

SUBJECT TO FINAL EDITING

**JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

**MEMORANDUM NO. 1353**

IN RE: Petition for Declaratory Decision from the College of Bishops of the Africa Central Conference concerning if the General Council on Finance and Administration complied with Judicial Council Decision 1298.

**STATEMENT OF FACTS**

In Judicial Council Decision [hereinafter JCD] 1298, the Judicial Council ruled that “[t]he salary of Bishop Daniel Wandabula should be fully restored by GCFA [the General Council on Finance and Administration] from 2013 to 2015 and until the next General Conference.” It also retained jurisdiction of this case “as it orders the GCFA to report to it a detailed full compliance with this decision no later than May 31, 2015.” (JCD 1298)

By letter of May 29, 2015 to the Judicial Council, the GCFA reported that “GCFA has set Bishop Wandabula’s salary to the specified level and has made payments to restore his salary to such level for the years 2013-2015” in compliance with JCD 1298 (GCFA Brief, Exhibit 1). In an e-mail to GCFA, dated October 29, 2015, the Secretary of the Judicial Council stated:

At the October 2015 meeting of the Judicial Council, the Judicial Council reviewed the record of the response of the General Council on Finance and Administration to Decision 1298. The Judicial Council has determined that the General Council on Finance and Administration has fulfilled the requirements of that decision. GCFA Brief, Exhibit D [emphasis added]

A copy was sent to Bishop Wandabula.

On June 8, 2017, the College of Bishops of the Africa Central Conference petitioned the Judicial Council for a Declaratory Decision. The request reads in relevant part:

**Factual Background**

The Burundi and East Africa Committee on Episcopacy petitioned the Judicial Council for a declaratory decision on the action of the GCFA and GBGM to drastically cut off the Episcopal support and reduce the Bishop's salary from 100% (2012) to 10% (2013-2014) and then 0% (2015), giving the Bishop Daniel Wandabula only \$4,288 support on medical insurance and pension.

The Judicial Council ruled in Decision 1298 that the GCFA is devoid of power to reduce, on ground of pending audit accountabilities, an effective or active bishop's salary without the bishop's consent. The Judicial Council ruled that the bishop's

salary should be fully restored by GCFA from 2013 to 2015 and until the next General Conference. The Judicial Council also ordered that the bishop's housing and office expenses for 2013 to 2015 should also be restored: "His housing and office expenses for 2013 to 2015 should also be restored, per Report No. 5 as approved by the 2012 General Conference." Decision 1298.

Following the decision, GCFA only restored the bishop's salary and has refused to restore housing and office expenses. The excuse for GCFA for not releasing housing and office expenses is that no effort has been made to address the audit issues which are before the Africa Central Conference. This is not true.

To the contrary, GBGM/GCFA have not been helpful in resolving the audit issues. This goes against the grain. It is a dereliction of GBGM and GCFA's duties which cannot be left to continue.

The Africa Central Conference asked GBGM/GCF A to provide evidence to the three (3) chargeable offenses listed in the complaint. It is now 11 months since that request for evidence was made, but no evidence has been provided by GBGM/GCFA. (See attachments).

The weight of evidence paragraph 2711.2 of the 2012 Discipline states: The burden of proof for a vote to convict shall be "clear and convincing". The evidence should also be relevant, reliable and thus admissible.

The allegations by GBGM/GCF A that no effort has been made by Africa Central Conference to solve the audit issues of East Africa Episcopal Area is therefore false.

The refusal by GCF A to release the housing and office funds is making the work of God in the East Africa Episcopal Area very difficult because Bishop Daniel Wandabula and his staff can no longer access the office and office property due to the 24 months rental arrears. Some of the Episcopal staff have not been paid salary for 29 months.

### **Requested Decision**

#### **Requested Decision No. 1:**

Does the failure of GCFA to restore housing and office expenses for 2013 to 2017 violate Decision 1298, which is a final decision issued with authority by the Judicial Council pursuant to ¶¶ 56, 57 and 2609 of the 2012 Book of Discipline?

### **JURISDICTION**

The Judicial Council has no jurisdiction pursuant to ¶ 2610.1 of *The Book of Discipline 2012* [hereinafter *The Discipline*].

### **DIGEST**

The Judicial Council ceased to have jurisdiction over the question of the salary of Bishop Daniel Wandabula, when it determined that the GCFA had fully complied with its ruling in JCD 1298. Since that matter was resolved through GCFA's compliance, there is no jurisdiction that can be retained or "carried over" to the instant case. Because this petition raises a different issue (i.e. the

payment of housing and office expenses), the question of jurisdiction needs to be examined separately. Par. 2610.1 delineates the power and scope of judicial review as follows:

¶ **2610. Declaratory Decisions-1.** The Judicial Council, on petition as hereinafter provided, shall have jurisdiction to make a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of the *Discipline* or any portion thereof or of any act or legislation of a General Conference; and the decision of the Judicial Council thereon shall be as binding and effectual as a decision made by it on appeal. [emphasis added]

The College of Bishops of the African Central Conference is not petitioning us to review the constitutionality, meaning, application, or effect of the *Discipline* or any portion thereof or of any act or legislation of a General Conference. They are asking us to rule on whether “the failure of GCFA to restore housing and office expenses for 2013 to 2017 violate[s] Decision 1298.” (Petition for Declaratory Decision, *supra*) If found to be in violation of said decision, GCFA should be ordered to make payment to Bishop Wandabula. The jurisdictional grant under ¶ 2610.1 does not include the authority to issue a judicial remedy of the sort requested by the College of Bishops. For this reason, we lack jurisdiction to review this matter.

Lidia Gulele recused herself and did not participate in any of the proceedings related to this decision.

Warren Plowden, first lay alternate, participated in this decision.

Dennis Blackwell was absent.

First clergy alternate Timothy Bruster participated in this decision.