

DOCKET FOR OCTOBER 2015

DOCKET 1015-1

IN RE: Review of a Bishop's Decision of Law in the Southwest Texas Annual Conference and the Rio Grande Annual Conference Regarding the Constitutionality of the Conference Structure in the Plan for Unification for the Rio Texas Annual Conference

Judicial Council Ruling Response to Decision 1271 July 1, 2015

RULING

In my original Decision of Law on March 4, 2014, I stated, "It is my ruling that the organizational plan presented to and adopted as amended by the Southwest Texas and Rio Grande Annual Conferences is both Constitutional and in keeping with the 2012 Book of Discipline of The United Methodist Church. Further, it is my ruling that it is specifically in keeping with Paragraphs 604, 610, 611, 635, 636, 637, 639, 640, 647, and 648."

It was further stated in the ruling, "It should be noted that no action was taken by the conferences regarding the adoption of Standing Rules for the purpose of implementing the Plan. Further no budget was presented or approved for the purpose of funding the adopted Plan."¹¹

After the establishment of the Rio Texas Annual Conference on January 1, 2015, the adoption of Standing Rules, a budget, and election of leadership at the Annual Conference Sessions in June of 2014 and 2015 and in review of questions raised by the Judicial Council in Decision 1271, I do hereby affirm my Decision of Law that the revised plan of organization as expressed by the actions of the 2015 Annual Conference Session of the Rio Texas Annual Conference is in keeping with the Constitution and the Book of Discipline 2012. It is also my opinion that careful attention has been paid to the issue of representation and inclusiveness in the process of electing people to serve in the new structure.

BACKGROUND

In keeping with the timeline established by the Plan adopted at the sessions of both conferences February 8, 2014, the Rio Texas Annual Conference was established January 1, 2015. The establishment of the new annual conference was approved by the Judicial Council in Decision 1271.

At the conclusion of the February 8, 2014 Southwest Texas Called Session of the Annual Conference, I was requested to offer a Decision of Law (copy attached). The request was in order. I submitted my ruling to the Judicial Council for review on March 4, 2014 (complete ruling attached).

The Judicial Council offered its Decision 1271 October 25, 2014. It stated in part, "The Rio Texas Annual Conference is permitted to use the Unification Plan as a provisional structure while they care for the matters that have been identified.... The Judicial Council defers any further ruling on the Bishop's Decision of Law

pending the outcome of Judicial Council review of the requested report and the Bishop's further ruling of law on the original questions asked during the February 8, 2014 sessions of the two annual conferences."

At the sessions of the Southwest Texas and Rio Grande Annual Conferences in June 2014, Standing Rules were adopted, a budget for 2015 approved and leaders elected for service.

Beginning January 1, 2015 for the Rio Texas Annual Conference. In light of further refinement of the organizational plan and the issues raised by Decision 1271, from June 12-14, 2015, the first session of the Rio Texas Annual Conference included the approval of a more-detailed budget. Revised Standing Rules and some further election of leadership.

The actions taken are attached, including the list of leaders elected in June 2014 since the majority of persons were elected at that annual conference session.

RATIONALE

The Plan of Organization approved by both annual conferences February 8, 2014 was intended to serve as a "road map" for the new Rio Texas Annual Conference. It was to give both annual conferences the conceptual framework for the life, mission and ministry of the unified annual conference. As such, the Plan was received and almost unanimously approved by both annual conferences for implementation beginning January 1, 2015.

Great care was taken to begin the implementation process at the June 2014 sessions of both annual conferences. A common budget was approved, leaders elected and Standing Rules adopted by both conferences. The new Rio Texas Annual Conference could now proceed effective January 1, 2015.

In October, 2014 the Judicial Council in Decision 1271 raised questions of concern and clarification regarding the Plan, while giving provisional approval to move forward. These matters were taken quite seriously by all affected conference agencies. A review of the Plan and subsequent review of the Standing Rules was initiated. In addition, the newly-created Finance Table reviewed the budget to be presented to the 2015 conference session in order to make certain appropriate agencies had funding for 2016. The Nominations Committee reviewed the make-up of the leadership elected in 2014 to make certain appropriate diversity was reflected. Attached as Report I, Chairperson's Report from the Standing Rules Committee, you can see the nature of changes offered by the Committee in response to Decision 1271. Attached Report II was presented by the Standing Rules Committee for adoption by the Annual Conference session June 12, 2015. It was adopted (minutes attached).

Included in Report II are the Standing Rules adopted in June of 2014. Changes in June 2015 reflect the attempt by the Committee to provide specificity and correction regarding issues raised in Decision 1271 which had not been addressed in the previously-adopted Standing Rules.

