

Docket 0423-04
Northeast Jurisdictional Conference
October 2022 Special Session
Rev. Dr. Jay Williams' Questions of Law

[Submitted Electronically and Read by the Presiding Bishop. The following was amended/corrected pursuant to the video.]

Is the Special October 15th Session – held virtually using Zoom webinar with chat function regularly disabled and without the capacity for delegates to see, speak, nor confer with one another – a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to ¶¶ 27, 518, 521 and in accordance with the mandate for open meetings prescribed by ¶ 722? And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?

0423-04 Interested Parties

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The United Methodist Church

Northeastern Jurisdiction

of The United Methodist Church

Decision of Law Request October 15, 2022

John R. Schol, Bishop

STATEMENT OF FACTS

On September 8, 2022, the College of Bishops of the Northeast Jurisdiction, called a virtual Special Session of the Northeastern Jurisdictional Conference for October 15, 2022, for the specific purpose to hear reports from the Northeastern Jurisdictional Episcopacy Committee and the NEJ College of Bishops regarding episcopal elections and to conduct a vote by the delegates on the number of bishops to elect during the regularly scheduled Jurisdictional Conference set for November 2-4, 2022. (The call letter and all of the materials, procedures, reports and rules for the special called session may be found in the appendix under “Preconference Journal,” appendix I which was sent to all participants in advance of the session).

The need for such a special session was to clarify the number of Bishops to be elected. The Jurisdiction is entitled to nine bishops and electing up to four bishops but based on projections of denominational and jurisdictional finances and membership, both the NEJ Committee on Episcopacy and the College of Bishops believed electing four bishops was unwise. Further, the NEJ Committee on Episcopacy was not of one mind on a recommendation for the number of bishops to elect. While not electing any bishops at this time had the most support within the

committee, that perspective was not supported by a majority of the members of the committee. Other committee members believed there should be one or two bishops elected. With only two days available during the regular session of the NEJ Jurisdictional Conference to both determine the number of bishops to be elected and then elect those bishops, it was determined that holding a preliminary Special Session of the Jurisdictional Conference would settle in advance the issue of how many bishops to elect, leaving the delegates with sufficient time for discernment and election of bishops during the regular session. The Special Session lasted four and a half hours and the Conference voted to elect two bishops.

The Northeastern Jurisdictional Conference is incorporated in the State of Pennsylvania. Its bylaws are The 2016 Book of Discipline as amended in 2019.

Toward the end of the special session, Rev. Dr. Jay Williams asked the following question of law.

“Is the special 10/15 session – held virtually using Zoom webinar with chat function regularly disabled and without the capacity for delegates to see and speak to one another and confer – a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to paragraphs 27, 518, 521 and in accordance with the mandate for open meetings prescribed by par 722? And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?”

During the session, the Jurisdictional Conference rules were adopted; five reports given; 12 different motions/amendments made, with 28 speeches for and against: and three points of order

raised and responded to. Notably, the delegates participated in small group conversation about the reports and recommendations and more than 20 questions were asked by the delegates via the chat feature and responded to in open session by Chairperson Bonnie Marden, on behalf of the NEJ Episcopacy Committee and Bishop Easterling on behalf of the College of Bishops.

In addition to the Zoom participation by the delegates, there was a YouTube link to allow for wide, real-time viewing of the Special Session by non-delegates. A total of 894 people viewed the entire session or part of the session.

The Zoom procedures were sent to the delegates ahead of the Conference (APPENDIX I pages 9 and 12) which included how the session would be conducted and all voting performed on the Zoom platform, and during the Conference the body asked for and adjustments were made to three procedures, namely: displaying of vote tallies, displaying speakers, and who and what would be seen in regard to questions raised.

The chat function was, in fact, used for parliamentary procedures, and was not in use only when parliamentary business was not being conducted.

Nothing in *The Book of Discipline* prohibits the holding of virtual annual or jurisdictional conferences or demands that they be conducted only as in-person meeting. Moreover, Section 5708 of the Pennsylvania Nonprofit Corporation Act [15 Pa.C.S.A. § 5708] expressly allows nonprofit corporations to conduct electronic meetings if the bylaws do not prohibit electronic

meetings.¹ In turn, Roberts Rules of Order provides for procedures for conducting virtual meetings if such procedures are not provided.

