

SUBJECT TO FINAL EDITING

## **JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

### **DECISION 1473**

[Docket 0423-01]

**IN RE: Request from the College of Bishops of the Central Conference of Central and Southern Europe Concerning the Legality and Effect of Certain Legislative Actions of the 2022 Session of the Bulgaria-Romania Annual Conference.**

#### DIGEST

The appeal of Bishop Patrick Streiff is granted. The actions of the Bulgaria–Romania Provisional Annual Conference in 2022 are unconstitutional, null and void.

#### STATEMENT OF FACTS

At the April 1, 2022, Session of the Bulgaria-Romania Provisional Annual Conference, the Presiding Bishop announced that the first item of business on the agenda was a resolution for the Annual Conference to leave the United Methodist Church. The resolution was read by a district superintendent who was one of its proponents.

The bishop then responded as follows:

The resolution that is under consideration has been brought before the Annual Conference of the United Methodist Church. As such, we are under the jurisdiction of the Discipline of the United Methodist Church. In the discussions that were had prior to this session after I received this resolution, I shared with your superintendents that I do not see a legal basis in the Discipline for the acceptance of such a resolution. I shared with them that the only legal grounds that I see for an Annual Conference to leave the United Methodist Church are found in Article 572 of the Discipline. This is the only legal possibility for leaving the United Methodist Church. And because this is the only option, I have to rule that this decision is out of order.

When a bishop determines that something is out of order because it is a violation of the Discipline, it cannot be considered by the Annual Conference.

Then those who have submitted such a resolution have the right and opportunity to declare on what grounds they have brought their resolution. Then it becomes a question of law. I declare this resolution to be out of order because it violates the Discipline. You are free to challenge it and say on what grounds you oppose it. (Meeting Minutes, April 1, 2022)

After a motion to appeal the bishop's ruling and a second, discussion continued among the delegates and the bishop as to whether his ruling was "parliamentary" and could thus be overridden by the body. No less than six times during this discussion, the bishop stated that the question of voting on the withdrawal resolution was a question of law. However, he went ahead and let them vote to "refute" his out-of-order ruling and proceed with the resolution of withdrawal. The vote was 35 for and 0 against.

After stating that he would report the question of voting on the withdrawal resolution to the Judicial Council, the bishop removed himself as presiding officer. The delegates then voted to approve confirmation of the election of a temporary president and proceeded to elect one of the district superintendents as the temporary chair.

The temporary chair stated that we have a basis on which to vote on withdrawal citing JCD 1366. After considerable additional discussion, he called for a vote on the withdrawal resolution which was adopted 35 for, and zero against.

The district superintendent stepped aside as presiding officer; the bishop returned to his place at the table, and after a coffee break, continued the work of the Annual Conference.

On April 8, 2022, the bishop issued his ruling on a question of law which he framed as follows:

The resolutions submitted for voting at the Provisional Annual Conference are all premised on whether there is authority in the *Book of Discipline* for such actions. These are not parliamentary questions. Notwithstanding that the maker of the motion to adopt the resolutions sought to avoid asking any question of law, the resolutions presented questions of law under the *Discipline* within the meaning of Paragraph 51 of the 2016 *Book of Discipline*, and I am obligated to issue a ruling on such questions pursuant to Paragraph 51 regardless of whether a formal request for a decision of law is made, particularly in the context of a proposed separation of the annual conference from the UMC.

Therefore, I state the questions of law as follows:

May an annual conference — or a provisional annual conference — in a central conference of the United Methodist Church separate from the UMC if it has not complied with Paragraph 572?

Do Paragraph 33 and Decision 1366 authorize an annual conference — or a provisional annual conference — in a central conference to separate from the UMC other than by complying with Paragraph 572 if the General Conference has not enacted any legislation to prescribe the process and requirements for the separation?

May an annual conference — or a provisional annual conference — continue any consideration of these matters and elect a new chairperson for voting on these matters before a decision of law is reviewed by the Judicial Council?

The bishop then stated his rulings as follows:

I rule that an annual conference — or a provisional annual conference — in a central conference does not have authority to separate from the United Methodist Church unless it complies with Paragraph 572 of the 2016 *Book of Discipline*. Here, the Provisional Annual Conference Bulgaria–Romania has not complied with Paragraph 572 and the resolution to separate, and all other actions taken pursuant to that resolution were out of order as unauthorized and are void and of no force or effect.