In addition to the matters addressed in Report I, the role of the Partnering Elder is addressed in Rule 15.b. The Board of Laity is addressed in Rule 4.c. The Boards and Commissions are found in 2.a-e, 3.a-j, 4.a-c, 5.a-e, 6.a-i, and 7. The Role of the Vision Teams is addressed in general in Rule 1, and more specifically in Rules 2-5. The Role of the Mission Field Advocate is defined in Rule 1.a. The relationship of the Centers to the Vision Teams and the Uniting Table is found in Rules 15-16.

A statement from the Executive Director of the Mission Vitality Center is attached. This statement provides further clarification of the roles of persons elected to the boards and agencies, age-level ministries, and the Vision Teams.

It is my view that the issues raised by the Judicial Council in Decision 1271 have been cared for in a manner which is consistent with the Book of Discipline 2012. The Rio Texas Annual Conference is appreciative of the concerns raised in the Decision and has been strengthened through the process of response.

DOCKET 1015-2

IN RE: Review of a Bishop's Decision of Law in the Northwest Philippines Annual Conference Regarding the Constitutionality of Choosing by Lot the Delegates to General and Central Conferences

THE UNITED METHODIST CHURCH BAGUIO EPISCOPAL AREA

NORTHWEST PHILIPPINES ANNUAL CONFERENCE

67TH REGULAR SESSION

SALCEDO CENTRAL UMC

MARCH 5-8, 2015

March 8, 2015

To: Rev. Dr. Pedro M. Torio Jr.

Bishop of Baguio Episcopal Area

Beloved Bishop:

Pursuant to Pr. 51 of the constitution of the church, a question of law is submitted to the Bishop presiding the 67th session of NWPAC for ruling namely:

1. Is the process of drawing of lots (as now being done in this session) as a means of choosing the delegates of Annual Conference to the General Conference and the Central Conference a violation of pars. 33, 34, and 36 of the constitution of the UMC?

Submitted by:

Atty. Benjamin Turgano

Signed by:

Rev. Clemente Bang-asan

To understand the issues more clearly, I revisited the Disciplinary provisions cited. Let me quote them in full:

Par. 51. Article VII. – A bishop presiding over an annual, central, or jurisdictional conference shall decide all questions of law coming before the bishop in the regular by business of session, provided that such questions be presented in writing and that the decisions be recorded in the journal of the conference.

Such an episcopal decision shall not be authoritative except for the pending case until it shall have been passed upon by the Judicial Council. All decisions of law made by the bishop shall be reported in writing annually, with a syllabus of the same, to the Judicial Council, which shall affirm, modify, or reverse them.

Par. 33. Article II. – The annual conference is the basic body in the Church and as such shall have reserved to it the right to vote on all constitutional amendments, on the election of clergy and lay delegates to the General and the jurisdictional or central conferences, on all matters relating to the character and conference relations of its clergy members, and on the ordination of clergy and such other rights as have not been delegated to the General Conference under the Constitution, with the exception that the lay members may not vote on matters of ordination, character, and conference relations of clergy except that the lay members of the conference board of ordained ministry and the committee on investigation may vote on matters of ordination, character, and conference relations of clergy, with the further exception that lay members of the district committee on ordained ministry be full participating members on the district committee on ordained ministry with vote. It shall discharge such duties and exercise such powers the General conference under the Constitution may determine.

Par. 34. Article III. – The annual conference shall elect clergy and lay delegates to the General Conference and to its jurisdictional or central conference in the manner provided in this section, Articles M and V. The

persons first elected up to the number determined by the ratio for representation to the General Conference shall be representatives in that body. Additional delegates shall be elected to complete the number determined by the ratio for representation in the jurisdictional or central conference; who, together with those first elected as above, shall be delegates to the jurisdictional or central conference. The additional delegates to the jurisdictional or central conference shall in the order of their election be the reserve delegates to the General Conference. The annual conference shall also elect reserve clergy and lay delegates to the jurisdictional or central conferences as it may deem desirable. These reserve clergy and lay delegates to the jurisdictional or central conferences may act as reserve delegates to the General Conference when it is evident that not enough reserve delegates are in attendance at the General Conference.

¶ adding Article 35 in this study:

Par. 35. Article M. The clergy delegates to the General Conference and the jurisdictional conference shall be elected from the clergy members in full connection and shall be elected by the clergy members of the annual conference or provision annual conference who are deacons and elders in full connection, associate members and those provisional members who have completed all of their educational requirements and local pastors who have completed course of study of an M.Div. degree and have served a minimum of two consecutive years under appointment immediately preceding the election.

Par. 36. Article V. – The lay delegates to the General and jurisdictional or central conferences shall be elected by the lay members of the annual conference or such provisional annual conference without regard to age, provided such delegates shall have been professing members of The United Methodist Church for at least two years next preceding their election, and shall have been active participants in the United Methodist for at least four years next preceding their election, and are members thereof within the annual conference electing them

at the time of holding the General and jurisdictional or central conferences.

