

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1328

IN RE: Review of a Bishop's Decision of Law in the Greater New Jersey Annual Conference concerning a rule change to allow the Committee on Nominations to make nominations of officers to agencies that elect their own officers.

DIGEST

The Bishop's Decision of Law is affirmed. The amendment to Rule 55 of the Rules of Order of the Greater New Jersey Annual Conference, which allows the Conference Nominations Committee to recommend a slate of officers to agencies that elect their own officers, is not in conflict with *The Book of Discipline 2012*, [hereinafter *The Discipline*] in particular ¶¶ 605.3, 612.3, 635.1c), 639.3, 2512.2.

STATEMENT OF FACTS

During its 2016 regular session, the Greater New Jersey Annual Conference approved an amendment to Conference Rule 55, which reads (approved changes underlined):

55. Chairpersons and Officers -

a. The Committee on Nominations shall nominate, and the Annual Conference elect, all chairpersons and officers for agencies, boards, commissions, committees, councils and teams except where the Book of Discipline instructs differently. All terms shall be for the quadrennium, or such other period as specified by the action of the Conference.

b. The Committee on Nominations shall nominate all chairpersons and officers to agencies, boards, commissions, committees, council and teams [hereinafter Agency/Agencies] that the Book of Discipline requires to elect its own chair and officers. These nominations shall not come before Annual Conference, but shall be presented directly to the respective Agencies for vote at their first meeting after Annual Conference. In the absence of a duly elected Chair, whose term has not yet expired, the District Superintendent assigned to the agency either permanently, or for the election process, shall chair the meeting until the new chair is elected.

c. As in all nominations, special attention shall be given to seeking diversity in opportunities to serve to (I) people of diverse ages, genders, and racial and ethnic backgrounds; (ii) people with disabilities; and (iii) people from all size churches. (See Discipline, Paragraph 610.5).

After the vote approving the amendment a conference member and chairperson of the

Council on Finance and Administration submitted the following request for a Decision of Law:

Since the Board of Ordained Ministry (Para 635.1c), Trustees (Para 2512.2), Pensions and Health Benefits (Para 639.3), as well as the Conference Council on Finance and Administration (Para 612.3) are authorized by the Discipline to elect their own officers, is Conference Rule 55b., as enacted, lawful in that it allows nominations of officers by other than members of the respective bodies.

Is the disenfranchisement of members of Boards of Ordained Ministry, Trustees, Pensions and Health Benefits and the Council on Finance and Administration lawful where, in Conference Rule 55.b, ALL nominations of officers are to be made by the Conference Nominating Committee?

Within thirty days, on May 24, 2016, Bishop John Schol issued the following Decision of Law:

To nominate is to suggest or propose a person to a body for election (Webster and Cambridge Dictionaries).

The first question of law asks whether the chairperson and officers of the four (4) groups that elect their own officers can be nominated by anyone else other than their respective bodies. There is nothing in the 2012 Book of Discipline, in Par. 635 (Board of Ordained Ministry), Par. 2512 (Board of Trustees), Par. 639 (Board of Pensions) and Par. 612 (Council on Finance and Administration) which indicates these groups either being allowed to, or being prohibited from, having its chair and officers presented from a nominating committee.

The following paragraphs give authority for the Annual Conference to take such action.

Par. 604.1

“The annual conference, for its own government, may adopt rules and regulations not in conflict with the Discipline of The United Methodist Church, provided that in exercise of its powers, each annual conference shall act in all respects in harmony with the policy of The United Methodist Church with respect to elimination of discriminations.”

Par 605.3

“Members for all standing committees, boards and commissions of the annual conference shall be selected in such manner as the BOD may specifically require or as the annual conference may determine. Attention shall be given to inclusiveness.”

Par. 610.2

“The annual conference may appoint additional committees for the purpose of promoting the work of The United Methodist Church within the bounds of the said annual conference and may prescribe their membership and their powers and duties.” (*This would include the Committee on Nominations*)

Par. 610.5

“In the nomination and election of the membership on councils, boards, and agencies of the annual conference, special attention shall be given to the inclusion of clergywomen, youth, young adults, older adults, persons from churches with small memberships, people with disabilities, and racial and ethnic persons, in keeping with policies for general church agencies.”

