

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1420

(Docket No. 1021-11)

IN RE: Review of a Bishop's Ruling on a Question of Law in the North Georgia Annual Conference Concerning the Authority of an Annual Conference to Amend a Disaffiliation Agreement that is Placed Before the Annual Conference for its Consideration and Action.

DIGEST

The ratification of a disaffiliation agreement is completed by a vote up or down by the members of an annual conference but does not include the right to amend it. The bishop's Decision of Law is affirmed.

STATEMENT OF FACTS

During the 2021 session of the North Georgia Annual Conference, on June 4, 2021, the Conference Board of Trustees presented a plan for disaffiliation of local churches, consisting of two parts: "Steps of Disaffiliation Process under ¶ 2553," listed as item 205a, and "Disaffiliation Agreement Pursuant to ¶ 2553," item 205b on page 50 of the Reports. Immediately after the report, a lay member submitted the following request for a ruling of Law:

Bishop's rule of law question. Will your ruling please include a ruling on whether an annual conference can amend the agreement about disaffiliation. Since the Annual Conference must approve the final act of disaffiliation, can the Annual Conference not therefore set some of the conditions in the agreement when they do not conflict with 2553?

On June 30, 2021, Bishop Sue Hauptert-Johnson issued her Decision of Law in which she ruled:

Paragraph 2553 of the BOD grants full authority to the Board of Trustees to establish the terms and conditions of the disaffiliation agreement: "the terms and conditions for that disaffiliation shall be established by the board of trustees of the applicable annual conference, with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor." This paragraph places the terms of the agreement solely in the purview of the Board of Trustees. Such authority would include any modification of the agreement.

The role of the Annual Conference in disaffiliation is not mentioned in 2553. The Judicial Council in Decision 1379 added that role by reading paragraph 2553 in the context of other

provisions of BOD. The Judicial Council held that “Absent specific language to the contrary, this provision can reasonably be construed as requiring ratification (*i.e.* consent after) by simple majority of the members of an annual conference.” I therefore find that ratification or consent by an Annual Conference implies that the Annual Conference’s authority is limited to a simple yes or no vote approving or disapproving the disaffiliation agreement between the church and the Board of Trustees.

JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶ 2609.6 of *The Book of Discipline 2016* [hereinafter *The Discipline*].

ANALYSIS AND RATIONALE

At issue in this case are the respective roles of the Conference Board of Trustees and the voting members of an annual conference, particularly the question of whether the latter have the authority to amend the disaffiliation agreement when it comes before them for ratification.

The General Conference conferred broad powers on the Conference Board of Trustees in property matters, including the authority to “intervene and take all necessary legal steps to safeguard and protect the interests and rights of the annual conference anywhere and in all matters relating to property and rights to property...where held in trust.” ¶ 2512.4 [emphasis added]. In 2019, the General Conference expanded the trustees’ authority to include the disaffiliation of local churches with the enactment of ¶ 2553.4, which provides specifically that “the terms and conditions for that disaffiliation shall be established by the board of trustees of the applicable annual conference, with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor.” [emphasis added] Read together, ¶¶ 2512.4 and 2553.4 express the intent of General Conference to delegate to the Conference Board of Trustees the exclusive authority in establishing the terms and conditions of a local church’s departure from The United Methodist Church. JCD 1421.

While ¶ 2553 does not address the role of the annual conference, another paragraph in *The Discipline* states that a local church “cannot sever its connectional relationship to The United Methodist Church without the consent of the annual conference.” ¶ 2529.1(b)(3). In JCD 1379, we construed this provision “as requiring ratification (*i.e.* consent after) by simple majority of the members of an annual conference.” To *ratify* is to “authorize or otherwise approve, retroactively, an agreement or conduct either expressly or by implication.” *Black’s Law Dictionary*, p. 1262 (6th ed., 1990). Consequently, ratification in this context denotes the retroactive approval by a vote up or down by the members of an annual conference but does not include the right to amend the disaffiliation agreement. To conclude otherwise would violate the language and legislative intent of ¶¶ 2512.4 and 2553.4.

RULING

The ratification of a disaffiliation agreement is completed by a vote up or down by the members of an annual conference but does not include the right to amend it. The bishop’s Decision of Law is affirmed.