

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1395

IN RE: Review of a Bishop's Ruling of Law raised in the Central Texas Annual Conference As to Whether Adoption of a Resolution entitled "Transparency of Usage of Funds Used for Clergy Trials" was legally before the Delegates of the Central Texas Annual Conference.

DIGEST OF CASE

The Decision of Law of Bishop J. Michael Lowry is affirmed.

STATEMENT OF FACTS

At the June 9, 2019, session of the Central Texas Annual Conference the delegates to the Conference debated and passed a Resolution entitled "Transparency of Usage of Funds Used for Clergy Trials." The text of the Resolution reads as follows:

WHEREAS for decades the Central Texas Annual Conference (CTC) has been focused on innovative mission and ministry and,

WHEREAS our congregations have been persistently encouraged by Bishop Michael Lowry and the CTC cabinet to focus on our mission field and context of ministry and,

WHEREAS our desire as an Annual Conference is to be leaders in creative and innovative mission and ministry and,

WHEREAS based on historical data we are aware that the expense of clergy investigations and trials devour valuable resources, perhaps as much as \$40,000 to \$100,000¹ each for conducting said trial (pending duration, area, venue, attorney fees, presiding bishop fees, and not including the loss of clergy work hours in the local church for serving in trials), and,

WHEREAS currently those expenses will be passed on to the churches of the Annual Conference by levying future apportionments or the consumption of mission and ministry dollars by using reserve funds,

BE IT THEREFORE RESOLVED that the CTC *desires* to spend no apportionment funds, mission or ministry budget dollars, nor reserved funds for such trials.

BE IT THEREFORE FURTHER RESOLVED that, so far as confidentiality permits, the CTC will be transparent in the use of financial resources for trials and will place a line item in the CTC budget that estimates the cost of anticipated clergy misconduct investigations resulting in trials for the upcoming year; and that delineates the actual cost of clergy trials for the preceding year.

¹ Number is approximate, based on information obtained from GCFA, 060319. VOB

Generally, the Resolution expressed a desire that no church funds be spent on clergy trials and that the Conference be transparent in the use of financial resources for trials. During the debate, a clergy member pointed out that it is unknown whether any clergy trials will ensue. The Conference Secretary responded that the resolution itself does not bind the annual conference and simply encourages the appropriate officials to minimize the use of church funds on trials and be as transparent as possible about expenditures. A clergy member of the Conference asked for a ruling of law on the legality of the Resolution. The Bishop ruled that “the Resolution is legal because it does not bind the conference from spending money on investigations and trials.” In his Decision of Law the Bishop states that the Resolution at issue expresses an aspirational desire of the conference with appropriate attention to the confidentiality concerns inherent in such proceedings. The Bishop further holds that the Resolution is not binding on the Central Texas Conference or its officials.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51, 56.3, and 2609.6 of *The Book of Discipline of The United Methodist Church, 2016*.

ANALYSIS AND RATIONALE

The Resolution at issue here does not in any way bind the annual conference or its officials. The Bishop in this matter correctly ruled that the Resolution was merely aspirational in nature. We have held that it is well within the discretion of the annual conference to express aspirational goals in its actions. The Transparency Resolution here is no more than an aspirational statement that does not require further action of the Annual Conference and does not contravene church law in any way. The Bishop correctly held that the Resolution was legally before the Annual Conference.

RULING

The Decision of Law of Bishop J. Michael Lowry is affirmed.

Lidia Romao Gulele was absent.

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

Øyvind Helliesen was absent and did not participate in this decision.

Angela Brown, second clergy alternate, participated in this decision.

November 1, 2019