There was no objection to the session being held, nor any issues raised concerning the procedures for conducting the Conference during the Special Session except for (1) the question of law at issue here, which was asked toward the end of the session, and (2) the three procedural adjustments mentioned above.

Because the bylaws of the Northeastern Jurisdictional Conference is *The Book of Discipline* and *The Book of Discipline* does not limit meetings to only in person meetings, under Pennsylvania law, a virtual meeting could be held.

The question at issue here cites three provisions from *The Book of Discipline*, Paragraphs 27, 518, and 521. Paragraph 27 describes the various responsibilities of the Jurisdictional Conference, which generally apply to a regular Jurisdictional Conference Session. In the instant matter, since this was a specially called session of the Jurisdiction Conference, the only business

¹ Section 5708 provides:

§ 5708. Use of conference telephone or other electronic technology.

(a) Incorporators, directors and members of another body.--Except as otherwise provided in the bylaws, one or more persons may participate in a meeting of the incorporators, the board of directors or another body of a nonprofit corporation by means of conference telephone or other electronic technology by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this section shall constitute presence in person at the meeting.

(b) Members.--Except as otherwise provided in the bylaws, the presence or participation, including voting and taking other action, at a meeting of members, or the expression of consent or dissent to corporate action, by a member by conference telephone or other electronic means, including, without limitation, the Internet, shall constitute the presence of, or vote or action by, or consent or dissent of the member for the purposes of this subpart.

to come before it was in the call as required by Paragraph 521. Paragraph 518 grants the Jurisdictional Conference the power to adopt its own procedures, rules, and plan of organization, and establishes what is needed to constitute a quorum for the transaction of business. None these paragraphs address the medium in which a conference is to be held.

Par. 51 addresses the process for the presiding Bishop to make a Ruling of Law. This paragraph is modified by Par. 2609.6 which allows the presiding Bishop 30 days to make a ruling after the close of the session.

Robert's Rules of Order is part of the Jurisdictional Conference Rules. Rule 32 states: "In any parliamentary situation not clearly covered by the Plan of Organization or these Rules of Order, the Jurisdictional Conference shall be governed in its action by the current edition Robert's Rules of Order, Revised." This Rule was adopted along with all the other Rules.

ANALYSIS AND RATIONALE

The virtual Special Session of the Northeastern Jurisdictional Conference was conducted under 1) The 2016 Book of Discipline as amended, 2) relevant Pennsylvania statutes, the state of its incorporation, 3) the Jurisdiction's own rules, and 4) Roberts Rules of Order insofar as any issues are not covered by any of the forgoing authorities. The governance for such a meeting would follow in the above order as well.

Rev. Dr. Jay Williams' question' while seemingly interrelated is actually three distinct questions. The first is disciplinary related to three specific paragraphs of *The Book of Discipline* and in

accordance with “holy conference,” a non-disciplinary term. The second is a question related to ¶ 722 and was the Conference an open meeting. The third question is a parliamentary question, did the Conference follow its rules.

- 1) “Is the special 10/15 session – held virtually using Zoom webinar with chat function regularly disabled and without the capacity to see and speak to one another and confer – a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to paragraphs 27, 518, 521, and
- 2) [Is the special 10/15 session] in accordance with the mandate for open meetings prescribed by ¶ 722?
- 3) And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?”

Regarding the first question, while the Special Session followed paragraphs 27, 518 and 521, the question asks for a ruling if the Special Session was in keeping with the mandate “to holy conference.” A thorough search of *The Book of Discipline* reveals that there is no phrase “holy conference” or “holy conferencing” upon which to base a ruling of law. Paragraphs 27, 518 and 521 do not include the phrase, nor any other guidance on such conferencing other than to recite the duties and responsibilities of a Jurisdictional Conference all of which were followed.

The second question, which references ¶ 722 addresses the recommendation that church meeting/conference be open. The virtual Jurisdictional Conference was open to non-voting people along with the delegates and the Jurisdictional Conference had 894 visitors through

YouTube. Furthermore, just as none of the identified paragraphs in the request for a ruling of law preclude the voting delegates from meeting electronically, nothing in *The Book of Discipline* suggests that a virtual Jurisdictional Conference or any other virtual meeting cannot qualify as “open” within the meaning of ¶ 722.

