

IN THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

Docket No. 1022-26; Decision No. 1472

IN RE: Petition for Clarification of Judicial Council Decision 1451 from the Council of Bishops

**REQUEST FOR RECONSIDERATION OF THE GENERAL COUNCIL ON FINANCE
AND ADMINISTRATION OF THE UNITED METHODIST CHURCH**

INTRODUCTION

Pursuant to Rule IX of the Judicial Council’s Rules of Practice and Procedure, the General Council on Finance and Administration of The United Methodist Church (“GCFA”), as an interested party to Docket No. 1022-26, hereby requests that the Judicial Council reconsider a portion of its ruling from Decision 1472. Specifically, GCFA respectfully requests that the Judicial Council reconsider, and ultimately change, its holding that “[t]he Commission on the General Conference is required to schedule and plan for a regular session of General Conference to be convened after the adjournment of the postponed 2020 General Conference, between January 1, 2025 and December 31, 2027.” Should this reconsideration request be granted, GCFA also asks that the Judicial Council expedite its ruling on the merits of the issues raised below, as this issue directly impacts the proposed general Church budget GCFA must soon submit.

BACKGROUND

The Judicial Council’s Fall 2022 Docket included three separate Requests for a Declaratory Decision which posed questions regarding the regular session of the General Conference scheduled for 2024.¹ The Judicial Council jointly addressed these three Requests in Decision 1451. A significant aspect of the Judicial Council’s ruling in that decision was that the

¹ Docket Nos. 1022-01, 1022-02, and 1022-03.

General Conference session to be held in 2024 would be the “postponed 2020 General Conference.” In reaching that conclusion, the Judicial Council stated:

The Constitution further establishes the minimum frequency at which the General Conference must convene, not the actual year when this occurs. “The General Conference shall meet once in four years at such time and in such place as shall be determined by the General Conference or by its duly authorized committees.” Const. ¶ 14. A cancellation would cause the number of General Conference sessions to drop below the quadrennial minimum and violate this constitutional mandate.

Decision 1451 was dated December 12, 2022. A month later, on January 15, 2023, an additional item was added to the Fall 2022 Docket: a “Petition for Clarification” from the Council of Bishops (“COB”) regarding Decision 1451. The petition posed four clarifying questions, one of which directly addressed the above quote from Decision 1451:

Based on the holding in JCD 1451, is the Commission on the General Conference required to schedule and make arrangements pursuant to ¶ 511.4 for a session of the General Conference to occur in the quadrennium after the adjournment of the postponed 2020 General Conference in 2024 and before December 31, 2027?

The COB offered the following “rationale” in connection with this question:

The implication of the language of JCD 1451 interpreting ¶ 14 is that there must be at least one regular session of the General Conference convened once in four years and that not holding one such session would violate the constitutional mandate of ¶ 14. Thus, because a new quadrennium will be in place until December 31, 2027 and there has been no regular session of the General Conference in this quadrennium – only the postponed 2020 General Conference will take place – the COB understands JCD 1451 to require another regular session of the General Conference before December 31, 2027. If that understanding is correct, then the COB respectfully submits that the Commission on the General Conference is required by ¶ 511.4 to schedule and make arrangements for that regular session to occur before December 31, 2027.²

² The petition incorrectly states the upcoming quadrennium beginning on January 1, 2025, would end on December 31, 2027. That timeframe only includes three years, rather than four. The next quadrennium would end on December 31, 2028. See ¶ 721.2.

In Decision 1472, dated March 20, 2023, the Judicial Council responded to the questions posed in the COB’s petition. In analyzing and answering the above question, Decision 1472 states:

The Constitution “establishes the minimum frequency at which the General Conference must convene, not the actual year when this occurs,” by setting the number at once every four years in ¶ 14. JCD 1451. Since ¶ 14 stipulates one session per every four years, another regular session of General Conference is therefore required. Under this provision, a regular session of General Conference must be convened after the adjournment of the postponed 2020 General Conference, between January 1, 2025 and December 31, 2027. The Commission on the General Conference is the duly authorized body under *The Discipline* to schedule and plan for this event.

GCFA is requesting that the Judicial Council reconsider only this aspect of Decision 1472.

Judicial Council Rule IX states a reconsideration request should address one or more of the following areas:

- A list of all new, relevant facts;
- An indication of relevant law and/or decisions of the Judicial Council and/or disciplinary sections which were not previously considered and should have been; and/or
- A specific explanation of the error or manifest injustice found in the Judicial Council ruling.