I further rule that Paragraph 33 of the 2016 Book of Discipline and Decision 1366 do not authorize an annual conference to separate from the UMC other than by complying with Paragraph 572. Even if Paragraph 33 as interpreted by Decision 1366 were to provide some general authority for an annual conference of the UMC to separate from the denomination, that authority may only be exercised to effectuate a separation pursuant to legislation enacted by the General Conference that sets forth the process and requirements for separation. Since the General Conference has not enacted that legislation — except paragraph 572 —, there is not authority for the actions taken regarding separation and related matters by the Provisional Annual Conference Bulgaria–Romania and those actions were out of order as unauthorized and are void and of no force or effect.

Because the annual conference had no authority to enact the resolution to separate and any other actions related to separation thereafter, I further rule that it was out of order to continue any consideration of these matters after my ruling a decision of law and until such decision of law is reviewed by the Judicial Council. Pursuant to Paragraph 51, my episcopal ruling was authoritative for that annual conference subject to review by the Judicial Council .... The action of the annual conference was contrary to the order of Paragraph 51 and any further consideration of the matters was therefore also contrary to the order of the Discipline. The

delegates had no authority to elect another presiding officer nor to continue consideration of the unauthorized matters.

On August 22, 2022, the Judicial Council declined jurisdiction on the grounds that “there was no question of law properly and duly submitted to the presiding Bishop upon which he could issue a ruling of law, nor was there a request for a declaratory decision that was adopted by the Annual Conference.” (Memorandum 1448) However, in concurrence, members of the Judicial Council indicated that Bishop Patrick Streiff, in his role as sole active bishop of the Central Conference of Central and Southern Europe, would have standing to appeal the actions of the Bulgaria-Romania Provisional Annual Conference under ¶ 2609.4, which reads in full:

The Judicial Council shall hear and determine the legality of any action taken by any body created or authorized by the General Conference or any body created or authorized by a jurisdictional or central conference, upon appeal by one-third of the members thereof or upon request of the Council of Bishops or a majority of the bishops of the jurisdictional or central conference wherein the action was taken.

On August 31, 2022, Bishop Streiff served notice of appeal under ¶ 2609.4. As grounds of appeal, the bishop stated:

The decision of the Bulgaria-Romania Provisional Annual Conference to separate from is able to The United Methodist Church was not authorized, *ultra vires*, and therefore null and void as Bishop Streiff ruled during the annual conference session. In Decision 1444, the Judicial Council ruled that an annual conference has no right to vote to separate or take any action regarding possible separation from the UMC pursuant to ¶ 33 or the interpretation of that paragraph in Decision 1366. Therefore, the decision to separate and all related decisions should be reversed and ruled to be null and void.

### **Jurisdiction**

The Judicial Council has jurisdiction under ¶ 2609.4 of *The Book of Discipline*—2016.

## Analysis and Rationale

In JCD 1444, the Judicial Council made it abundantly clear that “Decision 1366 cannot be construed as creating a self-executing right for an annual conference to separate” and that “[t]here is no basis in Church law for any annual conference to adopt stopgap policies, pass resolutions, take a vote, or act unilaterally for the purpose of removing itself from The United Methodist Church. Absent General Conference legislation, any vote and actions taken by an annual conference to separate are unconstitutional, null and void, and of no legal force or effect.” JCD 1444, *aff’d*, JCD 1464 [emphasis added].

The members of the Bulgaria–Romania Provisional Annual Conference acted without authority when they voted to unilaterally separate from The United Methodist Church in 2022. Their actions violate the principle of connectionalism and are, therefore, unconstitutional, null and void, and of no legal force or effect. While our ruling may not change the practical reality of this unlawful departure, we stress emphatically that annual conferences have no “unilateral right to disaffiliate **without, apart from, or prior to** enabling legislation passed by the General Conference.” JCD 1444 [emphasis in original] Any annual conference outside the United States seeking autonomous status must follow the process established in ¶ 572.

Consequently, the grounds for appeal raised by the bishop are affirmed and his appeal and requested relief are hereby granted.

## Decision

The appeal of Bishop Patrick Streiff is granted. The actions of the Bulgaria–Romania Provisional Annual Conference in 2022 are unconstitutional, null and void.

April 25, 2023