JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE
RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA

Petition for Declaratory Decision

This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- ■ *The Book of Discipline 2016* or any portion thereof (¶ 2610.1)
- ☐ any act or legislation of a General Conference (¶ 2610.1)
- ☐ any proposed legislation (¶ 2609.2)

Name of body authorized to make a Petition (¶ 2610.2): Standing Committee on Central Conference Matters

Date of session: February 8-15, 2017 (month/day/year) Location: Atlanta

Name of Secretary: Deanna Stickley-Miner

Address: 32 Wesley Blvd City: Worthington

State/Province: OH ZIP/Postal Code 43085 Country: USA

Phone: 6148446200 Fax: _____ E-mail: dstickley@wocumc.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):

Book of Discipline: 408.1b

Legislation: _____

Act of General Conference: _____

Signature: _____ Date: 07/28/2017
Secretary of the Conference/Body (month/day/year)

The following must be attached:

- Text of the written Petition for Declaratory Decision as originally presented
- Minutes of proceedings (relevant portions only)
- List of names and addresses of interested parties, including e-mail
- Other relevant materials (e.g. conference rules, resolutions, policies, reports)

Send electronic copy of this form and all materials in PDF and Microsoft Word format to: secretaryjudicialcouncil@gmail.com
Mail four (4) sets of hard copies to: Secretary of the Judicial Council, 5556 North Sheridan Road, # 610; Chicago, IL 60640 U.S.A.

THE STANDING COMMITTEE ON
CENTRAL CONFERENCE MATTERS
THE UNITED METHODIST CHURCH

Request for Declaratory Decision

To: Luan-Vu "Lui" Tran, Secretary of the United Methodist Judicial Council

From: Rev. Deanna Stickley-Miner, secretary for the Standing Committee on Central Conference Matters

Date: February 28 2017

Upon formal motion, duly seconded and unanimously voted, the Standing Committee on Central Conference Matters respectfully requests a declaratory decision on the following questions.

1. Is ¶408.1b of the 2016 United Methodist Book of Discipline in conflict with ¶ 30, ¶542.2, ¶543.17 and ¶2201.2, thus making ¶408.1b unconstitutional? Further,
2. What is the understanding of the role and function of The Standing Committee on Central Conference matters in relationship to the review and recommendation of legislation related to the Central Conferences?

This request is submitted under the authority of the 2016 Book of Discipline ¶2610.2 in that it pertains to "any body created or authorized by the General Conference on matters relating to or affecting the work of such body."

Respectfully Submitted,

Deanna E. Stickley-Miner
Secretary, Standing Committee on Central Conference Matters

Rationale:
General Conference 2016 approved the amended petition on the recommendation of the legislative committee; Calendar Item 218, petition number: 60974-MH-¶408-1b:
"A bishop in a central conference shall be retired at a date no later than ~~one year~~ three months following the adjournment of General Conference, if the bishop's sixty-eighth birthday is reached on or before the opening day of his or her scheduled conference effective on January 1, 2016. This action becomes effective at the adjournment of General Conference 2016."

The first mistake in this decision is that "all resolutions and petitions related to central conferences presented to the General Conference shall be referred to the Standing Committee for consideration, and the Standing Committee shall report its recommendations directly to the General Conference," see ¶2201.2. The General Conference 2016 should have referred the petition to the Standing Committee for consideration, but acted directly and approved the petition, an action that clearly is in conflict with its own rules and therefore, out of order.

The second mistake in this decision is that the "one year" or twelve-months period following General Conference for the mandatory retirement of Central Conference bishops follow the same twelve-month or one year period we have in 1) the constitution ¶30 where "The central conferences shall meet within *the year* succeeding the meeting of the General Conference", 2) ¶542.2 "Each central conference shall meet within *the year* succeeding the session of the General Conference," 3) ¶543.17 "In a central conference or provisional central conference using a language other than English, legislation passed by a General Conference shall not take effect until *twelve months* after the close of that General Conference in order to afford the necessary time to make adaptions and to publish a translation of the legislation that has been enacted, the translation to be approved by the resident bishop or bishops of the central conference." The Jurisdictional conferences and their bishops do not have the same one year or twelve-months period, see ¶408.1a. Consequently, the rationale presented by the legislative committee that the intention behind the petition should be to have the same period for mandatory retirement for bishops in all "scheduled conferences" is not possible. The Central Conference bishops are also elected within the one year or twelve-month period, so the total length of a bishop's tenure is the same as in Jurisdictional Conferences. The only difference is that Jurisdictional Conferences are help up to nine months earlier than Central Conferences.

The decision to change the period for mandatory retirement for Central Conference bishops from twelve months to three months results in a situation where each central conference has to decide between two impossible situations.