Now, let's go back to the question of law submitted to the Bishop:

- 1 Is the process of drawing of lots (as now being done in this session) as a means of choosing the delegates of Annual Conference to the General Conference and the Central Conference a violation of pars. 33, 34, and 36 of the constitution of the UMC?

My answer is NO. The annual conference in session 1) approved that they shall elect their delegates by drawing of lots which means that 2) while the names of General and Central Conference delegates were drawn by lots, 3) the NWPAC delegates will confirm their faithfulness to the covenant by actually casting their votes and the rule on simple plurality will be followed. This means that it is not the drawing of lots that is decisive for the final list of General and Central Conference delegates. The ranking of these delegates will still depend on the free, honest, clean, and conscientious votes of the delegates. (This was actually the wisdom and caution advised by Rev. Dr. Homer Wesley O. Refuerzo, and this was heeded by the Presiding Officer and the Commission on Elections accordingly.)

As Presiding Bishop, it is my ruling that since the NWPAC delegates exercised their prerogative to select the manner of election freely and democratically, and as Presiding Officer I witnessed the maturity and sincerity of their intentions and the decency and dignity of their conduct during the debate, I believe that the manner of election that they have selected does not violate the Constitution of The United Methodist Church. The Bishop also decides in favour of the decision of the NWPAC delegates because it goes in so far as to uphold the Biblical model of selecting leaders by casting lots. The UMC Book of Discipline puts the Scriptures in a high plane of authority when it comes to Christian faith and life (Par. 102). Arguing from the Discipline's silence, the Bishop further states that the Disciplinary provisions cited did not state in any way whatsoever that the drawing of lots as part of the method adapted by NWPAC is prohibited. Arguing from the precedent of voting by drawing lots and

later on formalizing the results by actual election made by the Philippines Annual Conference some years ago, the Bishop declares his respect to the prerogative of the Philippines Annual Conference to decide in accordance with the decision of their delegates [their experience was relayed to the NWPAC delegates for Rev. Dr. Homer Wesley O. Refuerzo during the deliberations on this matter]. Having witnessed and presided over the proceedings, I therefore add that I believe in the integrity and credibility of the annual conference delegates as they exercised their right to choose the manner of electing their delegates to the 2016 General and Central Conference delegates. Based on these arguments, let me therefore state that I uphold the decision of Northwest Philippines Annual Conference unless they themselves rescind or reconsider it and if they do so, I will likewise fully respect their action.

Related to this, I also need to declare that the North Central Philippines Annual Conference, the first of eight (8) BEA Annual Conferences to convene this year, also chose to simply decide that the manner of election is by drawing of lots and this they decided to be the method by which the order of election will be determined. While there were similar discussions on the acceptability of drawing lots as a manner of election, the Bishop noted that Bishop Leo Soriano, who was mandated by the College of Bishops to present a "guide" to all Annual Conferences concerning election, included drawing of lots as one of the options. While there were objections to the method of election by drawing of lots from other contexts, the Bishop is finally making this ruling on the basis of the following:

- 1) The Annual Conference was given the right and power to decide on the election of delegates [Par. 33], hence, that should include the manner of election, for as long as it does not directly or clearly contradict the UMC Book of Discipline (Paragraphs 33, 34, 35, 36 of the 2012 UMC Book of Discipline).
- 2) In the absence of a specifically prescribed method and definitely expressed prohibition of any particular method (2/3, simple majority, simple plurality, drawing of lots, etc.), the Northwest Philippines Annual Conference exercised its right to choose the manner of election. I believe the Annual Conference did not violate any specific provision of the Discipline.

- 3) The Bishop asserts that while Northwest Philippines Annual Conference respects the manners of election freely and conscientiously chosen by other United Methodists in different racial, cultural, or connectional contexts, such precedents should not define or limit the Northwest Philippines Annual Conference in exercising its own right to choose in accordance with its own context. It will be unfair to NWPAC if the right of its delegates is curtailed on the basis of recognizing the superiority of others in defining concepts and methods of elections when the UMC Book of Discipline itself is not explicit.
- 4) *In a nutshell, therefore, the Presiding Bishop of the Northwest Philippines Annual Conference affirms and respects the decision of the delegates to elect their General and Central Conference delegates by drawing of lots.*¹

Respectfully submitted:

Pedro M. Torio, Jr.

Bishop, Baguio Episcopal Area

¹This ruling was read before the Annual Conference on its last day, March 8, 2015, and finalized to add the notes on the North Central Philippines Annual Conference as well as edited to correct spelling and styling on March 18, 2015. The essential point and summary of the ruling is in the last paragraph (item No. 4 above).

DOCKET 1015-3

IN RE: Review of a Bishop's Decision of Law in the Metropolitan Nueva Ecija District of the Middle Philippines Annual Conference Regarding the Appointment of a District Superintendent

TO: THE JUDICIAL COUNCIL...
The United Methodist
Church U.S.A.