The authority for the conference Committee on Nominations to recommend (nominate, suggest, propose) officers of the agencies which elect their own officers was affirmed in Judicial Council Ruling 1073 in which the conference plan of organization stated: *If the BOD mandates that a particular body elects its own chairperson, the Committee on Nominations may recommend a chair for consideration by that body.*

Judicial Council Decision 1311 also gives broader authority for nominations when it stated: *this does not preclude the bishop from making nominations to groups specifically authorized by the Annual Conference or by the Discipline.*

In regards to Mr. Bishop’s first question, I rule that Rule 55 is in order and that the Conference Committee on Nominations may make a nomination to agencies that elect their own officers.

Mr. Bishop’s second question, *Is the disenfranchisement of members of Boards of Ordained Ministry, Trustees, Pensions and Health Benefits and the Council on Finance and Administration lawful where, in Conference Rule 55.b, ALL nominations of officers are to be made by the Conference Nominating Committee.* (All capitalized and underlined was added for emphasis by Mr. Bishop)

Mr. Bishop in his second question states that the rule specifies that ALL nominations are to come from the Committee on Nominations. But in fact Rule 55 does not imply the committee is the only one to make nominations but that it makes nominations for each office and agency that elects their own officers. As indicated earlier, nominations may come from the agency members during the election process. Agency members of the four (4) agencies are not disenfranchised but have the opportunity to nominate and elect the persons of their choice. No one is disenfranchised.

Rule 55 developed by the Committee on Nominations and the Committee on Rules of Order seeks to create opportunities for diversity in harmony with the Book of Discipline for the agencies that elect their own officers and in particular the chairperson while allowing for nominations from the members of the agency during the time of election.

Rule 55, as adopted by the Annual Conference, simply permits the Annual

Conference's Committee on Nominations to recommend a slate of officers to the groups that elect their own officers. Clearly, each group can nominate whomever else they would like at their organizational meeting and then vote to elect whomever they choose.

There is nothing in Rule 55 that prevents the agencies in question from organizing and electing their own officers.

I therefore rule that no one is disenfranchised by Rule 55 and it is not in violation of The Book of Discipline.

JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶¶ 51 and 56.3 of the Constitution and ¶ 2609.6 of *The Discipline* as modified by Judicial Council Decision [hereinafter JCD] 1244.

ANALYSIS AND RATIONALE

The issue in this case is whether an annual conference may adopt a rule authorizing the Nominating Committee to nominate the chairpersons and officers of the four agencies vested by *The Discipline* with the responsibility to elect their own officers. These agencies are the Board of Ordained of Ministry (¶ 635.1c), Board of Trustees (¶ 2512.2), Board of Pensions and Health Benefits (¶ 639.3), and Council on Finance and Administration (¶ 612.3).

I. Legislative Powers of Annual Conferences

Starting point of our analysis is the constitutional division of powers between the General Conference and annual conferences. While annual conferences have “such other rights as have not been delegated to the General Conference under the Constitution,” the General Conference has the constitutional power to “define and fix the powers and duties of annual conferences” and to “allow the annual conferences to utilize structures unique to their mission, other mandated structures notwithstanding” (¶¶ 16.3, 16.15, 33 Const.). *See* JCD 74. The General Conference enacted legislation giving annual conferences the power to “adopt rules and regulations not in conflict with *The Discipline* of The United Methodist Church” (¶ 604.1). The Judicial Council affirmed this principle in JCD 367, 876, and 1198. Further, in ¶ 605.3, the General Conference instructs that members for all conference agencies be selected “in such manner as the *Book of Discipline* may specifically require or as the annual conference may determine,” thus granting annual conferences some degree of autonomy in this area (emphasis added). Unless *The Discipline* specifically prohibits or instructs otherwise, annual conferences have the authority to enact rules and regulations for the election of conference officers. *See* JCD 559. To this end we must turn to the text of the relevant provisions in *The Discipline*, particularly the words used therein and their plain meaning.