The third question raises a parliamentary issue related to the NEJ rules of order and Roberts Rules of Order. A parliamentary matter is the business of the session (Judicial Council Decisions 898, 1117, 1131, and 1252). Such parliamentary questions do not qualify as questions of church law within the meaning of Discipline ¶¶ 51 and 2609.6.

RULINGS

1) *“Is the special 10/15 session – held virtually using Zoom webinar with chat function regularly disabled and without the capacity to see and speak to one another and confer – a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to paragraphs 27, 518, 521?”*

Ruling – the Special Session followed paragraphs 27, 518 and 521 and was a legitimate jurisdictional conference but a ruling regarding if the conference was in keeping with “to holy conference” cannot be ruled on because *The Book of Discipline does not use or interpret the term “holy conference.”*

2) *“[Is the special 10/15 session] in accordance with the mandate for open meetings prescribed by ¶ 722?”*

Ruling – The Special Session of Northeastern Jurisdictional Conference was an open meeting within the meaning of ¶ 722, in that all non-members were free to attend and observe the meeting in real-time via live-streaming on YouTube.

3) *“And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?”*

Ruling –This is a parliamentary question, not a question of law, and therefore cannot be ruled on.

Submitted by: John R. Schol, Bishop

November 14, 2022

NEJ UMC - Virtual Special Called Session
Saturday, October 15, 2022
9:00 a.m. – 1:30 p.m.
Hosted by the New Jersey Annual Conference
Bishop John Schol Presiding

The Special Called Session of the Northeastern Jurisdictional Conference began a welcome by Bishop Thomas Bickerton and worship. Bishop Cynthia Moore Koikoi gave the message.

Bishop Sudarshana Devadhar called the meeting to order.

NEJ Secretary Tom Salsgiver (SUS) explained the voting procedures as well as participating in the parliamentary process.

NEJ Secretary, Tom Salsgiver (SUS) expressed thanks to the delegates, youth representatives, bishops, episcopacy committee, and Zoom guests. He acknowledged the Greater New Jersey staff, DCM, IT Team, Monitors from two General Agencies, NEJ Officers, and other identified people present who knew that only delegates may vote. He also stated that youth representatives have voice and may be recognized to speak about a matter before the conference, but do not have vote.

ORGANIZING MOTION

Secretary Salsgiver moved that the bar of the conference be all of the delegates on this Zoom webinar. They will have voice and vote. Additionally, on site at the Greater New Jersey Mission and Resource Center are delegates of the Jurisdictional Conference who also are part of the bar of the conference.

In addition, as part of the motion. He reported that there is a quorum to proceed with the special called session.

- Delegates Voting: 146
- In Favor: 129
- Against: 17
- Results: The motion passed.

POINT OF ORDER

Drew Dyson (GNJ) sought clarification in terms of paragraph 522 of The 2016 Book of Discipline, which outlines the role of the College of Bishops and Jurisdictional Conference presiding officers. He wanted clarity on whether it is appropriate for Bishops to present a report to the Body that contains a clear and specific recommendation on the number of Bishops to be elected. It could be viewed as a violation of paragraph 522 of the Book of Discipline and could be argued that it violates the constitutional principal separation of power as well.

Bishop LaTrelle Easterling responded that the Northeastern Jurisdiction College of Bishops simply purposed to offer information as a gift, as an offering to the delegation for their discernment and their prayerful consideration as they do their work. This was expressly stated in the report that the College offered. The College does not believe that it crosses a line, nor is in violation of the Book of Discipline. The delegates were simply asked to receive it, consider it, and then do what they will with it as they do their elected work.

Drew Dyson followed that it was not the report itself that violates paragraph 522, it is the recommendation that delegates elect zero bishops. It crosses the line from the report to the recommendation to the Body. He requested a ruling from the chair. Bishop Schol, presiding bishop responded that paragraph 522 does not say anything preventing bishops from giving a report or making a recommendation. He indicated that bishops may present legislation to the General Conference, which is a form of a recommendation, and asked couldn't that be extended to the Jurisdictional Conference as well? After discussion, Bishop Schol ruled that the report as presented was in order.