FROM: Metropolitan Nueva Ecija
District Middle Philippines
Annual Conference

SUBJECT: DECISION OF LAW of Bishop Rodolfo A. Juan in the Metropolitan
Nueva Ecija District, Middle Philippines Annual Conference

of the Philippines Central Conference of The United Methodist Church

DATE OF DECISION: September 27, 2014

FACTS OF THE CASE

On September 27, 2014, in a gathering of the Metropolitan Nueva Ecija District held at the United Methodist City Temple, Cabanatuan City Bishop Rodolfo A. Juan terminated as District Superintendent the Rev. Wilfredo B. Pronto assigned at the Metropolitan Nueva Ecija District. In the reading of appointments in the Annual Conference Regular Session held in April 2014, Rev. Pronto was assigned as District Superintendent for Metropolitan Nueva Ecija District and four (4) months following the said Annual Conference Regular Session, Bishop Juan terminated Rev. Pronto as District Superintendent of Metropolitan Nueva Ecija District on September 27, 2014 WITHOUT consultation, WITHOUT "notice" and "hearing" and in the ABSENCE of Rev. Wilfredo B. Pronto himself.

What is considered a Decision of Law made by Bishop Juan in a DISTRICT gathering is in a text message transcribed by Rev. Pronto as follows (page 3, Rev. Pronto's DS Report, herewith attached):

From: Bishop Rodolfo A. Juan

Cellphone No. +639189136223

Date SENT to Rev. Pronto: September 27, 2014

Date RECEIVED by Rev. Pronto: September 27, 2014 TIME Received by Rev. Pronto: 03:12:55 p.m.

Message of Bishop Juan: "Blessed pm, Rev. Pronto, after fervent prayers asking for wisdom, careful consideration and consultations, I am informing you that I have replaced you DS of Metropolitan District bsd of BOD 419 para 12. I tried to contain the pain and disappointment due to some acts you committed

Sifting from the text message of the Bishop, here are the specific facts of the case at bar subject for review by the Judicial Council:

- I. The Church Law cited by Bishop Juan is Paragraph 419.12 of the 2012 UMC Book of Discipline. This Disciplinary provision Par. 419.12 reads as follows:

"The Superintendent shall serve at the pleasure of the bishop and

assume other leadership responsibilities as the bishop determines for the health and effectiveness of the district and annual conference."

II. The CAUSES or reasons cited by Bishop Juan to terminate DS Rev. Pronto are:

1. A Complaint was filed against Rev. Pronto;
2. A Petition against Rev. Pronto was received by Bishop Juan;

ISSUES OF THE CASE

1. Does Paragraph 419.12 gave Bishop Juan the right and duty to REMOVE Rev. Pronto as District Superintendent in between sessions of the Annual Conference USING and BASING such a decision on the strength of (a) case filed against Rev. Pronto and (b) a Petition from lay people against Rev. Pronto?
2. Does Paragraph 419.12 in relation to Paragraph 418 and in relation with the constitutional provisions of Paragraph 53 as regards "term of office" of District Superintendents EMPOWERED Bishop Juan to shorten the "normal term for a district superintendent" that "shall be up to six years, but this may be extended to no more than up to eight years at the discretion of the bishop, in consultation with the cabinet and district committee on superintendency," considering the fact that "the term of office of a district superintendent" was fixed by the General Conference (Par. 53) and specified by Paragraph 418?
3. Does Paragraph 419.12 in relation to the UMC Constitution in Paragraph 58 and in relation with Section XVI, Administrative Fair Process under Paragraph 362 to 363 and in relation with Paragraph 2704 of the 2012 UMC Book of Discipline, EMPOWERED Bishop Juan to remove Rev. Pronto as District Superintendent FOR CAUSE because a case was filed against him with a petition thus making Bishop Juan the investigator, the prosecutor of the "case filed against Rev. Pronto", and at the same time the judge who "convicted" Rev. Pronto and at the same time the "ex:emti.oner" of Rev. Pronto in view of the constitutional guarantee of the UMC Constitution under Par. 58 specified in Paragraphs 362-363, and 2704 of the Book of Discipline?
4. Does Paragraph 419.12 as used, interpreted, and applied by Bishop Juan to terminate District Superintendent Pronto at will and at lightning-speed, without consulting Rev. Pronto, without giving him a copy of the purported "complaint", without "hotice" and "hearing" in violation of the universal

THE REAL and ACTUAL CAUSES why Bishop Juan removed Rev. Pronto as District Superintendent was Bishop Juan's dislike of Pronto's outspoken stance and positions on important issues in the Cabinet. Rev. Pronto in his March 28, 2014 Report of District Superintendent spelled out these ISSUES as follows:

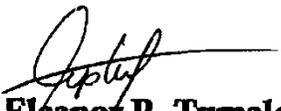
"1. Bishop Juan's Dictatorial Leadership "2. Bishop Juan's Unlawful Orders "3. Bishop Juan's Disregards Due Process"

This 3-page District Superintendent Report of Rev. Pronto is h e r e w i t h attached and is made an integral part of this Petition to the Judicial Council.