II. Text of Relevant Disciplinary Provisions

Paragraph 635.1c) of *The Discipline* states that the “board [of ordained ministry] shall organize by electing from its membership a chairperson, registrars, and such officers as it may deem necessary” (emphasis added). For the Board of Trustees, ¶ 2512.2 provides that it “shall meet at least annually and organize by electing a president, vice president, secretary, and treasurer, whose duties shall be those usually pertaining to such offices” (emphasis added). According to ¶ 639.3, the “board [of pensions and health benefits] shall organize by electing a chairperson, vice chairperson, secretary, and treasurer, who shall serve during the ensuing quadrennium or until their successors shall have been elected and qualified” (emphasis added). Paragraph 612.3 states that the “council [on finance and administration] shall elect from its voting membership a president, a vice president, a secretary, and such other officers as it may deem necessary” (emphasis added). While the term “organize” appears in all but the last provision, the words “shall” and “elect” or “electing” are used in all four disciplinary paragraphs. With respect to the word “shall,” the Judicial Council said in JCD 1099:

In common parlance the term “shall” is a word of command which is given compulsory meaning. It excludes the opportunity for discretion; in fact, it imposes a duty which may be enforced.

The dictionary meaning of the English verb “elect” is “Choose (a person) by vote for an office or position” (*The New Shorter Oxford English Dictionary*, Clarendon Press: Oxford, 1993, p. 794). From the underlined portion of these provisions and the Council’s ruling in JCD 1099, it follows that the agencies concerned are not only permitted but also required to choose by vote their officers. However, none of these disciplinary provisions contain the terms “nominate,” “nominating” or “nomination.” The conspicuous absence of an important part of the leadership selection process in ¶¶ 635.1c), 2512.2, 639.3, and 612.3 suggests that General Conference did not intend to make the nomination of officers part of the election over which the respective agencies have sole responsibility. Since *The Discipline* states that these agencies “shall elect” (not “shall nominate and elect”) their officers, it does not specifically prohibit an annual conference from adopting legislation authorizing another body such as the Committee on Nominations to nominate officers to these agencies. While the presiding bishop nominates the members of the Board of Ordained Ministry according to ¶ 635.1a), the Nominations Committee may nominate the chairperson and officers from the elected membership.

III. Questions of Law

FIRST QUESTION is whether “Conference Rule 55b, as enacted, [is] lawful in that it allows nominations of officers by other than members of the respective bodies” (Daily Proceedings of 17th Sessions of the Greater New Jersey Annual Conference, May 24, 2016.). According to amended Conference Rule 55b, the Nominations Committee “shall nominate all chairpersons and officers to agencies...that the Book of Discipline requires to elect its own chair and officers” (emphasis added). The slate of officers “shall not come before Annual Conference, but shall be presented directly to the respective Agencies for vote at their first meeting after Annual Conference.” *Id.* The legislation also instructs that “in all nominations, special attention shall be given to seeking diversity in opportunities to” different groups of people. The purpose of the rule amendment is to

increase diversity and inclusiveness on the conference leadership as mandated by *The Discipline*. See ¶¶ 605.5, 610.5.

The word “nominate” means “propose or formally enter as a candidate for election” (*The New Shorter Oxford English Dictionary, supra* at 1933). Its plain meaning indicates that a nomination is a recommendation or proposal, which the agency may accept, modify or reject. This conclusion is supported by the requirement that the slate of officers be presented directly to the agency concerned, not the body of the Annual Conference. The minutes of proceedings confirm that the agency may make changes to the slate and is under no obligation to accept the nominations from the Nominations Committee. Daily Proceedings, *supra*.