There is ample basis in each of these areas to support reconsideration of Decision 1472, and all three are addressed in the following section.

ARGUMENT

As more fully discussed below, Decision 1472 overlooks the literal and plain meaning of ¶ 14 – *i.e.*, absent a called special session, the General Conference shall meet *once* in a quadrennial cycle – that is consistent with the denomination’s traditional and pervasive quadrennial structure. Decision 1472, in mandating a regular session of the General Conference must be held between January 1, 2025, and December 31, 2027, instead reads ¶ 14 in a way that does the exact opposite – it requires that there be *two* non-special sessions of the General Conference within a *single* quadrennial cycle. GCFA argues the Judicial Council should adopt

the literal and plain meaning of ¶ 14. Alternatively, to the extent the Judicial Council believes there is more than one way to read this constitutional provision, GCFA argues the Judicial Council should select the one that is consonant with long-established denominational structure and polity.

The Denomination's Quadrennial Cycle and ¶ 14

Paragraph 14 states “[t]he General Conference shall meet once in four years at such time and in such place as shall be determined by the General Conference or its duly authorized committees.” Decision 1451, in analyzing whether the General Conference to be held in 2024 would be the “2020” or “2024” General Conference, stated this paragraph “establishes the minimum frequency at which the General Conference must convene” and “cancellation [of the 2020 General Conference] would cause the number of General Conference sessions to drop below the quadrennial minimum and violate this constitutional mandate.” Decision 1472 then builds on this premise by concluding “a regular session of General Conference must be convened after the adjournment of the postponed 2020 General Conference, between January 1, 2025 and December 31, 2027.” GCFA respectfully contends this is a misinterpretation and misapplication of ¶ 14.

First, ¶ 14 does not establish the *total number* of sessions of the General Conference there is to have been at any given time in the life of the denomination. Instead, it states how *often* the General Conference should convene. From a practical standpoint, the distinction between “number” and “frequency” is a critical one, because the former can theoretically be fixed – indeed, Decision 1472 seeks to do exactly that – while the frequency of General Conferences cannot. When the General Conference convenes in 2024, eight years will have passed since the 2016 regular session and five years will have elapsed since the 2019 special session. Nothing can

change that the 2020 regular session did not occur as scheduled and that the General Conference did not meet the requirement in ¶ 14 of “meeting once in four years.” No one could have anticipated the world crisis which caused the postponement of the General Conference, but to not accept the existence of the crisis and to then redefine the meeting times of the General Conference is not what ¶ 14 is intended to do.

That “once in four years” speaks to frequency rather than number is reflected throughout the *Discipline*. “Quadrennium” is one of the few terms it clearly defines:

Unless otherwise specified in the *Discipline* for a specific purpose, the term quadrennium shall be deemed to be the four-year period beginning January 1 following the adjournment of the regular session of the General Conference.³

A version of that term is used approximately 140 times in the *Discipline*, yet Decision 1472 does not reference ¶ 721.2 or this definition. The paragraph clearly establishes and reflects a core aspect of United Methodism: the denomination operates on a four-year cycle. More importantly, however, is that the General Conference has explicitly tied that four-year spacing to the timing of its regular sessions.

Holding a regular session of the General Conference between 2024 and 2028 would significantly and unnecessarily break the quadrennial cycle upon which our denomination is built. Paragraph 721.2 plainly states a quadrennium is the four-year period beginning on January 1 following a “regular session” of the General Conference. Thus, a quadrennium will begin on January 1, 2025, following the holding of the “2020” General Conference in 2024, and will continue through December 31, 2028. The subsequent quadrennium would then begin on January 1, 2029, after the session of the General Conference to be held in 2028.

³ ¶ 721.2.

That timing is what ¶ 721.2 would have dictated prior to the release of Decision 1472. Instead, should there be a regular session of the General Conference held in, for example, 2026, by operation of ¶ 721.2 a new quadrennium would begin on January 1, 2027. Decision 1472’s interpretation of ¶ 14 would therefore cut off the second half of the quadrennium that began *only two years prior*. Then, when another regular session of the General Conference is held in 2028, a new quadrennium would still begin on January 1, 2029, but yet again the prior “quadrennium” *would be cut off halfway through*.⁴

The reality is the Church simply cannot go back and “recapture” the quadrennium in which no General Conference was held due to an unprecedented global pandemic preventing delegates from gathering. Holding a regular session of the General Conference between 2024 and 2028 would needlessly break the long-standing quadrennial system established by the General Conference. That system pervades the *Discipline* and the life of the Church. Any interpretation of ¶ 14 that would unquestionably do damage to that system cannot be legitimately characterized as carrying out the will and intent of the General Conference.