ACTION OF THE DISTRICT CONFERENCE:

1. To petition the Judicial Council to "pass upon" this decision of Bishop Juan;
2. To assign the Rev. Dr. Eugenio G. Mendillo, Ph.D. to write the content of said Petition and be the one to submit said Petition to the Judicial Council.

Cabanatuan City, March 28, 2014.


Eleanor P. Tumale
et Conference Secretary

DOCKET 1015-4

IN RE: Review of a Bishop's Decision of Law in the Arkansas Annual Conference Regarding a Portion of the Structure, Rules, and Policies of the Arkansas Annual Conference

On Tuesday morning, June 16, 2015, Reverend Betty Scull brought the Rules of Order and Structure to the conference. "The task force was established in 2014 to study and suggest changes in the Structure and Standing Rules. The task force is recommending a new format combining the Structure and Standing Rules into one document, which will be easier to read and understand." After much discussion and questions about the changes, the question was called and seconded. A 2/3 vote was required to suspend the rules. The vote to suspend passed. The report as presented was before the Conference. Cleifton Vaughan, chair of the Committee on Review and Research, gave the committee's concurrence to the proposal. The proposal passed.

Rev. Nathan Kilbourne, Elder, Vilonia United Methodist Church made an immediate request for a Ruling of Law: "I request a ruling of church law concerning the recently adopted Structure, Rules and Policies of the Arkansas Annual Conference. Is Section II ¶431.1 and 431.2 (PURPOSE: Working with the Bishop, the appointive cabinet facilitates and administers the appointive process. STRUCTURE: The membership of the Appointive cabinet shall be determined by the presiding Bishop to address the missional needs of the Annual Conference) in compliance with ¶424 of *The 2012 Book of Discipline of the United Methodist Church*?"

Ruling of law concerning Section 2, ¶431 of

The Structure, Rules and Policy of the Arkansas Annual Conference

Bishop Mueller's Response:

"In response to the request for a ruling of law concerning Section 2, ¶431 of The Structure, Rules and Policy of the Arkansas Annual Conference, I rule that Section 2, ¶431.1 and ¶431.2 are not in compliance with *The 2012 Book of Discipline* and must be stricken. *The 2012 Book of Discipline* including ¶424, and not The Structure of The Arkansas Annual Conference, defines the role, responsibilities and composition of The Cabinet."

DOCKET 1015-5

IN RE: Request for a Declaratory Decision from the Arkansas Annual Conference Regarding the Participation of Non-District Superintendents in the Appointment Process

On Wednesday, June 17, 2015, during the business session of the Arkansas Annual Conference, Rev. David Orr made this motion:

"That the Annual Conference, as empowered by ¶2610.2.j of *The 2012 Book of Discipline*, request of the Judicial Council a declaratory decision on the constitutionality and Disciplinary compliance of whether the participation of non-district superintendents on the Cabinet in facilitating and administering the process that leads to appointments complies with *The 2012 Book of Discipline* ¶403.2, 424, 428, 419.2 and 608; and Constitutional ¶53 and 54."

There were three speeches for and three against the motion, and the questions of clarification and information. The motion passed.

DOCKET 1015-6

IN RE: Request for a Declaratory Decision from the Council of Bishops Regarding Legislation Called Plan UMC Proposed for the 2016 General Conference

The Council of Bishops of The United Methodist Church will be requesting a declaratory decision of the Judicial Council at your next meeting. Here is the action item from the May 2015 COB meeting:

15C -- 038 The COB approved the recommendation to request a declaratory decision from the Judicial Council on the proposed legislation called Plan UMC. The action taken was in no way in support or opposition of Plan UMC but made in order to better facilitate the work of GC2016.

DOCKET 1015-7

IN RE: Review of a Bishop's Decision of Law in the North Georgia Annual Conference Regarding a Question Concerning the Process for discontinuation of a Licensed Local Pastor

**Bishop's Report to the Judicial Council
Of The United Methodist Church**

1. This is the form which the Judicial Council is required to provide for the reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session. The reporting of such decisions is mandatory, whether

or not they are appealed. (See Par. 56, and 2609 of

2008 *The Book of Discipline*, and Judicial Council

Decision 153, Par. 3 under 'jurisdiction.'")

2. This form may also be used to report decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference. (See Pars. 56 and 2609 of 2008 *The Book of Discipline*, Judicial Council *Decision 153, Par. 2* under jurisdiction."