Bishop Schol stated that the purpose of amended Rule 55 is “to provide a mechanism to consider diverse leaders when electing officers, particularly chairpersons, for the agencies that elect their own chairpersons” in direct response to past leadership selection patterns as demonstrated by historical data contained in Appendix I (Decision of Law, *supra*). This view is supported by statements made during the Annual Conference session. Daily Proceedings, *supra*. He cited Memorandum 1073 in support of the authority of the Nominations Committee to recommend (nominate, suggest, propose) candidates to agencies that elect their own officers. In Memorandum 1073, the Judicial Council upheld the constitutionality of the Plan of Organization of the Baltimore-Washington Annual Conference. The relevant portion of the Plan reads:

If the BOD mandates that a particular body elects its own chairperson, the Nominations Committee may recommend a chair for consideration by that body. This will help to ensure a diverse group of chairpersons throughout the Conference. The Nominations Committee will develop a consultative process with each body to identify chairpersons. Individual bodies may elect additional leadership to fulfill the BOD or carry out necessary activities. (2006 Official Journal, B-W Annual Conference, p. 481).

We see no difference between Rule 55 and the Plan of Organization, since both (a) allow the Nominations Committee to recommend chairpersons and officers directly to agencies charged by *The Discipline* with electing their officers, and (b) aim to increase diversity within the conference leadership. If the annual conference legislation authorizing the Nominations Committee to recommend officers to these agencies passed constitutional muster in Memorandum 1073, the same must apply to Rule 55 in this case. Nothing in the language of the disciplinary provisions examined above implies that the authority of an agency to elect its officers excludes that of another body to recommend a slate of officers. Neither can we find anything in the text of the annual conference legislation indicating that an agency is obligated or mandated to accept the slate. In other words, the nomination and election of officers are not mutually exclusive aspects of the leadership selection process. Consequently, we agree with the Bishop’s ruling that the Conference Committee on Nominations may make a nomination to agencies that elect their own officers.

SECOND QUESTION is whether the requirement in Rule 55b that “all nominations of officers are to be made by the conference Nominations Committee” amounts to “the

disenfranchisement of members” of the four agencies concerned (Daily Proceedings, *supra*). Viewed in isolation, the language of the amendment could be open to interpretation. On the one hand, the expression “shall nominate all chairpersons and officers” in Rule 55 could be construed literally as saying *all means all*, denoting that no body other than the Committee on Nominations shall nominate officers, an interpretation advocated by the petitioner. On the other hand, it could be said that “Rule 55 does not imply the committee is the only one to make nominations but that it makes nominations for each office and agency that elects their own officers” (Decision of Law, *supra*). We find no evidence in the minutes of annual conference session that would support the former reading. In fact, in the debates prior to the adoption of the legislation, the chairperson of the Committee on Nominations affirmed that “they use an open process, taking recommendations from all over the Conference” (Daily Proceedings, *supra*). This statement and the one made by the Conference Chancellor appear to contradict any suggestion that the Nominations Committee has a monopoly over nominations. Absent clear evidence to the contrary, we are bound to choose the meaning that complies with *The Discipline* and preserves annual conference legislation. Therefore, we concur with the bishop’s interpretation of Rule 55 and find that members of the four agencies are not disenfranchised but have the opportunity to nominate and elect the persons of their choice.

DECISION

The bishop’s Decision of Law is affirmed. The amendment to Rule 55 of the Rules of Order of the Greater New Jersey Annual Conference, which allows the Conference Nominations Committee to recommend a slate of officers to agencies that elect their own officers, is not in conflict with *The Book of Discipline 2012*, in particular ¶¶ 605.3, 612.3, 635.1c), 639.3, 2512.2.

Dennis Blackwell recused.

First clergy alternate Tim Bruster participated in the decision.

Concur In Part and Dissent In Part

I concur with my with my colleagues on the point that The Discipline does not contain express language that explicitly prohibits providing recommendations for officers of the bodies mandated in ¶610, however, the Discipline is not constructed as a codification that one might find in secular law. The absence of proscriptive language cannot simply be interpreted to mean that a certain act is permitted because it is not specifically prohibited. Indeed, we must interpret these paragraphs in the full context of General Conference actions and legislative history.

The leadership’s stated need and intention for nominating the officers is to ensure increased racial ethnic officers of these particular agencies. I am glad of their stated

intention, but I am extremely concerned because the process they plan to institute most often operates to ensure that the actual power ends up being in the hands of a concentrated few pursuant to the environment that is created which can often time cause members to feel disenfranchised and silenced.

