

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### MEMORANDUM NO. 1369

IN RE: Review of a Bishop's Decision of Law in the North Texas Annual Conference concerning if (a) the term “in our churches” in ¶ 341.6 include property outside the walls of a church building and (b) the annual conference can interpret the meaning of a clause in *The Book of Discipline 2016*.

### STATEMENT OF FACTS

Bishop Michael McKee presided over the North Texas Annual Conference, which began on June 3, 2018 and concluded on June 5, 2018. A full agenda was provided to the members of the conference. No business related to human sexuality issues was included in the agenda.

During the Annual Conference session, several members had distributed among the delegates copies of three proposed resolutions dealing with human sexuality.<sup>1</sup>

On the afternoon of June 5, 2018, a member of the annual conference moved that all motions and resolutions relating to human sexuality be tabled through the end of the annual conference 2018 to allow for the way forward process to be completed. A retired clergyperson in the Annual Conference, asked for clarity contending that the resolution entitled “In Our Churches” should not be included in the tabling since it was not about human sexuality. Bishop McKee ruled to the contrary and called for a show of hands on the motion to table. The motion passed resulting in the tabling of all motions and resolutions relating to human sexuality.

The clergyperson then requested a decision of law regarding the meaning of the phrase “in our churches” in ¶ 341.6 of *The Book of Discipline 2016*. Bishop McKee ruled that request out of order as not germane to the business of the annual conference because the motion to table that had prevailed. He made a parliamentary ruling that there was nothing about human sexuality before the Annual Conference for a decision and that the matter then before the Annual Conference was the Consent Calendar.

After the conclusion of the Conference’s business session, the clergyperson presented the Conference Secretary with a handwritten document which contained two requests for decisions of law.<sup>2</sup>

### JURISDICTION

The Judicial Council lacks jurisdiction because it has no jurisdiction over parliamentary rulings rendered by bishops. *See* JCD 898, 941, and 1117. Because the clergyperson’s written request for a decision of law was presented after the close of the business of the Annual Conference, it was not properly submitted under ¶ 2609.6 which requires that a request for a decision of law be presented, in writing, during the business of a session.

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<sup>1</sup>“Uniting Conference” Potential Resolution, “For the Healing of the United Methodist Church” Potential Resolution, and “In Our Churches” Potential Resolution.

<sup>2</sup>The Conference Secretary provided an affidavit in which she testified that Rev. Durham approached her as she was gathering her things to leave the dais after the conclusion of the regular business session and handed her a piece of paper with handwriting on it which contained two requests for a decision law. *See* Exhibit G to Bishop McKee’s decision dated June 29, 2018.

February 21, 2019

Beth Capen was absent.

Kent Fulton, second lay alternate, participated in this decision.

Ruben Reyes was absent.

Warren Plowden, first lay alternate, participated in this decision.