

## DECISION 1271

### *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*

#### DIGEST

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 in this decision. The Unification Plan is remanded to the newly formed Rio Texas Annual Conference for further perfection and amplification of the items identified in the Analysis and Rationale. Careful attention must be paid to the issues of representation and inclusiveness in the process of electing people to serve within the new structure. A report including the minutes, the Standing Rules, the Nominating Report, and Budget from the 2015 Annual Conference session and the revised structure plan is to be sent to the Secretary of the Judicial Council 30 days following the adjournment of the 2015 Rio Texas Annual Conference.

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. The Judicial Council retains jurisdiction.

#### STATEMENT OF FACTS

On February 8, 2014, Special Sessions of the Southwest Texas and Rio Grande Annual Conferences were held in San Antonio, Texas. The purpose of the Special Sessions was for both annual conferences to act on a proposed structure for a new annual conference combining the Rio Grande and Southwest Texas Annual Conferences. An elder in the Southwest Texas Conference properly presented a request for a Bishop's Ruling of Law in writing to Bishop James Dorff. The Question of Law follows:

I too want to affirm and continue the celebration as being one in that number of votes marching for Unification. I also want to affirm the work

of the Unification Team in its efforts to bring an organizational plan to address the mission field of South Texas.

Having inquired about the constitutionality of the plan at the San Antonio District Briefing, I and those assembled were informed by Byrd Bonner that the only way to be sure that the plan was in keeping with the provisions of the 2012 Book of Discipline and the people call Methodist was to have it reviewed and ruled by you and the Judicial Council so the celebration of unification can be lived out in South Texas.

Therefore in accordance with Article VII, Paragraph 51 of the 2012 Book of Discipline I hereby raise of you as the presiding Bishop a "question of law" in relation to the organizational plan presented and now passed by the Southwest Texas Conference as to its constitutionality in areas such as representation, inclusiveness, and accountability in alignment with its Duties and Powers as shared in Paragraphs 604 and 610 of the 2012 Book of Discipline.

The Bishop made the following Ruling of Law on March 4, 2014:

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 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 should be noted that no action was taken by the conferences regarding the adoption of Standing Rules for the purpose of implementing the adopted Plan. Further, no budget was presented or approved for the purpose of funding the adopted Plan. The effective date of the new conference was adopted as January 1, 2015.

Standing Rules, a budget, and election of persons to serve in the new Rio Texas Annual Conference will be presented to the conferences when they meet in June. Therefore, I cannot rule on the appropriateness of these significant aspects of conference structure.

The Unification Plan presented to the conferences in February intentionally recommended a basic structure for adoption. Thus allowing joint committees to do further work in proposing budgets, nominations, and Standing Rules based on the structure adopted.

The bishop provided a copy of the request, a copy of the minutes from both sessions of the special conference held on February 8, 2014 and a copy of the Unification Plan Uniting the Rio Grande Conference and the Southwest Texas Annual Conference. The bishop also presented a supplemental brief including the minutes of the South Central Jurisdictional Conference action in July of 2013 authorizing the formation of the new annual conference. The requester of the ruling also provided a brief.

### **JURISDICTION**

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution of The United Methodist Church and under ¶ 2609 of the 2012 *Discipline*, as modified by Judicial Council Decision 1244.

### **ANALYSIS AND RATIONALE**

The Judicial Council offers appreciation for the hard work that went into the crafting of a mission, vision, and structure for the new Rio Texas Annual Conference. 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." As part of this process the Unification Plan attempted to streamline and consolidate structure at the same time paying careful attention to the mandates of the *2012 Book of Discipline*. The Judicial Council notes the attempt to separate programmatic and legislative functions from the executive/presidential functions of the bishop who is listed as ex-officio without vote on the Uniting Table. We also note the statements about compliance with the *Discipline* found in the document.

The members of the Uniting Table, Vision Teams, and Administration Team who are elected for specific purposes or roles which are defined

in the Discipline shall be responsible for ensuring that the mandates included in the listed paragraphs are carried out by the Team. They shall report all such actions to the Annual Conference each year. Ultimately, the Uniting Table is responsible for compliance with the listed *Discipline* requirements for fulfilling the connection.

Similar statements are found in the particular description of the Uniting Table and each of the Vision Teams.