1. The central conference is held within the proper time period allowed by the Discipline, which is 12 months following General Conference. However, the bishop in charge has to retire up to nine months before the central conference where his or her successor will be elected. Who will be in charge in the time gap between the retirement of the outgoing bishop and the central conference where the incoming bishop will be elected?

2. The central conference is held in accordance with the mandatory retirement of the bishop no later than three months after General Conference. However, the translation, adoption and approval of the Central Conference Book of Discipline will not be completed before the central conference where these adoptions have to be voted on and implemented.

It is our understanding that the twelve-month period provided under ¶408.1b is very well harmonized with the period we have in other paragraphs that regulate the work, place and time of the central conferences. Further, we understand that changing the period in only one of these paragraphs violates both the function of ,and the logical interaction of ,central conferences and their bishops.

A final impossible detail in the amended ¶ 408.1b addresses mandatory retirement of bishops reaching sixty-eight before January 1, *2016*. Does it mean that the paragraph only deals with the situation of bishop's retirement in the central conferences in the year of 2016? It makes it even more confusing that General Conference 2016 decided that "this action becomes effective at the adjournment of General Conference 2016." Will this decision overrule what is stated in ¶ 543.17 that "in a central conference or provisional central conference using a language other than English, legislation passed by a General Conference shall not take effect until twelve months after the close of that General Conference in order to afford the necessary time to make adaptions and to publish a translation of the legislation that has been enacted, the translation to be approved by the

resident bishop or bishops of the central conference." If the new decision is effective immediately as stated in ¶ 408.1b does not overrule the twelve-month period given to the central conferences for translation, adapting and approving in ¶ 543.17, then the two paragraphs are at least in conflict. If ¶ 543.17 dictates when legislation take effect then it logically follows that a decision made at General Conference in May 2016 will first take effect in the central conferences in May 2017, and it is far behind the amended three-month limited period. The amended
¶ 408.1b does not say anything about a time period after 2016, so after 2016 the time period is open, no limitations, which is the quite opposite of what the petition intends to regulate. The "sixty-eighth birthday before January 1, *2016*" confuses the paragraph. A minor unclear wording is the "opening day of his or her scheduled conference," which we understand as the opening of *the central conference*. The unclearness on this place is because the paragraph only fixes the time of bishop's retirement to the time of General Conference, which gives good meaning for bishops in the Jurisdictional conferences, but not for bishops in the central conferences because the time of the central conferences are very different and only regulated by the twelve-months period. If the "scheduled conference" on this place means General Conference, then the unclearness is even larger.

Standing Committee on Central Conference Matters
Request for a Declaratory Decision
Interested parties

Bishop Ciriaco Francisco, Chairperson
Bishop.francisco@umc-manila.org

Bishop John Yambasu, Vice chairperson
bishopyambasu@gmail.com

Rev. Deanna Stickley-Miner, secretary
dstickley@wocumc.org

Rev. Jorgen Thaarup, person who brought this matter to the February Standing Committee meeting
jorgen@thaarup.biz

Standing Committee on Central Conference Matters

February 10-15, 2017
Atlanta, Georgia, United States of America

Actions Taken

7. Jill Wondel moved that the Standing Committee on Central Conference Matters requests a declaratory decision by the Judicial Council in accordance with ¶2610.c regarding General Conference decision on ¶408.2. The motion was seconded. It was supported unanimously by members of the Standing Committee. The secretary of the Standing Committee will present the request for a declaratory decision and its rationale to the secretary of the Judicial Council.

Request for Judicial Council Declaratory Decision

1. Jorgen Thaarup presented a rationale to request a declaratory decision from Judicial Council regarding action taken by 2016 General Conference relating to the retirement of Central Conference bishops. Significant discussion followed. Next steps to be completed during this meeting.
    a. Jorgen Thaarup and Gideon Salatan work together to develop a motion for action by the Standing Committee.
    b. It will be presented during our Wednesday plenary decision.

Request for a Declaratory Decision—Wednesday plenary

1. Jorgen and Gideon presented the text of a declaratory decision and rationale.
2. Jill Wondel made a motion
    a. The Standing Committee requests a declaratory decision by the Judicial Council in accordance with ¶2610.2.c regarding General Conference decision on ¶408.1.b.
3. Motion was seconded.
4. The motion was supported unanimously by members of the Standing Committee.
5. The secretary of the Standing Committee will present the request for a declaratory decision and rationale to the secretary of the Judicial Council.
6. The declaratory decision with rationale will be uploaded into Ezra in the General Information folder after it has been properly prepared for submission. Standing Committee members will be informed when it has been submitted on their behalf.

Respectfully Submitted,
Dee Stickley-Miner
Secretary, Standing Committee on Central Conference Matters
March 1, 2017