

## DECISION NO. 1507

IN RE: Use of ¶2549 Related to Petitions to Annual Conference Requesting Church Closure. The Alabama-West Florida Annual Conference Requests a Declaratory Decision from the Judicial Council Pursuant to ¶2549.2b of the Discipline, as Amended by Petition 20159 at the Postponed 2020 General Conference. Is it Proper or Permissible for a Local Church's Church Council to Form a Petition Asking for the Annual Conference to Close that Church or Is It in Conflict with the Church Law Around the Role of the Charge Conference of that Local Church Especially Section IX of the Constitution and ¶¶244.1, 246.1, and 252?

### DIGEST

The legislation ¶2549.2(b) as amended, and adding ¶2549.3 as a new paragraph are unconstitutional because they deny and circumvent the authority given to the Charge Conference by the *Discipline* and the Constitution.

### STATEMENT OF FACTS

During a session on June 18, 2024, of the Alabama-West Florida Annual Conference, a motion was made to request a declaratory decision from the Judicial Council.

According to ¶2549.2b of the *Discipline*, as amended by Petition 21058, and under new ¶2549.3 of the *Discipline*, as amended by Petition 21059, at the postponed 2020 General Conference, is it proper or permissible for a local church's Church Council to form a petition asking for the Annual Conference to close that church, or is it in conflict with the church law around the role of the Charge Conference of that local church especially Section IX of the Constitution and ¶244.1, ¶246.1, and ¶252.

The motion passed.

### JURISDICTION

The Judicial Council has jurisdiction under ¶2610(j) of *The Book of Discipline, 2016* [hereinafter *Discipline*].

## ANALYSIS AND RATIONALE

The issues presented by this docket call upon the Judicial Council to make rulings on constitutional and legislative interpretations.

The Constitutional issue is whether the amendment of ¶2549.2b usurps the constitutional power of the Charge Conference. Paragraph 247 states, “Power and Duties—1. The charge conference shall be the **connecting link** [emphasis added] between the local church and the general Church and shall have general oversight of the church council(s).”

Paragraph 246 states, “*General Provisions*—1. Within the pastoral charge, the basic unit in the connectional system of the United Methodist Church is the charge conference.”

Paragraph 248 states that the Church Conference is “to encourage broader participation by members of the church.” Paragraph 252 states Church Conference “shall provide for planning and implementing a program of nurture, outreach, witness, and resources in the local church.”

Paragraph 43 states, “There shall be organized in each charge a charge conference composed of such persons and invested with such powers as the General Conference shall provide.”

The Church Council can make a recommendation to the Charge Conference, but the Church Council cannot bypass the Charge Conference. The usurpation of the Charge Conference’s connection to the general church and delegating it to the Church Council of a local church is a Constitutional violation.

The closure of a local church is accomplished by ¶2549.2.

“The Constitution established a sound balance of power between the General Conference and annual conferences, ensuring that no single body has absolute authority in matters of disaffiliation.” See [JCD 1424](#), [JCD 1425](#).

[JCD 1150](#) holds that constitutional authority cannot be delegated to another body. Paragraphs 2549.2b and 2549.3 delegate to a church council authority that does not legally belong to it and properly belongs to the Charge Conference. Thus, ¶2549.2b and 2549.3 conflict with ¶¶244.1, 246 and 252 are unconstitutional.

## **DECISION**

The legislation ¶2549.2(b) as amended, and adding ¶2549.3 as a new paragraph are unconstitutional because they deny and circumvent the authority given to the Charge Conference by the *Discipline* and the Constitution.

Molly Hlekani Mwayera was absent. Erin Hawkins, first lay alternate, participated in this decision. Øyvind Helliesen participated via Zoom.