APPEAL

Drew Dyson appealed the ruling of the Chair. After hearing each of their rationales, voting took place on the appeal of the chair's ruling.

- Delegates Voting: 148
- Yes – to sustain the chair's ruling: 75
- No – do not sustain the chair's ruling: 73
- Results: The Body sustained the Chair's ruling.

POINT OF ORDER

Rebecca Girrell (NE) questioned the adoption of Rules. She referenced NEJ Rule 50 on page 30 of the participant guide that states that the Body must adopt Rules to govern its meeting, which had not been done, which made the meeting out of order. Bishop Schol indicated Rebecca Girrell was correct and thanked Rebecca for bringing this to the attention of the Body.

MOTION

The NEJ Secretary Tom Salsgiver (SUS) moved that the Rules that were adopted in 2016 be used as the Rules for this Special Called Session of the Northeastern Jurisdictional Conference. There was a second.

Question from Rebecca Girrell (NE) sought clarity about meeting virtually and in person according to NEJ Rules and using Robert Rules were in accordance with Rules beginning on page 30. Bishop Schol shared that the NEJ Rules state that if it is not in the NEJ Rules, then Roberts Rules are used, which shows Rules for online meetings.

AMENDMENT

The motion was amended, which stated that basic information about page numbers and items of that nature will be responded to directly to the individual. But anything that pertained to the Body as a whole would need to come before the Body. It was seconded.

- Delegates voting: 138
- Yes – In favor: 126
- No – Against: 12
- Results: The amendment passed.

MOTION

To approve Rules that the Body will use including Roberts Rules of Order that will allow the Body to work virtually.

- Delegates voting: 139
- Yes – to adopt: 115
- No – to not adopt: 24
- Results: It passed

REPORTS

The Body heard conference reports that centered around collaborative work and affiliations within the Northeastern Jurisdiction in terms of sharing one or two Bishops.

- Report presented by Kathleen Kind (SUS). Bishop Sandra Steiner Ball, West Virginia Conference and Bishop Cynthia Moore-Koikoi, Western Pennsylvania Conference, together supervise Susquehanna Conference
- Report presented by Megan Shitama (PD). Bishop LaTrelle Easterling supervises the Baltimore-Washington Conference and Peninsula Delaware Conference.
- Report presented by Dawn Taylor-Storm (EPA). Bishop John Schol supervises the Greater New Jersey Conference and Eastern Pennsylvania Conference.

The report from the Northeastern Jurisdiction College of Bishops was presented by Bishop LaTrelle Easterling (BW). She referenced pages 18 and 25-28 of the booklet. The College of Bishops is recommending to elect bishops in 2024 and the College of Bishops provide coverage for open episcopal areas.

Bonnie Marden presented the report from the Committee on Episcopacy, page 18-24 and 29. After prayer and discernment, the recommendation is for one bishop to be elected.

There was a question about how many were participating in the virtual meeting. The chair responded that 161 delegates registered to be a part of the jurisdictional conference. And online, there were 159 voting delegates. 161 registered. There are some delegates that are not voting on certain votes.

RECESS

The Conference recessed for 10 minutes.

Following the recess, it was proposed that instead of breaking into small groups for conversations, delegates would have the opportunity to have questions answered / receive information for them to vote on the Episcopacy Committee recommendation. Delegates would use the Zoom Chat feature to post questions.

MOTION

NEJ Secretary Salsgiver (SUS) moved that the Body would not move to small groups, but rather move to voting once the Committee on Episcopacy made their motion regarding the election of one Bishop.

Bishop Schol clarified that the Body would eliminate the small group work and allow people to type in their questions. The motion was seconded. There were four speeches against the motion and no speech for the motion. There was a motion to call the question and a second.

The call for the question required a two-thirds vote.

- Delegates voting: 143
- Yes – call the question: 126
- No – continue discussion on the motion: 17
- Results: Needed 95 to pass. It passed.

MOTION

The conference voted on the motion to reorder the agenda.

- Delegates voting: 140
- Yes – In favor to reorder the agenda and not going into the small groups: 68
- No – If you do want to go into small groups: 72
- Results – The motion does not pass. The conference recessed to meet in small groups to identify questions and have conversation among the delegates.

