF FACTS

On Tuesday, June 7, 2022, during the regular session of the South Georgia Annual Conference, the chair of the Committee on Resolution presented a resolution entitled, “A Resolution for a Called Session of the Annual Conference in Response to a Meeting of the General Conference,” which reads as follows:

WHEREAS members and clergy of The United Methodist Church have been unable to agree on several aspects of theology and practice, including profound and irreconcilable disagreements over human sexuality, despite decades of conversation and conferencing on the matter; and

WHEREAS the General conference meeting in special session in February 2019 provided a means for churches to disaffiliate through a new ¶2553 of The Book of Discipline of the United Methodist Church and related legislation; and,

WHEREAS assuming the General conference would meet in 2020, and that said Conference would adopt legislation and procedures such that ¶2553 would no longer be needed, ¶2553 was approved with an expiration of December 31, 2023; and,

WHEREAS the South Georgia Annual Conference approved a Disaffiliation Policy at the June 2019 session; and

WHEREAS the General Conference which was scheduled to meet in May 2020 has been postponed due to the worldwide Covid-19 pandemic; and

WHEREAS legislation entitled “PROTOCOL FOR Reconciliation and Grace Through Separation” (“The Protocol”) has been submitted to the General conference, which legislation provides for an orderly separation of the United Methodist church into two or more denominations; and

WHEREAS the impending expiration of ¶2553 is of concern to the members, clergy and churches of the South Georgia Annual Conference, especially, if General Conference does not meet; and

WHEREAS if General Conference does meet, the members, clergy and churches of the South Georgia Annual conference want the opportunity to respond to any legislation which may be approved, or to take such action as seems best to them, including possible disaffiliation from the United Methodist church; and

WHEREAS many of our churches and clergy desire to remain in the South Georgia annual Conference hoping for General Conference to meet and pass helpful legislation, but may be unwilling to remain if the window to disaffiliation seems to be closing;

THEREFORE BE IT RESOLVED that if General Conference does not meet in 2022, the South Georgia annual Conference set a Special Session to be held on Oct 1, 2-22, so that the conference may make decisions about the future of the Annual Conference, its churches, clergy, property, and all related matters, including but not limited to withdrawing from the United Methodist Church and affiliating with a traditional Methodist denomination.

BE IT FURTHER RESOLVED that the Annual Conference shall provide a means for churches to disaffiliate at this called session, and for churches which wish to remain part of the United Methodist Church to do so.

BE IT FURTHER RESOLVED that the present Disaffiliation Policy shall remain in effect for churches who wish to withdraw at the June 2023 session of the Annual conference.

BE IT FURTHER RESOLVED that, since a one-day session does not have the expense of a multi-day session, the registration fee for delegates be set at \$10.00; that the per diem reimbursement for retired clergy, lay members, and others receiving the per diem be set at \$25.00 per day; and that the Council of Finance and Administration be authorized to pay for the Conference from the Annual Conference session budget, then budgeted contingency funds as needed. The estimated expense of a one-day conference, including building rental and audio-visual support, is not to exceed \$15,000.00.

BE IT FURTHER RESOLVED that resolutions may be presented to this special session in keeping with the announced purpose of the session. Resolutions submitted in writing to the Committee on resolutions at least 10 days prior to the session shall be posted on the Conference website, and such posting shall be deemed as having presented those resolutions to the Conference, in order that a

vote may be taken on the day of the special session. Resolutions shall be presented in accordance with our standing rules, except for these specific stipulations.

BE IT FURTHER RESOLVED that Standing Rule 3.1.3 shall be suspended to allow for material to be prepared and presented prior to the called Annual Conference session.”

The chair, in explaining the Resolution, stated that the resolution was calling for a special session of the Annual Conference to be held October 1, 2022 in response to a meeting of the General conference. The chair further stated that it was the recommendation of the resolution committee’s that there be non-concurrence with the Resolution because JCD 1444 holds that there is no basis in church law to adopt policies that would cause the annual conference to remove itself from the United Methodist Church.