There is also reference to the role of “Partnering Elders” who may “assist the district superintendents with charge conferences, interim work, conflict resolution, and other managerial and administrative functions, consistent with the authority given elders” by the *Discipline*. However no specific paragraph or job description is provided in the document. Clarification by the Rio Texas Annual Conference is needed at this point. This part of the Unification Plan is remanded to the Annual Conference for clarification and to provide a job description for a “Partnering Elder.”

There appear to be some other deficiencies in the plan with regard to disciplinary requirements. There is no identification of a Conference Secretary of Global Ministries as required by ¶ 633.3. Also, there appears to be confusion and inconsistency in listing people to various Vision Teams about whether they are representatives of existing conference groups, such as the Conference Council on Youth Ministries, Conference Council on Young Adult Ministries, or are people elected simply to ensure the implementation of the disciplinary mandates and connectional relationships without a specific board or council that they represent. In this regard, there is no mention of a conference board of laity or equivalent structure (¶ 631). The Conference Lay Leader and District Lay Leaders are named to positions in the structural plan. Clarification of this situation needs to be addressed as to which boards/committees/councils/commissions still exist and which disciplinary functions are seen as part of an equivalent structure with delegated tasks given to elected individuals. The plan is remanded to the Rio Texas Annual Conference for clarification of this point.

Similarly, it is unclear whether the 2-person designation for the various advocacy commissions listed under the “Uniting Peoples Vision Team” are representative of a larger commission or are these persons functionally responsible for all the advocacy tasks. Is it assumed that this Vision Team takes on all the advocacy tasks of the Annual Conference? The Vision Team role needs further clarification. This portion is remanded to the Annual Conference for clarification.

Further, it is noted that the Hispanic/Latino Ministry (§ 655) is listed under both the Uniting Peoples Vision Team (2 persons plus Chair) and the Transforming Communities Vision Team (2 persons). Is there a separate ministry committee or are there to be four or five different people elected to serve or are the same two people expected to serve on each Vision Team? This needs clarification. This section is remanded to the Annual Conference.

There is no definition or disciplinary paragraph cited for the position of “Mission Field Advocate” as found in the Uniting Table listing of participants. This position needs clarification and is remanded back for definition.

The Conference Commission on Archives and History is listed under the Administrative Team although they also hold programmatic responsibilities. The location in the structure and the budget implications need to be demonstrated for this Commission. See Decision 1204.

Another area of confusion is the placement of the Administrative Review Committee (§ 636) under the Developing Leaders Vision Team. This is problematic in two ways. One, does the whole committee meet with the Vision Team or merely a representative? Secondly, and more important, this committee is only amenable to the Clergy Session of the Annual Conference and is elected by that body and has no other direct relationship to any other body of the Annual Conference except to review actions taken by the Conference Board of Ordained Ministry and report to the clergy session. Clarification of the role of the Administrative Review Committee

placement is required to be in compliance with the *Book of Discipline*.

Finally, the Unification Plan is unclear about how the three centers – Mission Vitality Center, Media Center, and Resource Center – relate structurally to the Uniting Table and the Vision Teams. In some ways these centers seem to be parallel structures. In other instances they seem to provide supporting and administrative structures and support functions to the Uniting Table and Vision teams. It is unclear from the document how they are to be peopled and/or staffed. The Resource Center seems to provide the best clarity. Are these centers primarily staff-driven? These questions are remanded to the Annual Conference for clarification.

As in all new endeavors, there are pieces that need clarification and amplification. As the bishop noted in his ruling, the constitutional concerns relating to representation and inclusiveness awaited further action by the two annual conferences meeting in June 2014 at which time Standing Rules, budgets and nominations would be cared for as the new annual conference takes shape for its implementation in January 2015. The Unification Plan provided the framework for these parts to be developed. Special attention must be paid to ¶¶ 604.1 and 610.

## **DECISION**

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 in this decision. The Unification Plan is remanded to the newly formed Rio Texas Annual Conference for further perfection and amplification of the items identified in the Analysis and Rationale. Careful attention must be paid to the issues of representation and inclusiveness in the process of electing people to serve within the new structure. A report including the minutes, the Standing Rules, the Nominating Report, and Budget from the 2015 Annual Conference session and the revised structure plan are to be sent to the Secretary of the Judicial Council 30 days following the

adjournment of the 2015 Rio Texas Annual Conference.  
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. The Judicial Council retains jurisdiction.

Kabamba Kiboko was absent.

Timothy K. Bruster, first clergy alternate, took part in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

October 25, 2014