



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'ÉGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Petition for Declaratory Decision

This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- The Book of Discipline 2016* or any portion thereof (§ 2610.1)
- any act or legislation of a General Conference (§ 2610.1)
- any proposed legislation (§ 2609.2)

Name of body authorized to make a Petition (§ 2610.2): Baltimore-Washington Conference
 Date of session: May 31, 2019 (month/day/year) Location: Baltimore, MD
 Name of Secretary: F. Kevin Silberzahn
 Address: 11711 East Market Place City: Fulton
 State/Province: MD ZIP/Postal Code 20759 Country: USA
 Phone: (443) 695-3194 Fax: _____ E-mail: bwcsecretary@bwcumc.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):

Book of Discipline: Paragraphs 13.1-.2, 34

Legislation: _____

Act of General Conference: _____

Signature: *F. Kevin Silberzahn*
Secretary of the Conference/Body

Date: August 7, 2019
 (month/day/year)

The following must be attached:

- Text of the written Petition for Declaratory Decision as originally presented
- Minutes of proceedings (relevant portions only)
- List of names and addresses of interested parties, including e-mail
- Other relevant materials (e.g. conference rules, resolutions, policies, reports)

Send electronic copy of this form and all materials in PDF and Microsoft Word format to:
 secretary@umcjudicialcouncil.org

Mail two (2) sets of hard copies to: Clerk Price of the Judicial Council, 5556 North Sheridan Road, # 610; Chicago, IL 60640 U.S.A.

Written Request for Declaratory Decision, as Originally Presented by the Rev. Mark Gorman

I move that under ¶2610.2.j of the 2016 Book of Discipline this Annual Conference request the following Declaratory Decision from the Judicial Council:

In light of BOD ¶13.1-2 and ¶34, as well as Judicial Council Decision 592, can an annual conference adopt attendance policies for delegates to General and Jurisdictional Conferences, and can those policies include consequences such as removal or reporting of attendance records to the Annual Conference?

A copy of the original handwritten version is attached.

Declaratory Decision

I move that under ¶ 2610.2.j of the 2016 Book of Discipline this Annual Conference request the following Declaratory Decision from the Judicial Council:

→ Can an annual conference adopt attendance policies for delegates to General and Jurisdictional Conferences, ~~that~~ and can those policies include consequences such as removal or reporting attendance to the Annual Conference?
records

→ In light of BOD ¶ 13.1-2 and ¶ 34 as well as Judicial Council Decision 512,

Relevant Minutes of Third Plenary Session

Friday, May 31, 2019 | 9:00 a.m.

Bishop Easterling opened the session and shared that she had left the ballroom because she received word that Kyle Durbin's father was making his transition. She said that Kyle was a candidate for ordination that evening and asked the plenary to pause for a prayer for him and his family. His district superintendent, Rev. Conrad Link, was asked to pray.

* * *

Rev. Melissa Rudolph presented Resolution 9, "Pertaining to Attendance at Meetings for General and Jurisdictional Conference Delegates" on behalf of the 2016 delegation. She said the resolution was the work of the entire delegation; it involved 2014 rules required attendance at the delegation meetings. At the delegation's meeting in January 2019, the delegation voted 20 for the resolution and two against the resolution. The resolution put "parameters around what it means to be in attendance and what qualifies as an excused absence." She said it was up to the body to determine what the accountability measures should be for someone not in attendance.

Rev. Mark Gorman, speaking as Rule Chair, offered a Point of Information, that the Rules Committee voted concurrence with the resolution. And, he wanted to speak in favor of the resolution personally. He spoke in favor of the resolution because he believes the Conference needs to support the delegation when they say they need this resolution. He pointed out that there is a possibility of a constitutional issue. Despite that, he supported the resolution.

Rev. Marlon Tilghman, Ames UMC in Bel Air, offered an amendment at line 30 and 31 to delete the publishing of the attendance of the 2020 delegation attendance record prior to the election of the 2024 delegation. He saw the statement as a form of shaming those unable to attend the meeting.

