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Request for a Ruling of Law

Under the provisions of ¶ 419.10 and subject to appeal as outlined in ¶ 2718.1 and ¶ 2718.2, I submit the following written request on questions of law regarding the business of the joint charge conference for the Puente Hills Mission Area held on November 11, 2019 with District Superintendent Melissa Roux MacKinnon presiding:

- 1) In as much as the district superintendent has called for this joint charge conference under the provisions of ¶ 246.10 and declared it to be a charge conference under the provisions of ¶ 246.2, does the membership of this joint charge conference consist of the combined membership of all those which belong to the charge conference under the provisions of ¶ 246.2 of each of the pastoral charges participating in this joint charge conference?
- 2) If all the members of the charge conferences of the various pastoral charges which are part of this joint charge conference are members this joint charge conference, then may members of the joint charge conference be limited to voting on matters which come from their particular pastoral charge? Or, must all members of the joint charge conference be allowed to vote on all matters which come before the joint charge conference regardless of which pastoral charge to which they may apply?
- 3) Is the agenda for this charge conference illegal if it does not include all of the required disciplinary business of the charge included in ¶ 247 such as ¶ 247.3 which requires consideration of objectives and goals recommended by the church council and ¶ 247.16 which requires receiving a report on the names and addresses of college students?
- 4) Is the agenda for this charge conference illegal if it does not include receiving all the applicable California-Pacific Charge Conference Reports (i.e. Forms 1-5 and Forms 8-23), especially those forms which require either the signature of the District Superintendent or the Charge Conference Secretary?



CALIFORNIA-PACIFIC ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH

Grant J. Hagiya
Los Angeles Area Resident Bishop

Decision of Law **California-Pacific Annual Conference**

June 19, 2020

Statement of Facts

In a dispute about voting at a Joint Charge Conference within the East District of Cal-Pac, Rev. Richard Bentley asked for a decision of law (DOL) from the District Superintendent, Rev. Melissa MacKinnon. There was a great deal of confusion around the question, with the DS thinking it was simply a discussion of BOD protocol and Robert's Rules and Richard thinking in terms of formal DOL. The Joint Charge Conference was held November 11, 2018 and conversations between the two continued throughout the next few months to no avail. By the time it came to Cabinet little resolution or clarity was made. Part of the confusion centered around which Disciplinary paragraphs were being appealed to as well as the date of the Charge Conference. The formal request from Richard to the Bishop stated the charge conference was held on November 11, 2019 when he actually meant 2018. Looking at it from hindsight it was an error.

An additional confusion in conversation and emails centered around which BOD references were being challenged, leading to misunderstandings of which BOD language in paragraph 2718 pertained. Richard at one time referenced "para. 2718 a, and 2718 b." Bishop Hagiya assigned his Special Assistant Rev. David Richardson to work with Richard in clarifying the questions. Rev. Richardson presumed Richard meant ¶2718.4 a & b. The fact that the minutes from the Charge Conference did not include the Request for a Ruling of Law also complicated matters. These conflicting issues made it impossible to get clarity on this matter prior to Annual Conference of June 2019.

Be that as it may, technicalities and conflicting interpretations over order should not get in the way of effective and just administration. A thorough review in Cabinet of the issues as we understood them took place in October 2019 and I issued a Ruling of Law (Exhibit A) in conjunction with DS MacKinnon's consent so that concerns for the questions raised by Rev. Bentley might receive a proper understanding and due process in accordance with the *Book of Discipline 2016*. I am revising this original ruling to be more comprehensive in my answer and to follow the questions exactly as he asked them in Exhibit B.

Request for a Decision on Church Law

Richard Bentley requested a Decision of Law as indicated above (Exhibit B) and which was reflected in the Minutes of the Mission Area Charge Conference of Nov. 11, 2018 but not attached (Exhibit C).

Jurisdiction

The BOD ¶246.10 and 248 gives the DS permission to call group Charge Conferences, in this case referenced as a Mission Area Conference (Exhibit C). The language of the BOD may not be as clear

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as it should be. ¶248 says “A joint church conference for two or more churches may be held at the same time and place as the district superintendent may determine.” Regardless of names referenced, “Mission Area Charge Conference” or “Joint Charge Conference,” the DS made it clear that this joint meeting or charge conference is subject to the requirements of ¶247 with regard to powers and duties set forth. Each church was instructed to vote only for matters that pertained to their church when necessary and when they could vote together on matters that pertained to the joint meeting of the churches.

¶2718.1 and .2 provide the right to challenge rulings pertaining to this Mission Area Charge Conference. They also require a ruling from the Bishop as the presiding officer of the conference.

Analysis

Confusions and technical mistakes made discussion and discovery of the objections difficult to process so they missed the agenda of the 2019 Annual Conference to which they belonged; nevertheless, the issues are still pertinent and proper to pursue in 2020. DS Rev. MacKinnon thought the discussion was an Administrative matter governed by Robert’s Rules and ultimately adjudicated by the Board of Ordained Ministry. ¶2718 distinguishes between administrative and non-administrative appeals. This concern falls under non-judicial as outlined above.

The rationale for my ruling of law on these questions is set forth below.

Ruling

Question one: “must all members of the joint conference be allowed to vote on all matters which come before the joint charge conference regardless of which pastoral charge to which they may apply?” My answer is, “No.” There are matters particular to each church which are not under the purview of the Joint Charge Conference, i.e. pastoral salaries, recommendations on candidacy, issues of local church membership etc. ¶247. The DS gave instruction to that effect in the Mission Area Charge Conference. Each local church was to vote on their own particular issues related to their congregation.

Question two: “may members of the joint charge conference be limited to voting on matters which come from their particular pastoral charge? Or, must all members of the joint charge conference be allowed to vote on all matters which come before the joint conference regardless of which pastoral charge to which they may apply.”

This question is based on a false premise, an either or which is not established by the BOD. Richard puts the issue in terms of two horns of a dilemma, neither of which are actual. The answer to question one above makes this question moot.

Question three: “Is the agenda of the charge conference illegal if it does not include all the required disciplinary business of the charge conference?” Again, my answer is “No.” The BOD ¶246.10

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gives the DS authority to call a charge conference for many *particular* individual reasons identified by the DS, and ¶247 does not require that every item identified therein be included on the agenda.

Question four: “Is the agenda illegal if it does not include receiving all the applicable California-Pacific Charge Conference Reports (i.e. forms 1-5 and forms 8-23?)” Again, my answer is “No,” for the same reasons as outlined above. This is not to neglect the importance of the forms which can come in at later times.

In Christ,

A handwritten signature in cursive script that reads "Grant J. Hagiya". The signature is written in black ink on a white background.

Grant Hagiya
Resident Bishop

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List of Interested Parties/Persons To Whom Copies Should Be Provided

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