After small groups met, Bishop Easterling (BW) and Bonnie Marden (NE) answered questions raised by the delegates.

MOTION

On behalf of the Northeastern Jurisdictional Committee on Episcopacy, Tom Lank (GNJ) moved that the 2022 Northeastern Jurisdictional Conference hold an election for one Bishop. Because it came from committee, a second was not needed. There was a speech against the motion.

AMENDMENT

Fred Brewington (NY) presented an amendment to the motion, for electing two bishops instead of one. There was a second. He provided rationale followed by speeches for and against.

CALL THE QUESTION

Kathleen Kind (SUS) called for the question on the amendment to elect two bishops. It was seconded.

- Delegates voting: 147
- Yes – in favor of calling the question on the amendment: 124
- No – those who wanted to continue conversation on the amendment: 23
- Results: Required votes was 98. It passed.

AMENDMENT

To amend the number of bishops to be elected for the Northeastern Jurisdiction from one to two.

- Delegates voting: 147
- Yes – to amend the motion for electing two bishops: 81
- No – to not amend the motion for electing two bishops: 66
- Results: The amendment passed.

The motion is now for the election of two bishops.

MOTION TO POSTPONE

Harriet Olson (GNJ) made a motion to postpone conversations or refer the final number of bishops to be elected to the next session of the Northeastern Jurisdictional Conference. It was seconded. There were three speeches for and two speeches against the motion.

CALL THE QUESTION

The question to refer to the November Northeastern Jurisdiction Conference for the final number to be determined. There was second.

- Delegates voting: 146
- Yes - to refer vote on the question: 128
- No - to continue conversation: 18
- Results: Two-thirds required which would be 97. There was a call for the question.

VOTING

Harriet Olson (NE) motion to refer the question to the Northeastern Jurisdictional Conference

- Delegates voting: 145
- Yes - to refer: 62
- No - to refer: 83
- Results: It did not pass.

CALL THE QUESTION

The amended main motion to elect two Bishops was called by Randall Bain (WPA). There was a second.

- Delegates voting: 147
- Yes – to call the question for electing two bishops: 111
- No – to not call the question for electing two bishops: 36
- Results: Needed 98 votes for two-thirds. It passed.

POINT OF ORDER

Rebecca Girrell (NE) raised a Point of Order about speeches. Her question was about following rules regarding three speeches for and three speeches against when voting. Bishop Schol explained that he researched the matter and there was not a Rule that said how many speeches were needed before someone could call the question. He also indicated that he did not find any such rule in Roberts Rules of Order. The call for a question was in order.

VOTING: EPISCOPACY COMMITTEE MOTION

The Body moved to vote on the Episcopacy Committee motion, by Fred Brewington (NY) to elect two bishops instead of one bishop.

- Delegates voting: 150
- Yes – elect two bishops: 81
- No – do not elect two bishops: 69
- Results: The motion passed to elect two bishops at the November session of the Northeastern Jurisdictional Conference.

DECLARATORY DECISION

Jay Williams (NE): “I move that the jurisdictional conference request a declaratory decision from the judicial council according to paragraph 2610.2F as to whether the zero-election recommendation by the NEJ College of Bishops is legislative in nature and in violation of paragraph 49. Article V of the constitution and/or paragraph 415.1 and/or paragraph 522 regarding the constitutional separation of powers”. It was seconded. Bishop Schol reminded the body that this motion required a 20% vote to forward the question to the Judicial Council.

- Delegates voting: 136
- Yes: Forward to the Judicial Council: 81
- No: Do not forward to the Judicial Council: 55
- Results: It passed. The request for a declaratory decision will be sent to the Judicial Council

QUESTION OF LAW

Jay Williams (NE) submitted a question of law: ““Is the special 10/15 session – held virtually using Zoom webinar with chat function regularly disabled and without the capacity to see and

speak to one another and confer – a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to paragraphs 27, 518, 521 and in accordance with the mandate for open meetings prescribed by par 722? And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?”

That question will be answered and sent to the Judicial Council within 30 days.

CLOSING AND ADJOURNMENT

Bishop Devadhar closed the special call session with prayer followed by the adjournment from Bishop Schol at 1:29 p.m.