

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1258

In Re: Review of a Bishop's Decision of Law in the Greater New Jersey Annual Conference Regarding the Relationship of the President of the Council on Finance and Administration with the Future with Hope Corporation, in Light of ¶ 612.2b

DIGEST

The decision of law by Bishop John Schol is reversed. Mr. John Bishop cannot be both a voting member of the Conference Council on Finance and Administration and a voting member of the board of *A Future With Hope, Inc.*

STATEMENT OF FACTS

During the 2013 Session of the Greater New Jersey Annual Conference, May 30 - June 1, 2013, the conference approved a strategic ministry plan and the ministry for the Superstorm Sandy. As part of the strategy, the conference approved *A Future with Hope* Mission Fund Campaign to raise \$12 million, \$7 million of which was for Superstorm Sandy Relief, and elected a board of directors for the nonprofit corporation, *A Future with Hope, Inc.* Mr. John Bishop was elected President of the Board of Directors of *A Future with Hope Corporation*. By virtue of serving on the General Council on Finance and Administration of The United Methodist Church he is a member of the Greater New Jersey Annual Conference Council on Finance and Administration and also serves as its president.

On Friday, May 31, 2013, a clergy member of the Annual Conference submitted in writing four questions of law to the presiding bishop. The Conference Secretary read these four

questions into the record. They related to items discussed during the Annual Conference session.

Initially, the bishop did not submit these questions to the Judicial Council for deliberation because of his understanding that ¶ 2609.6 of the *2012 Discipline* mandated support by one-fifth of the annual conference before such matters were submitted. After further reflection, the bishop determined that all decisions of law raised in the regular business session of an annual conference were to be submitted to the Judicial Council, with or without a vote of the annual conference. On July 20, 2013, the bishop filed his decisions on the questions of law.

In addition, the Bishop provided the complete Daily Proceedings of the 2013 Annual Conference, an outline of the pre-conference journal, a copy of the resolution establishing *A Future with Hope* Campaign Fund, a copy of the Strategic Ministry Plan resolution, a copy of the Strategic Ministry Plan, and a Sandy Relief Case Statement (information about *A Future with Hope* corporation, including the budget and the funding campaign).

A clergy member of the annual conference filed an *amicus curiae* brief. In turn, the bishop submitted a response to that *amicus* brief.

In response to a request from a member of the Judicial Council, the conference treasurer provided a copy of the 2012 Annual Conference budget; the 2012 budget vs. actual report,

the 2013 budget; the 2013 budget vs. actual report as of September 30, 2013; the 2014 annual conference budget; the 2014 budget for A Future with Hope, Inc.

This decision pertains to the fourth question submitted:

Does the service performed simultaneously by Mr. John Bishop as President of the Board of Directors of the Future with Hope Corporation, an entity requesting permission to conduct a mission fund campaign to raise 12 million dollars from the churches in the annual conference, and as President of the Conference Council on Finance and Administration, the entity responsible for reviewing and recommending the request to the Annual Conference, conflict with ¶ 1612.2.b), the 2012 Book of Discipline, which reads in part: "No ... director of any agency or institution participating in the funds of any conference budget shall be eligible for voting membership on the council."?

The decision of the Bishop is as follows:

Note - It was the Council on Finance and Administration and not "A Future with Hope" as stated in the question that submitted legislation to conduct a mission fund campaign to raise 12 million. The approved legislation will raise funds for Imagine No Malaria, Sandy relief, and mission projects through Greater New Jersey Conference congregations.

There are two disciplinary paragraphs at issue in this Question of Law: Pars 612.2.b and 612.2.c(2). John Bishop is a member of the Annual Conference Council on Finance and Administration because he is a member of the General Council on Finance and Administration, paragraph 612.2c(2). Mr. Bishop's participation is informed by Paragraphs 612.2.b and 612.2.c(2). As Chair of the Conference CF&A, Mr. Bishop may not be a member of the Conference Council on Finance and Administration if he is an "employee, trustee or director of any agency or institution participating in the funds of any conference budget ... " The relevant issue is: what are the meanings of the phrases "receiving funding" and "participating in the funds of any conference budget?" It must be assumed that even though different words are used, to be consistent, the interpretation must be the same. There is no line item in the budget which the Annual Conference approved which designates funds to "A Future with Hope" I believe this means that there is no conflict for Mr. Bishop to serve on the Board of Trustees of "A Future with Hope" and be a voting member of the Annual Conference Council on Finance and Administration. If, however, the phrases noted above have a broader, more inclusive meaning, to include the conference providing office space, then these paragraphs would mean that Mr. Bishop could not serve as a Trustee of "A Future with Hope" or he must give up his seat on the Council on Finance and Administration.

JURISDICTION

The Judicial Council has jurisdiction under ¶¶ 51 and 56.3 of the Constitution and ¶ 2609.6 of the *2012 Discipline* as modified by Decision 1244.

ANALYSIS AND RATIONALE

While Bishop Schol's decision is ambiguous as he expresses two possible interpretations, we understand this statement to express his ruling: "I believe this means that there is no conflict for Mr. Bishop to serve on the Board of Trustees of *A Future with Hope* and be a voting member of the Annual Conference Council on Finance and Administration."

While there is no specific line item in the Annual Conference Budget for *A Future with Hope*, the minutes of the Greater New Jersey Annual Conference May 30-June 1 session state, "The Greater New Jersey Conference of The United Methodist Church, the 580 United Methodist Congregations will serve as the organization the [sic] underwrites the administrative overhead for *A Future with Hope* and provides volunteers and loans administrative staff to *A Future with Hope*." ("Reports to the 2013 Annual Conference," Greater New Jersey Annual Conference, p. 98, Lines 28-30) This indicates greater participation in the funds of a conference budget than the use of office space.

In addition to participating in the funds of the *Future with Hope* Campaign, the *Future with Hope* Corporation made a request to the Council on Finance and Administration for permission to conduct a campaign to raise the funds within the annual conference. The Council on Finance and Administration then made a recommendation regarding this request to the Annual Conference. This places Mr. Bishop in a dual role as president of the board requesting the permission for the campaign and president of the council receiving that request.

Paragraph 612.2.b of the *2012 Discipline* relating to the Council on Finance and Administration states, "No member or employee of any conference agency and no employee, trustee, or

director of any agency or institution participating in the funds of any conference budget shall be eligible for voting membership on the council.” This in no way prohibits non-voting membership. See Judicial Council Decision 493.

DECISION

The decision of law by Bishop John Schol is reversed. Mr. John Bishop cannot be both a voting member of the Conference Council on Finance and Administration and a voting member of the board of *A Future With Hope*, Inc.

Dennis Blackwell was absent.

Timothy K. Bruster, first clergy alternate, participated in this decision.

October 26, 2013