

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1453

[Docket No. 1022-18]

IN RE: Review of a Bishop’s Ruling on Questions of Law in the Alabama-West Florida Annual Conference Regarding Whether the Action of the Annual Conference in Approving the Disaffiliation, of Each of the Five Local Churches Placed Before Them, and Approving and Adopting the Disaffiliation Agreements Associated with and Presented to Effectuate Those Disaffiliations, Negates, Ignores and Violates Various Provisions of the *Discipline*.

DIGEST

The decision of Bishop David W. Graves is affirmed for the reasons set forth therein.

STATEMENT OF FACTS

On June 13, 2022, during the business session of the Alabama-West Florida Annual Conference, the Rev. Olivia Poole, chair of the Conference Board of Trustees, rose to present four churches seeking disaffiliation: Pentecost United Methodist Church, Mt. Hilliard United Methodist Church, Simpson Chapel United Methodist Church, and Frazer United Methodist Church. She stated that all four churches worked with the board of trustees and followed the disaffiliation process as identified in ¶ 2553 of *The 2016 Book of Discipline* [hereinafter *The Discipline*]. During the deliberations, a lay member of the annual conference submitted a Question of Law as to:

Whether the action of the annual conference in approving the disaffiliation of [Pentecost, Mt. Hilliard, Simpson Chapel, and Frazer United Methodist Churches] and approving and adopting the disaffiliation agreement associated with and presented to effectuate that disaffiliation negates, ignores and violates the provisions of the *Discipline*, in particular, ¶ 2553.

On June 21, 2022, Bishop David W. Graves issued the following Decision of Law:

Rationale

Mr. Peterson’s questions of law for Pentecost, Mt. Hilliard, and Simpson Chapel are essentially identical and will be addressed first. The first point raised by Mr. Peterson therein was about eligibility of the local churches to disaffiliate. Paragraph 2553 of *The Book of Discipline* does not require certification of

eligibility based on reasons of conscience and Conference policy is to not inquire into the specifics of a local church's reasons of conscience. Paragraphs I. A. of the GCFA template and previously approved Conference disaffiliation agreement (Exhibit 5) only requires documentation that evidences the result of the disaffiliation vote taken. In Judicial Council Decision 1422, the trustees of North Georgia did not look back on this issue of eligibility and the Bishop's decision was that no ruling of law was needed around those specific questions of eligibility. The Judicial Council agreed. The trustees of the Alabama-West Florida Conference do not require information about eligibility once that has been handled at the local level and voted on by the church. Based on the ruling in Judicial Council 1422, I do not believe the Conference is required to require or produce additional evidence of eligibility. The Conference produced the disaffiliation agreement and evidence certifying the local church vote. The disaffiliation agreement sets forth a clear understanding of the reasons for disaffiliation. In addition, according to Paragraph 2553, the GCFA template, the approved disaffiliation agreement and Judicial Council Ruling 1420, the Conference trustees have the exclusive authority to establish terms and conditions of disaffiliation.

The rationale set forth above also addresses the points raised in sections 2 and 3 of Mr. Peterson's requests for a decision of law. In addition, the District Superintendents confirmed the requirements for Paragraph 2553 were met by these churches (Exhibit 6). Mr. Peterson's third section complains of the use of the term "former United Methodist church" appearing in the first Whereas paragraph and suggest that violates Judicial Council Decisions 1420, 1421, 1433 and 1379 as well as 2529.l(b)(3). That argument is misplaced. As apparent from the disaffiliation agreements posted on the Conference website, the agreements had not been fully executed prior to vote by the Annual Conference. The term "former" was simply to point out the local churches had voted to disaffiliate and, in each instance, had taken steps in furtherance of the disaffiliation. I also call attention to the attachment from the cabinet and minutes of Annual Conference in Exhibits 6 and 7.

As to section four of Mr. Peterson's requests for decisions of law, Paragraph 2553 of *The Book of Discipline*, and other documents identified above, state that the Board of Trustees has the exclusive authority to negotiate the terms of disaffiliation between the Annual Conference and the local church. You will find the board chair's statement that these disaffiliations were followed properly in the attached material (Exhibit 8). Mr. Peterson also complains the Conference did not charge these churches for their property. Based on the GCFA template and the disaffiliation agreement approved by our Conference in 2019 the Conference may elect to charge or not charge for property. No one has attempted to amend the Conference disaffiliation agreement in connection with church property and, to my knowledge, no one other than representatives of Gulf Breeze United Methodist Church have raised an issue about the Conference policy in this regard. Paragraph 2553 does not require local churches to pay for real or personal

property. To be clear, our Conference has not adopted a policy requiring local churches to pay any amount for property and has adopted the GCFA form that leaves it open to the trustees to decide whether or not to charge for property.

As for section five of Mr. Peterson's requests, the Conference named the current local churches and the entities identified as their successor entities to make it clear that the indemnification from the local church to the Conference extends also to the successor entity. This is important for several reasons including the possibility the existing church entity could get dissolved. As to section 6 of Mr. Peterson's requests, I do not believe that paragraph 722 of *The Book of Discipline* is truly relevant to the issues raised. Judicial Council decision 1421 does not instruct that Annual Conference delegates be given this information and it appears that Mr. Peterson is doing what Gulf Breeze has done previously in suggesting language from the dissenting opinion was part of the Decision in the case. Mr. Peterson requested, and was provided prior to Annual Conference, copies of portions of the Trustee minutes approving the disaffiliations. It is common that discussions in Trustee meetings include sensitive and confidential information like real estate, disaffiliations, potential litigation and other issues in which advice is provided by the Chancellor. That said, I do not believe Paragraph 722 overrules the other legal authority relied upon herein.