Additionally, applicable Judicial Council precedent illustrates the flaws in Decision 1472’s interpretation of ¶ 14. The General Conference could have added the term “minimum” to ¶ 14, had it wished to do so, including when it recently adopted an amendment to the provision.⁵ To read that word into the paragraph is inconsistent with established Judicial Council precedent and the will of the General Conference. In Decision 1449, the Judicial Council refused to read ¶ 2548.2 as if it included a word (“membership”) it did not, stating that doing so “would flout

⁴ Applying the logic of Decision 1472 would seem to clearly dictate that a regular session would need to be convened in 2028, despite the presence of an intervening regular session held in the middle of the 2025-28 quadrennium, so as to avoid the number of sessions again dropping below the “minimum.”

⁵ Petition 20070 submitted to, and approved by, the 2012 General Conference removed the requirement that the General Conference must meet “in the month of April or May.”
(<http://calms2012.umc.org/Menu.aspx?type=Petition&mode=Single&number=70>)

conventional rules of statutory construction.” Similarly, in Decision 1270, a punishment imposed by a trial court was deemed invalid because, in part, “a penalty of that nature is simply not among the options the General Conference has authorized a Trial Court to impose on a clergy member convicted of a chargeable offense” as listed in ¶ 2711.3. It is the addition of “minimum” to ¶ 14 that eventually leads to the conclusion that the “missed” General Conference must be “made up.” That the added word produces a result that is plainly inconsistent with the actual language of ¶ 14 is a perfect embodiment of why the Judicial Council has previously held such rewriting of the *Discipline* to be inappropriate.

Paragraph 33 Does Not Require Decision 1472’s Reading of ¶ 14

Decision 1451’s conclusion that the upcoming General Conference session must be designated as the “postponed 2020 General Conference” is based at least in part on that any other result would, in the words of the Decision, “disenfranchis[e] the clergy and lay members of an annual conference who voted in good faith” and “deprive delegates of their right to be seated and serve at the session of General Conference for which they were duly elected.” This stems from Decision 1451’s reading that ¶ 33 gives annual conference members “not only the constitutional duty but also *right* to vote ‘on the election of clergy and lay delegates to the General and the jurisdictional or central conferences.’” (emphasis in original) In analyzing the issues addressed in Decision 1451, the Judicial Council was understandably cognizant of the reality that an entire collection of General Conference delegations had not yet been able to fulfill the duty asked of them by their respective annual conferences and that unless the upcoming session was designated as the 2020 General Conference, those specific delegations would *never* have the chance to do so.

That approach to ¶ 33 does not, however, lead to the conclusion that an extra General Conference must be held between 2024 and 2028. Unlike what has occurred with the 2020 General Conference and the delegates that were elected to it, there is not another collection of annual conference delegations at risk of losing “their right to be seated and serve at the session of General Conference for which they were duly elected.” Applying the plain meaning of ¶ 14, the next session of the General Conference would occur in 2028. The delegates to that session have not yet been elected. Thus, no related right of the annual conferences provided by ¶ 33 has been violated and there is no basis for concluding ¶ 33 requires a reading of ¶ 14 that would mandate an extra General Conference session being held between 2024 and 2028.

Decision 1472 and Financial Realities

One of GCFA’s Disciplinary responsibilities is to develop and present a quadrennial general Church budget to the General Conference for its review and approval.⁶ Developing the proposed budget is a multi-year process that culminates in the submission of a series of “reports” that, once adopted by the General Conference, establishes the amount to be apportioned to the annual conferences for the upcoming quadrennium, as well as how those apportionments will be distributed among and within the various general Church funds those apportionments support. These reports are due by no later than the deadline set in ¶ 507.4, which effectively means they, and thus the proposed quadrennial budget, must be completed by the August preceding the General Conference session that will consider them. GCFA must therefore soon finalize the proposed budget for the 2025-28 quadrennium, meaning much is already known about what that proposed budget will look like.

⁶ See ¶ 806.1.