After the presentation of the Resolution by the chair, a clergy member requested a decision of law, stating:

I am rising for a rule of law related to the proposed resolution. I believe it is out of order of us to set a date related to an annual conference session. Planning and dates fall under the purview of the Bishop.

The Presiding Bishop stated that he had 30 days to rule on the request and then the Judicial council would review his decision. The clergy member submitted the request for a decision of law in writing to the Conference Secretary.

The Presiding Bishop made his ruling and reported to the Judicial Council in accordance with ¶ 2609 of the 2016 *Book of Discipline* (the “2016 *Discipline*”). We restate the relevant portion of the Bishop’s ruling:

The request for a ruling of law is proper since it was presented in writing, addressed business undertaken during the Annual Conference Session and was submitted prior to the adjournment of the Conference.

I. Paragraph 603.5 of *The Book of Discipline*.

Initially, I note that the request for a decision of law does not identify any provision of *The Book of Discipline* related to setting a date for an annual conference session. I interpret the request for a ruling of law as intended to refer to paragraph 603.5 of the *Discipline*, which provides, in pertinent part, that a “special session of the annual conference may be held at such time and in such place as shall have been determined by the annual conference *after consultation*

with the bishop...” The Resolution attempts to set the date of a special annual conference session on October 1, 2022. The makers of the resolution consulted with me in February 2022 about potentially calling a special session on October 2022 to consider disaffiliation. The resolution does not violate Paragraph 603.5 of the *Discipline*.

II. The Resolution is out of order because it is moot and hypothetical.

Although not raised by the request for a decision of law, the Resolution is clearly out of order as moot and hypothetical. The Resolution calls for a special Session of annual conference “if General Conference does meet in 2022.” Since the General Conference is not meeting in 2022, the Resolution is moot.

III. The Resolution proposes setting a Special Session of the Annual Conference for the purpose of taking action that would be unconstitutional, null and void.

The Resolution violates Church law for another reason not raised by the request for a decision of law. The Resolution calls for a Special Session of the Annual Conference at which the conference might “make decisions about the future of the Annual Conference, ... including but not limited to withdrawing from the United Methodist Church and affiliating with a traditional Methodist denomination.”

The Judicial Council has recently ruled that an Annual Conference cannot take action to withdraw from the United Methodist Church in the absence of enabling legislation enacted by General Conference. (JCD 1444). That decision held that “[t]here is no basis in Church law for any annual conference to adopt stopgap policies, **pass resolutions**, take a vote, or act unilaterally for the purpose of removing itself from the United Methodist Church.” [Emphasis added.] The Judicial Council has also ruled that an Annual Conference may not pass a resolution if “the action ignore Church law and encourages a violation of Church law” (JCD 1292). The resolution seeks to set a Special Session of the Annual Conference with one of its stated purposes being to make decisions about withdrawing from the United Methodist Church. The Resolution violates principles of connectionalism and Church and Church law and seeks to set a Special Session of Annual Conference for the purpose of taking action that would be unconstitutional, null and void.

Par.16.3 of our constitution provides that “[t]he General Conference shall have full legislative power over all matters distinctively connectional, and in the exercise of this power shall have authority... [t]o define and fix the powers and duties of annual conferences...”, while Par. 33 provides that “[t]he annual conference is the basic body in the Church” and that the annual conference “shall discharge such duties and exercise such powers as the General Conference under the Constitution may determine.” The Judicial Council held that “harmonizing and balancing... ¶¶ 16.3 and 33 demands that the General Conference exercise its constitutional powers to establish and regulate the right to withdraw **before**

annual conferences can exercise their reserved right to vote on disaffiliation” (JCD 1444[emphasis in original]).

For the foregoing reasons, I hold that Resolution #4 “A Resolution for a Called Session of the Annual Conference in Response to a Meeting of the General Conference” violates Church law.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶¶ 2609.6 of the *2016 Discipline*.

Analysis and Rationale

An Annual Conference may not disobey the *Discipline* by engaging in any act that is prohibited by the *Discipline*.

Decision

The decision of the presiding Bishop is affirmed. The resolution violates Church law, is moot and hypothetical, and is therefore void and of no effect.

March 7, 2023