I desperately hope and pray that such a result does not occur in this case. However, under their plan the institutional safeguards and checks and balances for autonomy have been stripped away in many respects. It is for our own well being within our conferences that I believe the General Conference has so provided the specific language herein.

General Conference made its intentions clear in ¶610 of the 2012 Discipline:

¶610. The annual conference is responsible for structuring its ministries and administrative procedures in order to accomplish its purpose (¶ 601), **with the exception of the mandated provisions of ¶¶ 611, 635, 636, 637, 639, 640, 647, 648.** In so doing it shall provide for the connectional relationship of the local church, district, and conference with the general agencies. It will monitor to ensure inclusiveness—racial, gender, age, and people with disabilities—in the annual conference. [emphasis added]

The Judicial Council has a long string of cases wherein it has ruled that an annual conference may not modify or ignore the mandatory provisions of structure. For example, JCD 1147 we reversed the bishop's decision of law regarding a related issue that arose out of the Dakotas Annual Conference:

Question 1:

In ¶ 610, what is the meaning, effect and application of the phrase “with the exception of [sic] ¶¶ 635, 636, 639, 640, 647, 648”?

The first sentence of ¶ 610 was incorrectly interpreted by the annual conference and the presiding bishop to mean that the only annual conference structures now mandated by the 2008 Book of Discipline are the Conference Board of Ordained Ministry, the Conference Administrative Review Committee, the Conference Board of Pensions, the Board of Trustees, United Methodist Women, and United Methodist Men. That is an incorrect reading of ¶ 610.

The first sentence of ¶ 610 was misquoted not only by the presiding bishop, but also by the person that asked the question of law. Paragraph 610 begins with the following sentence:

¶ 610 The annual conference is responsible for structuring its ministries and administrative procedure in order to accomplish its purpose (¶ 601), with the exception of the mandated *provisions of ¶¶ 635, 636, 639, 640, 647, 648.* ... [emphasis added]

Both the conference member and the presiding bishop were quoting the Discipline but each failed to cite the critical part of this sentence: “the mandated provisions of”. This second part of the sentence is directed to the very specific structural and operational mandates that are contained within the paragraphs that create the Conference Board of Ordained Ministry (§ 635), the Conference Administrative Review Committee (§ 636), the Conference Board of Pensions (§ 639), the Board of Trustees (§ 640), United Methodist Women (§ 647), and United Methodist Men (§ 648). The first part of the first sentence of § 610 sets forth that the annual conference has the responsibility to structure its ministries and administrative procedures in a manner that will enable the annual conference to accomplish its purpose, defined in § 601. The second part of the sentence then provides the first set of restrictions in § 610 which limit the scope of that which the annual conference may structure. Specifically, the annual conference cannot redefine any of the specific provisions (e.g., composition, election, membership terms, reporting methods, lines of accountability, ministry, mission, structure, and the like) that are mandatory provisions contained in the paragraphs relating to the Conference Board of Ordained Ministry (§ 635), the Conference Administrative Review Committee (§ 636), the Conference Board of Pensions (§ 639), the Board of Trustees (§ 640), United Methodist Women (§ 647), and United Methodist Men (§ 648).

The annual conference’s restructuring committee apparently misread the sentence and did not understand that the exception was referring to the various provisions related to each agency; they read the sentence as meaning only the agency itself. Thus, although the presiding bishop did an admirable job in answering the questions and citing some of the legislative history and Judicial Council decisions, the response is predicated upon this misinterpretation of the first sentence of § 610. Therefore, the full analysis is flawed because it is premised upon trying to reconcile a misreading of the first sentence of § 610 with other parts of the Discipline.

The sentence cited in the question of law is directed to the very specific structural and operational mandates that are contained within the paragraphs that create the Conference Board of Ordained Ministry (§ 635), the Conference Administrative Review Committee (§ 636), the Conference Board of Pensions (§ 639), the Board of Trustees (§ 640), United Methodist Women (§ 647), and United Methodist Men (§ 648). Thus, the effect of applying this sentence to the work of the conference would be that each provision, within the paragraphs that create each of the six entities, must not be changed by the annual conference and must remain as it is defined in the Discipline whenever the provision is mandatory.

