

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1319

IN RE: Request for a Declaratory Decision from the General Conference Regarding the Meaning, Application, and Effect of ¶¶ 542.1 and 542.2 in terms of the Time and Place of a Central Conference Meeting

Digest

A newly constituted central conference shall hold its first conference at such time and place as determined by the bishops in charge. However, all regular sessions of the central conference that occur after the first meeting shall have their place and time determined by the central conference membership or determined by its executive committee when permitted by Discipline.

If the 2016 session of the Congo Central Conference was scheduled by the Conference itself pursuant to ¶ 542.1 of the *2012 Book of Discipline of The United Methodist Church* (¶ 409 of the *1990 Congo Central Conference Book of Discipline*) then the date and time cannot be changed by the College of Bishops nor the Central Conference Executive Committee.

STATEMENT OF FACTS

On May 16, 2016, during a regular session of General Conference, a member of the Conference made the following motion and statement:

I move that the General Conference petition the Judicial Council of The United Methodist Church for a declaratory decision on the meaning, application and effect of paragraphs 542.1 and 542.2 of the 2012 Book of Discipline of The United Methodist Church with respect to

1. Whether the time and place of meetings of a central conference after its first meeting is to be determined by “the central conference or its executive committee” or by “the central conference itself or its bishops” and as to the impact of an adaptation of these provisions of the Book of Discipline in paragraph 409 of the 1990 Congo Central Conference Book of Discipline.

2. Whether under the aforementioned paragraphs the College of Bishops of the Congo Central Conference has the authority to change the time and place of the meeting from that established during the 2012 meeting of the Congo Central Conference. (DCA pp. 2428-2429)

Without debate the members of the General Conference voted 703 to 94 in support of the motion to request a declaratory decision.

The Judicial Council received a brief from a member of the Congo Central Conference and a statement from the Secretary General of the Congo Central Conference.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2610 of the *2012 Book of Discipline*.

Analysis And Rationale

With respect to the first part of the inquiry, “Whether the time and place of meetings of a central conference after its first meeting is to be determined by ‘the central conference or its executive committee’ or by ‘the central conference itself or its bishops’” the controlling provision is found in ¶ 542.1 of the *2012 Book of Discipline of The United Methodist Church* as follows:

1. The **first meeting** of a central conference **shall be called by the bishop or bishops** in charge at such time and place as they may elect, to which members of the annual conferences, provisional annual conferences, missionary conferences, and missions concerned shall be elected on the basis of representation as provided herein. **The time and place of future meetings shall be determined by the central conference or its executive committee.** [Emphasis added]

Therefore, the very first meeting of a newly constituted central conference shall be at such place and on such dates as determined by the bishops in charge. This provision is necessary for the first conference because the delegates have never before convened and thus there has been no opportunity for the newly constituted Central Conference itself to set the time and date of its first gathering.

However, this paragraph also ensures that during the first and subsequent central conference sessions, the regular business of the conference shall include the membership's determination of the time and the place of the following regular session or sessions of the central conference. It is the voting members of the central conference that make these decisions once the body has convened for its very first central conference session.

The second quote contained in item number one ("the central conference itself or its bishops") is from a different paragraph (§ 542.2). That paragraph is not determinative on the primary question of where authority vests to set the time and place of the central conference regular sessions. Moreover, there is no adaptation of this paragraph in the *1990 Congo Central Conference Book of Discipline*; only the equivalent of § 542.1 was included.

The pertinent portions of § 409 of the *1990 Congo Central Conference Book of Discipline* are virtually identical in meaning and effect to § 542.1 of the *2012 Book of Discipline of The United Methodist Church* referenced in the request for a declaratory decision. The Judicial Council is cognizant that the request for a declaratory decision concerning paragraph § 409 of the *1990 Congo Central Conference Book of Discipline*, is controlled by § 547 of the *2012 Book of Discipline of The United Methodist Church* which requires that Central Conferences establish their own judicial courts to determine the legality of actions taken under their adapted portions of the *Discipline*:

3. A central conference that adapts and edits the *Discipline* as provided in § 543.16 **shall establish a judicial court**, which in addition to other duties that the central conference may assign to it shall hear and determine the legality of any action of the central conference taken under the adapted portions of the *Discipline* or of a decision of law by the presiding bishop of the central conference pertaining to the adapted portions of the *Discipline*, upon appeal by the presiding bishop or by one-fifth of the members of the central conference. Further, the judicial court shall

hear and determine the legality of any action of an annual conference taken under the adapted portions of the *Discipline* or of a decision of law by the presiding bishop of the annual conference pertaining to the adapted portion of the *Discipline*, upon appeal of the presiding bishop or of such percentage of the members of the annual conference as may be determined by the central conference concerned. [¶ 547.3 of the *2012 Book of Discipline of The United Methodist Church*]

The second question in the request before us asks whether the College of Bishops of the Congo Central Conference has the authority to change the time and place of its 2016 Central Conference session if that meeting was established by the Congo Central Conference itself. For the same reasons and rationale set forth hereinabove, the answer is no. If the 2016 session of the Congo Central Conference was scheduled pursuant to ¶ 542.1 of the *2012 Book of Discipline of The United Methodist Church* (¶ 409 of the *1990 Congo Central Conference Book of Discipline*) then the date and time cannot be changed by the College of Bishops nor the Central Conference Executive Committee.

Decision

A newly constituted Central Conference shall hold its first Conference at such time and place as determined by the bishops in charge. However, all regular sessions of the central conference that occur after the first meeting shall have their place and time determined by the central conference membership or determined by its executive committee when permitted by *Discipline*.

If the 2016 session of the Congo Central Conference was scheduled by the Conference itself pursuant to ¶ 542.1 of the *2012 Book of Discipline of The United Methodist Church* (¶ 409 of the *1990 Congo Central Conference Book of Discipline*) then the date and time cannot be changed by the College of Bishops nor the Central Conference Executive Committee.

Kabamba Kiboko recused and did not participate in this decision.

F. Belton ,Joyner, Jr., Secretary

William B. Lawrence, President

May 19, 2016