

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1246

IN RE: Review of a Bishop's Decision of Law in the North Carolina Annual Conference Regarding Report of the Transition Team in Light of Judicial Council Decision 1224

DIGEST

The North Carolina Annual Conference has complied with the terms of the remand in Judicial Council Decision 1224. This matter is concluded. The Bishop's decision of law is affirmed.

STATEMENT OF FACTS

In Decision 1224, the Judicial Council remanded a docket item to the Secretary of the North Carolina Annual Conference as follows:

The Judicial Council remands this docket item back to the Secretary of the North Carolina Annual Conference with instructions to provide the Judicial Council with the following: minutes from the 2011 Annual Conference, 2011-2012 minutes from the district conferences and a document that locates all districts within the bounds of the annual conference. Furthermore, the North Carolina Annual Conference is instructed to also submit evidence that the roles of the District Superintendent and the role of the Assistant to the District Superintendents have been clearly defined. Submissions must reach the desk of the Secretary of the Judicial Council no later than 30 days after the close of the 2013 annual conference.

The Annual Conference complied with this remand in a timely manner. It provided all of the required documents, including the definitions of the role of the Assistant to the District Superintendent.

JURISDICTION

The Judicial Council, in Decision 1224, retained the jurisdiction that it had in this matter under ¶ 2609.

ANALYSIS AND RATIONALE

This matter originated as a bishop's decision of law in the North Carolina Annual Conference, when questions were raised about the legitimacy of certain elements in the proposed reorganization and restructuring of district offices, creating a position to be known as "Assistant to the District Superintendent," reducing the number of districts, and other matters. The Judicial Council, in Decision 1224, remanded the original matter to the Secretary of the Annual Conference with instructions that were specified in Decision 1224. Besides the paucity of information about such matters as the responsibilities of the newly titled "Assistant to the District Superintendent" and the absence of documentation about the boundaries of the re-drawn districts, the Judicial Council was left with unanswered questions about the nature of the new structure, the record of annual conference sessions and the district conference sessions in 2011 and 2012 regarding the disposition of district properties, and the geographical definition of the districts.

The North Carolina Conference has now complied with the terms of the remand in Decision 1224. Having done so, it is now possible for the Judicial Council to return to the original question, namely the substance of the Bishop's decision of law. Based on our review, the Judicial Council affirms the Bishop's decision of law.

DECISION

The North Carolina Annual Conference has complied with the terms of the remand in Judicial Council Decision 1224. This matter is concluded. The Bishop's decision of law is affirmed.

Dennis Blackwell was absent.

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

F. Belton Joyner, Jr. recused and took no part in this decision.

John E. Harnish, second clergy alternate, participated in this decision.

October 26, 2013

CONCURRING OPINION

I write a concurrence to address certain issues that, I think, call for clear-cut clarification. Interested parties particularly those not favored by the Decision, naturally want to know why it did not go their way. That is why, too, the Discipline requires an analysis and rationale for every Judicial Council decision

I take note, first of all, of the Report of Task Force on Superintendency by the Annual Conference (AC) in 2011 (Minutes July 17, 2011). Subsequently approved in the 2012 AC session are the following: (1) structure changes reported by the Structure Review Committee (p.92, Minutes); (2) Transition Team Report (pp.95-96, *ibid*); and (3) AC

Board of Trustees Report (BOT) adopted with standing ovation (p.99, *ibid*). This year 2013, the Transition Team Report on the job description for the Assistant to the District Superintendent (ADS) gained approval (Minutes, June 12, 2013).

Minutes, with sign-in sheets, of 2012 district conferences of Durham, Burlington, Raleigh, and Fayetteville show approval, after discussion of respective motions of their BOT, to sell their parsonages, the proceeds to be used for housing allowance of DS. In the case of the last three districts, the motions passed unanimously.

Anent the eight other districts, the separate affidavit of each District Superintendent (DS), in lieu of unlocated minutes, recites that he/she called and presided over a duly-noticed District Conference at a certain date in March/ April/ May, 2012 which granted authority to the BOT to investigate and arrange for the sale of the District parsonage on terms deemed by it in the best interest of the District and the AC, and to take any further action to effectuate the sale; provided, however, that said property shall only be conveyed with the consent of the DS upon the DS' determination that such transfer conforms to the UMC Discipline and with the DS' written statement affixed to any instrument of transfer pursuant to the Discipline.