Therefore, in applying ¶ 610 to the provisions found in the first subparagraph of ¶ 635 (Conference Board of Ordained Ministry), the effect upon the structure of the annual conference is, for example, as follows:

“635. Conference Board of Ordained Ministry—1. Each annual conference at the first session following the General Conference, shall elect for a term of four years a Board of Ordained Ministry. [emphasis added]

The annual conference must elect a Board of Ordained Ministry and the term for membership is four years. It is a mandated provision of ¶ 635; the annual conference cannot reduce the term to three years, nor increase the term to five years, but rather it must be a term of four years – that is one of the mandatory provisions in the first sentence of ¶ 635. The term “mandated provisions” references the various mandates contained within the paragraphs which create the agencies listed in ¶ 610, which agencies are also mandatory. The sentence does not, as interpreted by the annual conference, mean that there are no mandated agencies except for those six agencies created by the six paragraphs listed.

Question 2:

Does ¶ 610 allow annual conferences to ignore mandates of General Conference, specifically ¶ 637, ¶ 641, ¶ 665, and ¶ 2518, which are not mentioned in ¶ 610?

No. As set forth above, ¶ 610 does not allow annual conferences to ignore mandates of General Conference. An Annual Conference may not restructure itself in such a manner that it disregards the mandatory structures established by the General Conference and described specifically in the Discipline. See Decision 314. Annual Conferences do not have the authority to legislate actions that rightly belong to the General Conference. The bishop’s reliance on Decision 1026 is misplaced.

The specific paragraph in question mandating the Conference Commission on Archives and History, ¶ 641, was before the General Conference in 2008. A petition was submitted by the National Association of Directors' of Connectional Ministries to revise the then ¶ 640 (current ¶ 641) by adding the words, "or other structure to provide for the function of this ministry." (Daily Christian Advocate, Volume 2, Section 2, page 1260, Petition 81228-IC-par. 640.1) The Legislative Committee on Independent Commissions recommended referral to the Annual Conferences by vote on April 26, 2008, which is recorded in the DCA, at page 2178. This item was calendared as #783 and adopted by the Plenary on May 2, 2008, at 9:02 p.m. This action of the General Conference is null and void in that Annual Conferences cannot change or nullify mandates of the Discipline. See Decisions 339, 680, 712, 831 and Memoranda 411 and 640.

Thus, in the case of ¶ 641, this paragraph mandating the Conference Commission on Archives and History is maintained in the 2008 Discipline as an operative paragraph, and the precedential principle does not apply in this case.

There are mandates throughout the Discipline which require particular structures and procedures within each annual conference besides those which are referenced in ¶ 610. For example, each annual conference is required to have a Conference Committee on the Episcopacy (¶ 637), a Conference Commission on Archives and History (¶ 641), a District Committee on Ordained Ministry (¶ 665), and a District Board of Church Location and Building (¶ 2518). All of these boards and committees are mandated structures within the annual conference; the annual conference does not have discretion to create an alternative structure to provide for the basic functions of those boards and committees.

Question 3: Does ¶ 610 adequately preserve the connectional system and thereby meet General Conference’s constitutional responsibility, as required by ¶ 16?

The presiding bishop ruled that ¶ 610 adequately preserves the connectional system and thereby meets General Conference’s constitutional responsibility as stated in ¶ 16. The bishop argues that:

In enacting ¶ 610, General Conference required annual conferences seeking to rework their conference structures to “provide for the connectional relationship of the local church, district, and conference with the general agencies.”

General Conference attempted, in ¶ 610, to preserve the connectional system and to meet the General Conference’s constitutional responsibility as set forth in ¶ 16:

The General Conference shall have full legislative power over all matters distinctively connectional, and in the exercise of this power shall have authority as follows:

3. To define and fix the powers and duties of annual conferences, . . .
8. To initiate and to direct all connectional enterprises of the Church and to provide boards for their promotion and administration.
15. To allow the annual conferences to utilize structures unique to their mission, other mandated structures notwithstanding.