Rev. Mary Kay Totty, Dumbarton UMC, rose to speak against the amendment, stating her belief that the purpose of the resolution is to help the conference "be aware when people run for delegations two quadrennium or more running, to have a fair sense of the reliability and dependability of people participating in the process." While she agreed that there are "valid" reasons for people being unable to attend a meeting, there is also a "need to have a sense of where people prioritize their commitment to the delegation and therefore to this conference."

Rev. Lynn Glassbrook, Retired Clergy, asked for more information from Gorman regarding the constitutional problems. Gorman said the amendment on the floor raised the question of whether or not reporting back attendance records is "functionally the same thing as reporting back voting record, which the Judicial Council has said cannot be required." The second issue is that the attendance policy

may not be enforceable. He plans to request a declaratory decision on the resolution, if passed.

Rev. Sandi Johnson, Deaf Ministries, rose to speak for the amendment in light of there being excused absences and after a certain number of absences one is dropped from the group. Therefore, the last sentence is not necessary. Dawn Ragnar, lay member of Union Chapel in Joppa, asked if “a delegate who has two unexcused absences is removed from the delegation, is that delegate eligible to be voted on in the next session?” Rev. Rudolf said yes.

An unnamed person rose to offer an amendment to the amendment beginning at line 17 and Gorman raised a point of order that the amendment under consideration was lines 30 to 31. The amendment to the amendment was out of order.

Mittie Quinn offered a “friendly amendment” to change “will be published” to “will be made available prior to elections.” Rev. Sarah Schlieckert, Calvary UMC in Waldorf, raised a point of order, Conference Rule 22, because the amendment was a substitution, because Rev. Tilghman’s amendment was a motion to delete. Bishop Easterling was not sure Rule 22 was applicable and asked Tilghman if he would accept the friendly amendment and he said “no.”

Rev. Mary Jo Sims rose to submit a question to or request a clarification from Rev. Gorman. Her understanding was that the conference was allowed “to add additional requirements, but that it must at least meet the requirements of the discipline.” Gorman replied that he was not suggesting that the Conference was not so allowed; he said it was a question that the Judicial Council “had not taken up.”

Rev. Joan Carter-Rimbach, John Wesley UMC in Baltimore, spoke against the amendment. She said that in Tampa (General Conference 2012), there was a member of the delegation who never attended any of the delegation meetings and “when the delegate came to General Conference, people saw her for the very first time.” She spoke against it because “we want to expect our delegates be there to show and to be accountable.”

Will Gouty, lay member, Silver Spring UMC, spoke for the amendment because he believed “it should not be anyone’s business how many excused” absences one has and it should not be published as long as they are getting the work done.

Jan Hayden, lay member, West Baltimore UMC, asked why the person who missed all the meetings was not dropped. Rudolph said the resolution was the reason the rule came into being in 2014. Tilghman spoke on his amendment again, reiterating his earlier statements that publishing the amendment was not necessary. A voice vote was taken and because it sounded so close, the voting devices were used and the amendment did not pass.

Bishop Easterling recognized someone with a point of order but because there was an order of the day, she asked if the question was brief. Dan Rusin, Havre De Grace UMC, asked why conference calls or Skype or some other means was not used. Bishop Easterling said it was not brief and moved to the order of the day – the Board of Ordained Ministry Report.

* * *

Bishop Easterling returned to Resolution 9. Rev. Stephen Ricketts, Linganore UMC, asked what happens when a person who has too many absences is removed? Rev. Rudolph replied that an alternate would move into that slot. Brandon Savage, Salem UMC in Brookville, moved that the resolution be tabled, submitted to the Judicial Council for review, and reviewed at next year's Annual Conference Session. Rev. Bill Brown, Wesley Freedom, raised a point of order that an unpassed resolution could not go to Judicial Council and the bishop agreed. She said that because it was hypothetical and the body had not acted on it, the Judicial Council would not give an opinion on it. However, the resolution could be tabled. Savage asked how his request was different from General Conference 2019 when the Judicial Council was asked to review items going before that General Conference and issued rulings. Bishop Easterling explained that in 2016 the work was referred to the Commission on a Way Forward and the process was different. She explained that the resolution required some action by the body and if they supported it, it could then be referred as the Rules Chair mentioned earlier he was going to request a Declaratory Decision if the resolution was passed. The motion was withdrawn.

