

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1424

(Docket No. 1021-14)

IN RE: Review of a Bishop's Ruling on Questions of Law in the Arkansas Annual Conference as to whether the *Principles Regarding Local Church Requests for Disaffiliation*, adopted by the Annual Conference, Violates ¶¶ 604.1 and 2553 of the *Discipline* and Judicial Council Decision 886.

DIGEST

Annual conferences may develop additional procedures and standard terms that are not inconsistent with those established by the General Conference in ¶ 2553. The bishop's Decision of Law is affirmed.

STATEMENT OF FACTS

During the 2021 session of the Arkansas Annual Conference, on June 2, 2021, the Conference Board of Trustees presented to the voting members for ratification a document, entitled *Principles Regarding Local Church Requests for Disaffiliation* [hereinafter *Principles*]. The entire document was adopted with amendments. The *Principles* set forth guidelines for negotiating with congregations that seek to disaffiliate from the denomination under ¶ 2553 of *The Book of Discipline 2016* [hereinafter *The Discipline*], providing, *inter alia*:

6. The Conference Board of Trustees, in conjunction with the cabinet, annual conference treasurer, annual conference benefits officer, director of connectional ministries, and conference chancellor, will work with designated church leaders to prepare a Disaffiliation Agreement between the Arkansas Conference and the local church trustees in accordance with all provisions of ¶2553.4. The Disaffiliation Agreement shall contain at least:
 - b. Additionally, the following standard terms will be applied:
 - i. Repayment of district, annual conference or general church grants made in the past ten years, excluding benevolence grants,

Shortly before the final adjournment of the session of the Arkansas Annual Conference, on June 4, 2021, a clergy member submitted the following request for a ruling of law:

Bishop Mueller, In light of Discipline Paragraphs 604.1 and 2553 as well as Judicial Council Decision #886 Does [*sic*] the board of trustee “policy regarding local church request for disaffiliation proposed by the Arkansas conference board of trustees for ratification.” [*sic*] vote recently adopted by the Arkansas Annual Conference invalidly negate, ignore, or violate church law?

QUESTION:

Is Section 6bi in violation of the Disciple paragraph 2553?

Our new policy states that “Additionally, the following standard terms will be applied:

I. Repayment of district, annual conference or general church grants made in the past 10 years, excluding benevolent grants,” [sic]

I question the legitimacy of this expectation, especially since the record shows that GC2019 made a conscious choice to REMOVE the following language from what was proposed for Para 2553: “All grants received by the local church from the annual conference or its ancillary organizations within five (5) years from the date of disaffiliation shall be repaid.”

I believe these are important question for not only United Methodists in Arkansas, but throughout the connection.

[emphasis in original]

On June 30, 2021, Bishop Gary Mueller issued his Decision of Law in which he ruled:

Ruling: I rule that Section 6bi of the document, *Principles Regarding Local Church Requests for Disaffiliation Proposed by the Arkansas Conference Board of Trustees for Ratification by the Arkansas Annual Conference*, that requires the Arkansas Annual Conference Board of Trustees to seek “repayment of district, annual conference or general church grants made in the past 10 years, excluding benevolent grants” does not invalidly negate, ignore, or violate church law contained in ¶604.1, ¶2553 and Judicial Council Decision 886, and may be utilized by the Board of Trustees to craft a settlement agreement with a congregation disaffiliating under the provisions ¶2553.

[italics and boldface in original]

JURISDICTION

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

ANALYSIS AND RATIONALE

The main issue in this case is whether § 6(b)(i) of the *Principles* adopted by the Arkansas Annual Conference violates the will of the General Conference as expressed in ¶ 2553. The Constitution established a sound balance of powers between the General Conference and annual conferences, ensuring that no single body has absolute authority in matters of disaffiliation. In JCD 1366, we held that, “[w]hile the General Conference, under the authority of ¶ 16.3, may regulate the process and set the conditions for an annual conference to leave The United Methodist Church, the annual conference, having ‘reserved to it...such other rights as have not been delegated to the General Conference under the Constitution,’ exercises autonomous control over the agenda, business, discussion, and vote on the question of withdrawal.” JCD 1366 at 44, quoting Const., ¶ 33. We affirmed this principle, in JCD 1379, by stressing that, “[s]ince the disaffiliation of local churches is not mentioned among the enumerated powers of the General Conference, this subject matter has ‘not been delegated to the General Conference under the

Constitution,’ and, therefore, the final decision concerning exiting local churches belongs to the annual conference as part of its ‘reserved rights.’” JCD 1379, quoting Const., ¶ 33.

The General Conference acknowledged this division of powers at its special session in 2019 by passing the Modified Taylor Disaffiliation Plan (Petition 90066) with the following provision: “Annual conferences may develop additional standard terms that are not inconsistent with the standard form of this paragraph.” ¶ 2553.4(a). In a parallel legislation dealing with the pro rata share of unfunded pension obligations a disaffiliating local church is required to pay, the same General Conference added a provision declaring: “Nothing in the foregoing prevents an annual conference from collecting other obligations from a church or charge.” ¶ 1504.23. In JCD 1425, a similar case involving a New England Annual Conference policy requiring disaffiliating local churches to undergo a discernment process, we said that “[t]hose legislative enactments clearly suggest that the disaffiliation process established by the General Conference constitutes minimum standards, which do not preclude additional procedures and standard terms created by annual conferences, provided that the latter do not negate or violate the former. If it had intended to occupy the field with the passage of ¶ 2553, the General Conference would have said so and, certainly, would not have included those provisions.”

In its jurisprudence, the Judicial Council consistently held that “in exercising its rights, an Annual Conference cannot take an action which negates General Conference legislation,” JCD 823, that “annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based upon conscientious objections to those provisions,” JCD 886, and that “no Annual Conference may adopt any rule or policy that is in conflict with the *Discipline*.” JCD 1105.

The clergy member who posed the Question of Law, challenged the legality of § 6(b)(i) on the ground that the General Conference had removed from ¶ 2553 a similar provision allowing an annual conference to seek payment of “[a]ll grants received by the local church from the annual conference or its ancillary organizations within five (5) years from the date of disaffiliation shall be repaid.” This legislative exclusion, however, is only indicative of General Conference’s deliberate choice not to make such payment a universal standard for the denomination but not proof that it intended to prohibit annual conferences from doing so for their own congregations. To conclude otherwise would contradict the clear language of ¶ 2553.4(a).

All § 6(b)(i) does is create an “additional standard term” that is fully warranted by ¶ 2553.4(a). We do not see how this Arkansas Annual Conference policy ignores, negates, or violates the will of General Conference as expressed in ¶ 2553.

RULING

Annual conferences may develop additional procedures and standard terms that are not inconsistent with those established by the General Conference in ¶ 2553. The bishop’s Decision of Law is affirmed.