However, the bishop is mistaken because ¶ 610 speaks to the mandated provisions concerning only six of the agencies mandated by the Discipline; ¶ 610 is not inclusive of all of the agencies currently mandated in the 2008 Discipline, and, as such, this paragraph does not adequately preserve the connectional system and does not meet the General Conference's constitutional responsibility.

Question 6: Is ¶ 610 "appropriate enabling legislation," as required by Judicial Council Decision 815, to allow annual conferences to restructure themselves pursuant to ¶ 16.15?

The bishop incorrectly responded that ¶ 610 meets the requirement for enabling legislation as set forth by Decision 815. Paragraph 610's reference to mandated provisions within some, but not all, of the mandated boards and agencies, causes confusion within the annual conferences as they attempt to restructure to meet their unique missional needs. The 2008 General Conference retained other mandatory structures that are not referenced in ¶ 610, including the Conference Committee on the Episcopacy (¶ 637), the Conference Commission on Archives and History (¶ 641), the District Committee on Ordained Ministry (¶ 665), and the District Board of Church Location and Building (¶ 2518). Thus ¶ 610, does not constitute enabling legislation for ¶ 16.15.

The annual conference must abide by all Disciplinary mandates and Judicial Council Decisions in the creation of its new structure. **See Decisions 314, 339, 411, 417, 418, 640, 680, 712, 827, 831, 835, and 1023.**

In Decision 1204 the Council remanded an annual conference's plan for restructure back to the annual conference for full compliance with ¶ 610 and other mandatory provisions in the Discipline:

Paragraph 610 provides recommendations and requirements for how an annual conference structures its agencies. Paragraph 614.3 identifies how an annual conference prepares and approves its benevolences budget. Judicial Council Decision 1147 states that "the annual conference must abide by all disciplinary mandates and Judicial Council Decisions in the creation of its new structure."

The South Carolina Annual Conference has made a careful comparison of its structure in the Transition Plan with disciplinary requirements. There are, however, ways in which the plan is deficient in terms of disciplinary mandates. For example, ¶ 641 mandates a conference commission on archives and history. See Decision 1147. Paragraph 610.1 states that "an annual conference shall provide for the functions and General Conference connections with all general agencies...." Paragraph 703.6

identifies the General Commission on Archives and History not only as an administrative agency, but also as one that carries "program-related responsibilities for which they are accountable to the Connectional Table." The South Carolina Annual Conference plan of structure does not give the commission on archives and history a place in its programmatic organization. The budget for conference benevolences does not include a line item for a commission on archives and history. Paragraph 614.3c defines conference benevolences as inclusion of "those conference allocation and expenditures directly associated with the program mission, and benevolent causes of annual conference program agencies and institutions." The commission on archives and history is absent from the benevolences budget. If the structure of the Annual Conference is to "provide for the functions and General Conference connections with all general agencies...." and if the Commission on Archives and History is to have "program-related responsibilities," the structure needs to include its mandated commission on archives and history in its various programmatic and benevolences budget considerations.

Another defect in the plan places the Council on Youth under Conference Discipleship Ministries. Paragraph 649.1 specifies that "the council shall be related to the annual conference council on ministries or equivalent structure." In the plan, the Council on Youth should relate directly to Conference Connectional Ministries. The plan does not include the mandated conference council on young-adult ministry (§ 650.1) that should be "related to the annual conference council on ministries or alternative structure" (Conference Connectional Ministries).

It is not clear from the record if the conference secretary of global ministries is a member of the conference Board of Global Ministries, as required by § 633.3.

In sum, as seen in these examples, the South Carolina Annual Conference has failed to match all the disciplinary requirements for conference structure.

DECISION

Because of the defects in the program structure of the Annual Conference, the South Carolina Conference plan fails to be in full compliance with §§ 610 and 614.3 and with Decision 1147. The plan is remanded to the Annual Conference for revision to be submitted to the Judicial Council no later than thirty (30) days following the close of the 2012 regular session of the Annual Conference. The Judicial Council retains jurisdiction.