

**A Response Brief
Docket No. 1009-9
Fall 2009 Session
Of
The
Judicial Council
The United Methodist Church**

Jurisdiction of the Judicial Council

The Judicial Council Has jurisdiction under ¶ 2609.6 in The Book of Discipline 2008.

Statement of Facts

This brief is filed in Response to Bishop Janice Riggle Huie’s ruling that my request for her “ruling of law on the decision of the Core Leadership Team to offer retirement incentives, utilizing funds from the Pension Reserve, in relationship with ¶ 613.1 of the 2008 Book of Discipline,” was “not germane to the business of the Annual Conference.”

The request for a question of law was germane and the 65 pages of documentation submitted by Bishop Huie helps to illustrate why it is germane, i.e. the Core Leadership Team usurped authority of the Annual Conference to make an informed decision as to whether or not the funds raised for pensions should be used in a way other than what they were intended. The Judicial Council has repeatedly ruled, as this brief illustrates:

- Bishop’s failure to rule during the session of conference makes it germane
- We are a connectional church and Council of Finance and Administration is to recommend to the Annual Conference “proposed expenditures.”

Exhibit #1 is the request for a ruling that the Bishop chose to accept as a question of law by taking the allowed thirty days to rule. In previous decisions by the Judicial Council **e.g. Decision 999**, it stated, *“The Bishop did not treat the ‘point of order’ as a request for a parliamentary ruling. Instead the Bishop took the matter under advisement, and reserved the right to issue a decision of law. In order for a parliamentary ruling, the chair must rule on the request in the parliamentary session affording the opportunity for appeal from the chair’s ruling to the body. Because the Bishop did not handle the matter as a request for a parliamentary ruling but rather a request for a decision of law, the Judicial Council has jurisdiction to review the Bishop’s decision of law under 2609.6. And in **Decision 1015**, The Council likewise treated the question as a decision of law because the Bishop responded after the session of the Annual Conference.*

See also Exhibit # 4 which states “The Board of Pensions Early Retirement Incentive Plan (ERIP) was approved and implemented during the year.” It further states:

“The ERIP was approved by the cabinet, passed by the Group Health Benefit and Board Of Pension committees and approved by the Core Leadership Team.”

Furthermore, in Exhibit #6, an attorney estimates the total cost of the ERIP program to be “between one and two million dollars.”

Exhibit # 8 (bottom of page numbered 27) it states “A Conference Core Leadership Team will be responsible for implementing decisions of the Annual Conference in accordance with Conference Mission, Vision, and Core Beliefs. The Core Leadership Team will:

1. Make decisions between sessions of the Annual Conference consistent with Conference Mission, Vision, Core Beliefs, budget, and directives consistent with *The Book of Discipline.*”...

Exhibit #9 at the bottom of page 1 and top of page 2 it states: “Reverend Williamson went on to explain that the Cabinet had reviewed the Early Retirement Incentive Plan at their November meeting and had unanimously approved of the program at their December Cabinet meeting. He indicated that if the Board of Pensions committee approved the program along with the Group Health Benefit committee, then the program would be submitted to the Core Leadership Team at their January meeting. He concluded it would take all three groups to approve the program if it were to be implemented.”

Exhibit # 10 also states the ERIP plan “would be submitted to the Core Leadership Team at their January meeting.” The Addendum to the minutes on page 6 contains a similar reference to the Core Leadership Team.

Exhibit # 11 also makes reference for the need of approval by the Core Leadership Team approval of the ERIP.

It is difficult to conceive how the matter is not germane if for no other reason than the Core Leadership Team failed to report to the Annual Conference the decision to spend \$1-2 million from pension funds and health Insurance reserves for the ERIP.

The matter is further mitigated by the absence of involvement by Conference Council on Finance and Administration that has responsibility under ¶ 613.1 “*To recommend to the Annual Conference for its action and determination budgets of anticipated income and proposed expenditures for all funds that provide for annual conference clergy support, administrative expenses, and annual conference benevolence and program causes (¶ 614).*”

Repeatedly the Judicial Council has maintained the importance of our system of checks and balances and connectional structures to assure expenditures are proper. Once again Judicial Council **Decision 999** gives guidance: “*An Annual Conference may not delegate implementation of changes in health insurance coverage for employees of the* James William Foster’s response to Docket No. 1009-9

Annual conference where the specific changes have not been approved in advance by the annual conference.”

Judicial Council **Decision 831** States: “*An Annual Conference cannot restructure in such a way as to constitute an unauthorized delegation of its authority to a committee.*”

All restructuring of an Annual Conference must preserve the connectional relationships of the denomination and recognize the separation of powers of the legislative and executive branches under the Constitution.”

(See also Judicial Council Decision 710)

One could have pointed out:

- Entering into contracts for consultants,
- Decisions to distribute the conference journal and pre-conference journal only online, (which also did not have CF&A approval or Annual Conference approval).
- The Bishop’s chairing the Core Leadership Team (with vote). (See Judicial Council Decision 831)

However, it seemed the Core Leadership Team’s usurping of authority which belongs in the covenantal relationship of the Annual Conference and allocating pension funds and health insurance reserves for the benefit of only 17 persons is an especially egregious one and needed to be challenged. Hence this request for a ruling of law: **Did the Core Leadership team act in accordance with ¶ 613.1 in approving ERIP?**

Relief Requested

Return monies to pension funds and hospitalization reserves and fund ERIP by other means. And give a clear statement as to the authority and the parameters of the Core Leadership Team authority to “make decisions between sessions of the Annual Conference.”

Respectfully submitted,

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