The following information relating to the quadrennial budget to be proposed to the upcoming General Conference is relevant and supports reconsideration and modification of Decision 1472's requirement that an extra session of the General Conference be held during that quadrennium:

- There are essentially two items that determine the amount to be apportioned to the annual conferences, the “base percentage” and total “local church net expenditures;”⁷
- The proposed “base percentage” for the 2025-28 quadrennium is 25% lower than the current one;
- Since 2019, local church net expenditures have decreased by 13%;
- By 2025, when the next quadrennium, and thus the next general Church budget, goes into effect, local church net expenditures are projected to have decreased by 27% in comparison to 2019 (factors driving this decrease include the COVID-19 pandemic, aging local church membership, and disaffiliations);
- The proposed decrease to the base percentage, when combined with the expected decline in local church net expenditures, would result in a reduction of total general Church apportionments of 40% for the upcoming quadrennium; and
- In terms of dollars, the expected general Church budget for 2025-28 is projected to be \$245 million less than the budget approved by the 2016 General Conference.

In addition to the financial realities outlined above, the significant expense of holding a regular session of the General Conference is relevant in analyzing whether Decision 1451 should be reconsidered and modified. Holding the 2016 General Conference cost the denomination

⁷ The “apportionment formula” recommended by GCFA and set by the General Conference is local church net expenditures multiplied by the base percentage. The General Conference determines the base percentage in advance, which is then applied to actual local church net expenditures, as they become available through statistical reporting.

approximately \$10 million. Since then, consumer prices have increased by around 25%, which even if all other things are equal, would raise the expected cost of a future General Conference to at least \$12.5 million. As with all general Church activities, the cost of holding a General Conference is funded by apportionments. The budget GCFA is working to finalize currently includes an allocation for only the regularly scheduled 2028 General Conference. The added expense of an additional General Conference during the same quadrennium would double the amount needed. Reallocating that additional amount would further reduce the apportionments allocated to other areas/functions of the general Church, with reductions in some areas approaching a total of 50%.

A regular session of the General Conference is a large meeting that lasts for two-plus weeks. In 2016, over 18,000 hotel room nights were needed to house the delegates and other attendees. Planning and scheduling a meeting of this size, attended by individuals from multiple continents, is a massive undertaking. It starts with site selection, which given the length and size of the meeting, is often lined up before the *prior* session has even been held. Establishing that another session must be held less than four years from today will exacerbate its financial impact on the general Church budget, because there will be fewer viable options, with less flexibility and bargaining power, available within that shorter time horizon. Given that any additional value the forced extra “quadrennial” meeting within the same four-year period would bring to the denomination is speculative at best, while funding of the important missions and ministries of the Church *as established by the General Conference* would bring significant value, these additional facts should be given due consideration by the Judicial Council in determining whether Decision 1472 should be modified.

CONCLUSION

The COVID-19 pandemic created immense challenges at all levels of the denomination, as United Methodist members and institutions struggled to adapt to seismic changes within the world in which they carry out their missions and ministries. Some of those changes have faded, while others are likely permanent. The pandemic disrupted the life cycle of the denomination, which forced those same United Methodist members and institutions to simultaneously adapt to the absence of meetings and decisions – like the General Conference – that are fundamental to our polity. And, similarly, some of those adaptations will become obsolete upon a return to the typical quadrennial cycle, while others are now fully ingrained into the life of the Church. The unprecedented need to delay the expected holding of the General Conference by four years created problems and questions that had not been previously contemplated. The solution to those problems and questions is not an additional session of the General Conference. At a minimum, that is a decision that should remain within the purview of the General Conference itself.

It is impossible to change what has transpired since early 2020. The pandemic wrought havoc on many things within the world and our denomination that were beyond the denomination's control. Decision 1472's requirement of holding a regular session of the General Conference between 2024 and 2028 unnecessarily extends that pandemic-induced havoc. It means we will immediately follow up the current broken quadrennium with two more breaks to that cycle.

Fortunately, a modification to Decision 1472 and its interpretation of ¶ 14 would avoid such an inadvisable and damaging result. On that basis, as well as everything above, GCFA implores the Judicial Council to not only reconsider this aspect of Decision 1472, but to

ultimately withdraw any interpretation of ¶ 14 that would require an extra General Conference session to be held between 2024 and 2028.

Respectfully Submitted,

GENERAL COUNCIL ON FINANCE AND ADMINISTRATION

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May 3, 2023