Please check whether this report is under 1Xo or 2 o

Report of an episcopal decision made by Bishop B. Michael Watson

during the session of the North Georgia Annual Conference

meeting in Athens, Georgia on June 19, 2015

Subject: Chih Hsin Jamie Hsiao, lay member of the Annual Conference from Still Waters UMC, Atlanta, GA submitted the following written statement to an assistant conference secretary during a stage change from the last business session of the North Georgia Conference to the reading of appointments:

"In light of the change of appointment at Still Waters UMC in Atlanta where a licensed local pastor is discontinued for reasons which are chargeable offenses under Par.2702.1, must the district committee on ordained ministry follow the fair process requirements of Par. 363, giving the local pastor the opportunity to defend herself against these charges?"

Please attach the following relevant documents and information:

If under No. 1 - The text of the written request for decision; the decision, and, optionally, the reasoning behind it; notation of appeal, if taken; pertinent background information, etc.

If under No. 2 - The parliamentary situation; the decision, and, optionally, the reasoning behind it; transcript of the appeal taken; pertinent background information, etc.

B. Michael Watson, Bishop of The United Methodist Church

STATEMENT OF FACTS:

As the reading of appointments began for the Atlanta-Emory District, the district in which her church is placed, Ms. Hsiao stood in the meeting hall and made comments without the benefit of a microphone. Her statements, though largely unintelligible, and Bishop Watson's response is contained in the attached flashdrive. Ms. Hsiao then left the meeting hall.

BISHOP WATSON'S RULING OF LAW:

1. The Question presented is not a proper subject for a substantive ruling by a bishop. Decision 33 provides: "It is not the duty of the presiding Bishop to rule upon any hypothetical question which may be propounded, nor to answer requests for information which involve no legal content.

2. The Guidelines for Bishop's Rulings on Questions of Law in Decision 799 state:

Judicial and Administrative procedures: The bishop has no authority to make substantive rulings on judicial or administrative matters. Such matters are limited to the purview of the judicial or administrative bodies such as Committee on Investigation, Trial Court, Committee on Appeals or Judicial Council. The constitution Par. 18, and the 1996 Discipline (Pars. 358, 2623, and 2626-2628) have placed the authority to resolve such questions in these bodies. To do otherwise would violate the principle of separation and balance of powers between the legislative, executive and judicial branches as set forth in the Constitution. Questions which are procedural or substantive matters relating solely to actions in a judicial or administrative process are not proper questions to be addressed in a substantive ruling by a bishop.

3. Questions as to fair process, judicial process, and administrative process must be addressed in the appropriate manner and through the specific bodies set forth in the Discipline. In no event may an individual bring those delineated issues to the Judicial Council pursuant to a review of a bishop's ruling on a question of law; to do so circumvents the process set forth in the Discipline and also violates the principle of the separation and balance of powers. It is only by vote of an authorized body for a declaratory decision that the matter might be addressed by the Judicial Council on the

merits. Decision 872.

The question presented was whether a district committee on ministry must follow fair process requirements when it discontinues a local pastor for reasons which would be chargeable offenses. Such issue is not a matter which would or did come before the North Georgia Annual Conference for discussion or action. The question is posed hypothetically and deals with matters relating to legal or administrative process and thus is not a proper question to be addressed in a substantive ruling by a bishop. See Memorandum No. 1167.

DOCKET 1015-8

IN RE: Review of a Bishop's Decisions of Law in the California-Pacific Annual Conference Regarding Rules and Structure of the Annual Conference

Bishop's Report To The Judicial Council Of The United Methodist Church

1. This is the form which the Judicial Council is required to provide for the reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session. The reporting of such decisions is mandatory, whether or not they are appealed. (See ¶4556, and 2609 of 2008 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 3 under "jurisdiction.")

2. This form may also be used to report decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference. (See In 56 and 2609 of 2008 *The Book of Discipline*, and Judicial Council *Decision* 153, ¶ 2 under "jurisdiction.")

Please check whether this report is under 1 or 2

Report of an episcopal decision made by Bishop Minerva G. Carcafo

during the session of the _____ California-Pacific _____ Conference, meeting at
Redlands, California on June 18 - 20 _____, 2015.

Subject: On June 20, 2015 at the 31' Session of the California-Pacific Annual Conference, Lay Member James Monk requested an episcopal decision on a question of law. Mr. Monk's Request pertained to an affirmative action taken by the Annual Conference on June 18, 2015 on PROPOSED RULES CHANGE 15-15: Connectional Table.

Please attach the following relevant documents and information:

If under No. 1 - The text of the written request for decision; the decision, and, optionally, the reasoning behind it; notation of appeal, if taken; pertinent background information, etc.

If under No. 2 - The parliamentary situation; the decision, and, optionally, the reasoning behind it; transcript of the appeal taken; pertinent background information, etc.