The sale of the district parsonage was later approved by the AC in Raleigh on June 14, 2012 through the accepted report and recommendations of the Transition Team. It bears stress that in June, 2011 the AC approved a recommendation to reduce the number of its districts from twelve to eight, re-align and rename the districts, and all district parsonages be sold and housing allowances be provided to the DS effective July 1, 2012.

¶¶ 2517.2 and 2518.2 of the 2008 and 2012 Discipline, respectively, provide that “except as the law of the state, territory or country prescribed otherwise”, district property held in trust by a **district** Board of Trustees may be mortgaged or sold and conveyed by them **only by authority** of the **district conference** or **annual conference**, or if such property is held in trust by the trustees of the annual conference, it may be mortgaged or sold and conveyed by such trustees **only by authority** of the **annual conference**.” (Emphasis supplied)

The minutes of the AC in 2011 and 2012 sessions, together with the minutes of/ DS affidavits on the twelve district conferences of 2012 disprove an oppositor's statement that there was no disclosure, discussion, debate or approval of the actions taken by the Transition Team. The procedures followed by the AC and the twelve district conferences and their boards of trustees more than measure up to the yardstick prescribed by the Discipline in the sale of district parsonages.

Detailed in the Transition Team Report to the 2013 AC is the role of the ADS to support and assist the DS as he/she gives leadership as the chief mission strategist of the district. The work of the ADS helps the DS lead effectively in fulfilling the responsibilities of DS as

described in the 2012 Book of Discipline (§ 419). The duties of the ADS will vary appropriately, according to the strategy of the district led by the DS. The ADS will be engaged in the following sorts of tasks:

- (1) Facilitate clear and regular communication with clergy and laity via the use of various methods (email, phone calls, web sites, newsletters, webinars, teleconferences, etc.)
- (2) **Develop and maintain effective relationships with clergy**, local church staff members and laity across the district as directed by DS.
- (3) Assist local churches with conflict transformation as directed by DS.
- (4) Resource, facilitate and/or **conduct training and coaching**.
- (5) Assist the DS with planning, coordination and scheduling of Charge Conferences.
- (6) Assist the DS and the district office staff in managing and accurately maintaining district records.
- (7) Assist with the coordinating and scheduling of district events and meetings.
- (8) Support clergy and/or families as directed by DS.
- (9) Assist DS in securing pulpit supply when necessary.
- (10) Other relevant and appropriate duties as directed by the DS.
(Emphasis supplied).

I have my reservations on the propriety/validity of the underscored portions of the second and fourth tasks assigned to the ADS. Both 2008 and 2012 Discipline provide that the oversight function of the DS in the district requires “the superintendent to use his or her gifts and skills related to spiritual and pastoral leadership, personnel leadership, administration and program” (§419). “The Church expects...that the superintendent will be... committed to living out the values of the Church, including a mandate of inclusiveness, modeling, teaching ...” (§419.1)

Thus, the DS should not delegate to, or leave to the assistance of, anybody much less a lay person, the specific tasks envisioned in the Discipline to be done by him/her personally with the use of his/her gifts and skills. Too, he cannot assign to another person his required commitment to live out the values of the Church to develop programs of ministry and mission. These specific responsibilities of a DS are so sensitive and vital it requires, among others, personal, spiritual and pastoral leadership talents, skills and values. Tasks that call for these virtues ought not, to say the least, to be carried out through another, notwithstanding the qualification by the words “assist” or “as directed by the DS.” They are personal and cannot be carried out through an assistant.

However, even Rev. Simpson, an oppositor with a remarkable brief, acknowledges that there has been progress in defining the limitations of the ADS. Hopefully, the North

Carolina AC Episcopal leadership and the Transition Team will take another hard look at the situation, consider this opinion and do the needful.

On other aspects, no specific violation of the Discipline is clearly shown. Even in the location of the newly-formed districts, no legal flaw has been cited. That the changes wrought have disturbed or dismayed some is understandable. Any major shift or alteration in structure is bound to generate serious concerns. The Judicial Council is limited to the confines of Church law. As has been oft-cited, ¶ 16.5 (Article IV of the Constitution) authorizes the General Conference “to allow the annual conference to utilize structures unique to their mission, other mandated structures notwithstanding.

Ruben T. Reyes
October 26, 2013