In response to the points Mr. Peterson made in his request for law concerning Frazer Memorial United Methodist Church, all of the above rationale is equally applicable to his question of law related to Frazer. Specifically, sections 1 and 2 are again about eligibility and those concerns have been addressed above and are equally applicable here. The District Superintendent for Frazer and Dean of the Cabinet confirmed to the Annual Conference that Frazer has met the requirements for disaffiliation which, along with the discussion above, addresses section three of the Frazer request. The Whereas paragraph in Frazer's request at section four has previously been addressed above as have sections five through seven. Again, the Board of Trustees for the Conference has the exclusive authority pursuant to Paragraph 2553 to negotiate the terms and conditions of disaffiliation between the Annual Conference and the local church as long as they are consistent with the GCFA template. The Conference disaffiliation policy and agreement is consistent with the GCFA template in my judgment, and I am not aware of anyone arguing otherwise before our Annual Conference. As to the fact the Conference does not have a policy requiring a local church to pay for their real and personal property, that is addressed above along with the indemnification issue in section six and the issue about Paragraph 722 of *The Book of Discipline* in section seven. I incorporate by reference all the rational and authority cited above related to the other churches as part of my rationale for my ruling on the Frazer decision of law.

Based on my review, I do not believe the indemnification agreement creates a risk of unenforceability or that Paragraph 722 makes the disaffiliation agreement void or unenforceable.

As far as I can discern, the primary difference in the request for a decision of law related to Frazer from the other three churches discussed above is the addition of the argument at section five that because Frazer is affiliating with the Free Methodist Church that has somehow established that Frazer is not disaffiliating for reasons of conscience. Again, it is and has been the policy of our Conference not to explore the reasoning of a local church in deciding to disaffiliate for reasons of conscience. Our Conference accepts the representations made by the local church in the disaffiliation agreements and communications with Conference leadership. Our Conference does not have a policy whereby it investigates the polity and philosophy of the Free Methodist Church, the Global Methodist Church or any other entity with whom a disaffiliating church may choose to join after leaving the United Methodist Church. We believe that issue goes beyond the requirements of Paragraph 2553 and the Conference approved disaffiliation policy and agreement. Once again, Judicial Council Decision 1422 made it clear that if a Conference has a policy that it will not question reasons of conscience in connection with the decision of a local church choosing to disaffiliate then the Judicial Council will not question that policy.

Mr. Peterson has also taken issue with the execution of the Frazer disaffiliation agreement. The agreement was executed by three officers of the local church and the church administrator. A representative of Frazer signed the certification of the vote and submitted the minutes of the church meeting approving disaffiliation. I do not believe that Frazer would have paid the amount of money it has paid without proper authorization and believe any argument to the contrary is speculative.

Ruling

I rule that the action of the Annual Conference in approving the disaffiliations of Pentecost, Mt. Hilliard, Simpson Chapel, and Frazer United Methodist Churches, and approving and adopting the disaffiliation agreement associated and presented to effectuate these disaffiliations does not negate, ignore, or violate the provision of the discipline, in particular paragraph 2553.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of *The Discipline*.

Analysis and Decision

The decision of Bishop David W. Graves is affirmed for the reasons set forth therein.

February 28, 2023

Separate Opinion

We concur with our colleagues regarding some aspects of the Bishop's ruling, but we note that the Digest needs to indicate the major issues that were ruled upon by the Bishop and further indicate those aspects upon which the Judicial Council specifically agrees and affirms as a matter of church law.

The specific issues that the Judicial Council is affirming in its review of a Bishop's ruling on a question of law ought to be set forth in the Digest so that those institutions and publications [especially hardcopy print publications], which quote and rely exclusively upon the Digest to provide a **concise statement of the issues** decided by the Judicial Council in each Decision or Memorandum, are able to continue to alert their respective readers or members of potential changes in the interpretation or application of church law. If a Digest states only that the Judicial Council affirms the ruling of the Bishop "**for the reason set forth therein**" then those institutions and publications which have heretofore relied upon our Digest, will no longer be in a position to immediately provide a meaningful alert to their respective readers or members concerning such decisions or memorandums that have just been released by the Judicial Council.

Beth Capen
Kabamba Kiboko
February 28, 2023

Separate Opinion

In addition to the above concern is that episcopal rulings contain many nuanced statements that can be interpreted in a variety of ways and thereby risk resulting in polity which could be misapplied by others. General Conference has tasked the Judicial Council, exclusively, with the responsibility of articulating those major aspects of each episcopal ruling and relating each aspect to the Disciplinary principles, polity, and former Decisions which provide the predicate for determining that the Bishop is correct or incorrect concerning that aspect of his or her ruling. The denomination is relying upon the Judicial Council to identify the key points in an episcopal ruling, and affirm, modify or reverse those key points, in whole or in part, and thereby reconcile the multiple rulings that are issued each year and ensure that our church law is not subject to more than one interpretation.

Beth Capen
February 28, 2023