Rev. Maidstone Mulenga spoke against the resolution based on Judicial Council Decision 592, which said, "all requirements for qualification, election, and service of the delegates are contained in the Discipline are powers reserved for the General Conference." He believed the Judicial Council would rule that we don't have the authority to make the rule and it will have been a waste of time. Gorman, Rules Chair, raised a Point of Information, that if Mulenga's interpretation was correct that would mean that the Conference's current policy is also out of order.

Rev. Sarah Dorrance, Middletown UMC, spoke in favor of the resolution because it holds "fellow clergy in accountability and our fellow delegates." While acknowledging the time demands of everyone, she said, "Let's have people who are representing us be present, so they understand the full things that are in front of us." She also called for the vote on the resolution. Seeing no other speakers against the amendment, the bishop invited Rudolph to make a final statement. The resolution passed.

Rev. Mark Gorman moved that under paragraph 2610.2 of the 2016 Book of Discipline, the annual conference request the following Declaratory Decision from the Judicial Council "in light of the Book of Discipline, paragraphs 13.1 and 2 and paragraph 34, as well as judicial Council decision 592." The question is, "can an annual conference adopt attendance policies for delegates to the General and

Jurisdictional conferences? And, can those policies include consequences such as removal or reporting attendance records to the annual conference?" Bishop Easterling called for a vote and the referral passed.

* * *

1 **9-Resolution Pertaining to Attendance at Meetings for General and**
2 **Jurisdictional Conference Delegates**

3 *As per Baltimore-Washington Conference Rule Para. 3006.2.c, this resolution was reviewed by*
4 *the Conference Secretary and was found consistent with the current Book of Discipline. (See the*
5 *note at the conclusion of this resolution.)*

6 **Submitted by:** Rev. Melissa Rudolph

7 **Conference Affiliation:** 2016/2019 BWC General and Jurisdictional Conference Delegation

8 This resolution amends the rules of the session regarding expectations of delegates as adopted by
9 the 2014 Annual Conference.

10 **Whereas:** clergy and laity are elected to represent the Baltimore-Washington Conference the
11 year prior to the quadrennial gatherings of United Methodists for the General and Jurisdictional
12 Conferences and any special sessions of those bodies, according to the process adopted by the
13 2014 Annual Conference under the provisions of the Discipline; and

14 **Whereas:** said election is decided upon by the clergy and lay members of the Annual
15 Conference in order to have a diverse body, representative of the Baltimore Washington
16 Conference; and

17 **Whereas:** members of the delegation meet monthly in preparation for their work on behalf of the
18 annual conference, gathering to build relationships, engage in Holy Conferencing, learn about
19 proposed legislation, and worship and pray together at meetings that are scheduled in advance
20 for the entire year. And, that members of the delegation are in covenant with one another to fully
21 participate in these gatherings; therefore

22 **Be it resolved:** that members of the delegation are expected to be present at all meetings prior to
23 General and Jurisdictional Conference. Excused absences are limited to those conflicts with the
24 calendar that are shared in writing with the Chairs and secretary of the delegation by September
25 when the meetings commence, illness for the delegate or members of their immediate family for
26 whom they are providing care, bereavement for the loss of a family member, and inclement
27 weather. Absences not communicated in a timely fashion or for reasons outside of these will be
28 considered unexcused. Additionally, delegates must attend at least half of the meeting to be
29 counted present. A delegate is allowed two unexcused absences, after which they shall be
30 removed from the delegation. Beginning with the 2020 delegation, the attendance record of the
31 previous delegation will be published prior to elections.

32 *Note: Questions have been raised by the Conference Rules Committee about the constitutionality*
33 *of this resolution and about attendance policies for delegates in general. See Judicial Council*
34 *Decision No. 592 (<http://www.umc.org/decisions/41486>).*

35 *The Connectional Table voted non-concurrence on this resolution.*

List of Interested Parties

F. Kevin Silberzahn
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Mark Gorman (maker of the motion to request a declaratory decision)
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