Signed

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Ruling on Questions of Law Raised by James Monk
at the 31st Session of the California-Pacific Annual Conference
of The United Methodist Church

Question 1a refers to a statement that was allegedly made during the discussion/debate that led to the adoption of Rules Change 15-15. It asks if the statement, not the Rule considered and adopted, is based on an "erroneous assumption about the constitutional separation of powers." The specific alleged error is that a statement was allegedly made to the effect that the director of connectional ministries is part of the executive branch. Rules Change 15-15 does not state that the director of connectional ministries is part of the executive branch of the church. In Decision 33, the Judicial Council held that "...requests should be based upon some action taken or proposed to be taken, wherein under the specific facts in each case some doubt may have arisen as to the legality of the action taken or proposed." Since the question pertains to the language and challenges the legality of an alleged statement but not of Rules Change 15-15, it is not an appropriate request for a decision of law as defined by ¶ 2609.6 of *The Book of Discipline of The United Methodist Church 2012*, and therefore moot.

Question 1b asks if ¶ 608 violates the constitutional separation of powers by making the director of connectional ministries at once "an officer of the annual conference" and "amenable to the bishop." This matter is related to an action of the General Conference under its legislative power granted to it by ¶ 16 of The Constitution of The United Methodist Church. Moreover, the judicial power of a bishop is defined as *and* limited to questions of law coming before the bishop in the regular business of a session of an annual, central, or jurisdictional conference as per Constitution ¶ 51. According to ¶ 2610.1, the Judicial Council "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." Since this question challenges the constitutionality of a legislative action of the General Conference, Question 1 b does not meet the criteria of a "question of law" under ¶ 2609.6 of *The Book of Discipline of The United Methodist Church 2012*, and is therefore moot.

Question 2 is a multi-layered request involving the issue of whether the discussion/debate of Rules Change 15-15 and its adoption relied upon an erroneous

assumption about the superintending role of the episcopacy. More importantly, it questions a number of disciplinary paragraphs pertaining to the authority given to individual bishops in light of the authority given to the collective body of the Council of Bishops, raising the issue along the way of whether these disciplinary paragraphs violate ¶ 47 of The Constitution of The United Methodist Church. Furthermore, it questions whether ¶ 424.2 "illegally delegate[s] the power of the annual conference to the cabinet under the leadership of the bishop..." Question 2 addresses concerns pertaining to actions of the General Conference that are not under the judicial power of a bishop since such power of a bishop is defined *and* limited to questions of law coming before the bishop in the regular business of a session of an annual, central, or jurisdictional conference as per Constitution ¶ 51, and is therefore moot.

Question 3a refers to a statement that was allegedly made during the discussion and/or debate that led to the adoption of Rules Change 15-15. Like Question 1a above, this question does not constitute a true question of law as defined in ¶ 2609.6 of *The Book of Discipline of The United Methodist Church 2012*. Since Question 3a pertains to the language and challenges the legality of an alleged statement but not of Rules Change 15-15, it is not an appropriate request for a decision of law as defined by ¶ 2609.6, and therefore moot.

Question 3b raises a hypothetical question. According to Judicial Council Decision 1203 quoting Judicial Council Decision 33, "It is not the duty of the presiding Bishop to rule upon any hypothetical question which may be propounded, nor to answer requests for information which involve no legal matter." Consequently, Question 3b does not meet the threshold of a true request for a decision of law as defined in ¶ 2609.6 of *The Book of Discipline of The United Methodist Church 2012*, and is therefore moot.

Question 4 makes reference to "erroneous statements about the unconstitutionality of the Navigation EMT." Since requests for decision of law must be based on actions taken or proposed by the Annual Conference and *not* alleged statements or opinions of individual members, Question 4 has no legal basis to stand on. Consequently, Question 4 is moot.

Respectfully Submitted by Bishop Minerva G. Carcalio, Presiding Bishop

Question of Law for Episcopal Decision

Under the provisions of ¶2609.6 of the *Book of Discipline*, I ask for a decision of law on Rule 15-15 which was adopted by the 2015 California-Pacific Annual Conference:

_____ 1) In the discussion and/or debate about the adoption of Rule 15-15 a statement was made that director of connection ministries is part of the executive branch. Is this an erroneous assumption about the constitutional separation of powers in the Judicial Council Decisions such as 827 and 831 because the director of connectional ministry is part of the legislative branch? Does 11608 of the *Book of Discipline* which was used to justify placing the director of connectional ministries in the executive branch violate the constitutional separation of powers when it states the director of connectional ministries — "an officer of the annual conference" (11608.6.b.) — is "amenable to the bishop" (11608.6.b.) instead of the annual conference or one of its bodies?

_____ 2) Did the discussion and/or debate for its adoption rely upon an erroneous assumption about the superintending role of the episcopacy in ¶414.1 which gives the bishop the responsibility "to lead and oversee the spiritual and temporal affairs of The United Methodist Church"; ¶415.2 "to provide general oversight for the fiscal and program operations of the annual conference(s)" and/or ¶424.2 "is expected to speak to the conference and for the conference to the spiritual and temporal issues that exist within the region encompassed by the conference" as providing a basis to place the constitutional responsibilities of the legislative branch (1133 and 1111600-657, and specifically ¶608 and ¶610) within the executive branch? Does ¶414.1 which gives an individual bishop the responsibility "to lead and oversee the spiritual and temporal affairs of The United Methodist Church" violate ¶47 of the Constitution which reserves the responsibility to "plan for the general oversight and promotion of the temporal and spiritual interests of the entire church" to the Council of Bishops, not an individual bishop? Does ¶415.2 which gives an individual bishop the responsibility "to provide general oversight for the fiscal and program operations of the annual conference(s)" violate ¶47 of the Constitution which reserves the responsibility to "plan for the general oversight and promotion of the temporal and spiritual interests of the entire church" to the Council of Bishops, not an individual bishop? Does ¶424.2 illegally delegate the power of the annual conference to the cabinet under

the leadership of the bishop by authorizing the cabinet under the leadership of the bishop to speak for the annual conference?

_____ 3)

In the discussion and/or debate for the adoption of Rule 15-15 a statement was made that the director of communications is part of the executive branch. Is this an erroneous assumption that the constitutional separation of powers in the Judicial Council Decisions such as 827 and 831 because the director of communications is part of the legislative branch? Since ¶609 is part of the section of the *Discipline* describing the work of the legislative branch, is the director of communications part of the legislative branch, not the executive branch?

4) If adoption of rule 15-15 was based on erroneous statements about the unconstitutionality of the Navigation EMT, is the adoption of Rule 15-15 null and void?

Submitted by James Monk, California-Pacific Annual Conference Member, on June 20, 2015

PROPOSED RULES CHANGE 15-15: Connectional Table

Submitted by the Rules and Structure Task Force

(formerly the Navigation Essential Ministries Team)

DRAFT— Approved by Rules and Structure Task Force

Function

The Conference Table (formerly the Navigation Essential Ministries Team) will help to focus and guide

the mission and ministry of The United Methodist Church within the boundaries of the California-

Pacific Conference in the spirit of Paragraph 608 of the *Book of Discipline 2012*. It will be accountable

to the annual conference and serve in partnership with the Executive Director of

Connectional

Ministries.

It shall assist the annual conference in:

- "1. envisioning the ministries necessary to live out the mission of the church in and through the annual conference;
2. creating and nurturing relationships and connections among the local, district, annual conference, and general church ministries;
3. providing encouragement, coordination, and support for the ministries of nurture, outreach, and witness in districts and congregations for the transformation of the world;
4. ensuring the alignment of the total resources of the annual conference to its mission;
5. developing and strengthening ethnic ministries, including ethnic local churches and concerns;
6. providing for advocacy and monitoring functions to ensure that the church is consistent with its stated values."

(BOD 11608)

Organization

It shall organize and determine its meeting schedule within 30 days following the session of annual conference at which its membership is elected or named.

Membership

Its *membership* shall include the following:

A Chairperson nominated by the Conference Nominations Committee in consultation with the Executive

Director of Connectional Ministries and elected by the annual conference to serve a quadrennium;

Conference Lay Leader(s);

Chairpersons of the Justice and Compassion, Leadership and Discipleship, and New Ministries Essential

Ministry Teams;

The Chairperson of the Conference Council on Finance and Administration;

First Lay and Clergy person General Conference delegates (or designate from delegation)

Presidents or Chairpersons of the Conference Hispanic and Native American Committees, the Conference Korean Ministry Council, the Pacific-Islanders Commission, and the Committee to Strengthen the Black Church for the 21st Century;

Five additional members for the purpose of gender, racial, age and district inclusivity to be nominated by the Conference Nominations Committee and elected by the annual conference to serve a quadrennium.

Ex-Officio Members with voice, but no vote shall include the following:

Executive Director of Connectional Ministries;

Executive Director of Finance and Facilities;

Bishop and District Superintendents;

The Directors of Justice and Compassion, and New Ministries Essential Ministry Teams;

The Director of Communications;

The Associate Directors for Hispanic Ministry and Lay Leadership and Age Level Ministries;

The Chairpersons of the Conference Commission on The Status and Role of Women, the Conference

Commission on Religion and Race, and the Interfaith Ecumenical Committee;

Lay or clergy members of the annual conference who may be elected to serve on the Connectional Table of The United Methodist Church.

This docket has the actual requests for Judicial Council action received by the Judicial Council inserted. This is done to comply with the amendment of ¶2608.1 by the 2012 General Conference.

For further information contact F. Belton Joyner, Jr., 1821 Hillandale Road, Suite 1B, PMB 334, Durham, NC 27705 E-mail: judicialcouncil@umc.org

