

2006 ROCKY MOUNTAIN CONFERENCE JOURNAL

Addendum from Judicial Council Rulings

Decision No. 1023

In Re: Continuation of Review of Bishop's Decision of Law in the Rocky Mountain Annual Conference Concerning Structure Modification for the Rocky Mountain Annual Conference as Required by Decision 1015.

DIGEST OF CASE

The proposed plan of structure does not comply with the *Discipline* and the decisions of the Judicial Council. When an annual conference seeks to establish its own structure, that structure must be in accordance with the requirements of the *Discipline* and decisions of the Judicial Council in order to be valid. The plan of structure proposed by the Rocky Mountain Annual Conference is null, void, and of no effect.

STATEMENT OF FACTS

In response to Decision 1015, the Rocky Mountain Annual Conference has submitted documents concerning its Proposed 2004 Annual Conference Modification. In Decision 1015, we reviewed four rulings of law by Bishop Warner H. Brown, Jr. The record provided was incomplete.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of the *2000 Discipline* as retained in Decision 1015.

Analysis and Rationale

Upon review of the proposed plan, certain provisions of the proposed Plan are in violation of the *Discipline*. Annual conference plans of structure must comply with the *Discipline* and previous Judicial Council decisions. The authority for the proposed Board of Stewards is not provided for in various paragraphs set forth in the *Discipline* and numerous Judicial Council decisions. The Constitution, in ¶15.15, does not permit the establishment of an annual conference Board of Stewards with broad powers as outlined in the proposed Plan.

Because the authority of the Annual Conference cannot be delegated the proposed Board of Stewards does not have responsibility to make decisions between sessions of the Annual Conference. The authority of the Annual Conference cannot be delegated. (Decision 584, 590)

Any General Conference legislation enacted must allow annual conferences to utilize structures unique to their mission and must preserve the connectional system in accordance with the *Discipline*. (Decision 815)

The existence of mandated structures at the general church level requires parallel structures at the Annual Conference level as an expression of the connectional principles that bind us together in our collective ministry. Any annual conference structure may be unique to their mission but must preserve the connection. Annual Conferences would be well guided by Judicial Council decision as set forth in (Decisions 314, 339, 411, 417, 418, 640, 680, 712, 827, and 831)

2006 ROCKY MOUNTAIN CONFERENCE JOURNAL

The Judicial Council has stated, "...the Annual Conference may not delegate any authority given it by the Discipline." (Decision 584 and 827) In previous proposed plans, the Judicial Council mentions several problems with these plans, among other things that a personnel committee, which would hire, review, evaluate, remove and manage all employed personnel of the Annual Conference. (Decision 848) Further, the Judicial Council asserts: "The checks and balance system, which provides for the separation of powers and authority required be must be followed." (Decision 827)

With respect to Episcopal membership on conference boards and agencies, a bishop, effective or retired, is not a member of an Annual Conference. Therefore, a Bishop may serve on conference boards and agencies only in an ex-officio capacity. (Decision 22)

The Rules may not conflict with the *Discipline* or Judicial Council decisions. When an annual conference seeks to establish its own structure, that structure must be in accordance with the requirements of the Discipline and the decisions of the Judicial Council in order to be valid. The proposed plan of structure does not comply with the *Discipline* and decisions of the Judicial Council. The plan of structure proposed by the Rocky Mountain Annual Conference is null, void and of no effect.

Decision

The proposed plan of structure does not comply with the *Discipline* and the decisions of the Judicial Council. When an annual conference seeks to establish its own structure, that structure must be in accordance with the requirements of the *Discipline* and decisions of the Judicial Council in order to be valid. The plan of structure proposed by the Rocky Mountain Annual Conference is null, void, and of no effect.

October 29, 2005

Shamwange P. Kyungu was absent.

Saturday, October 29, 2005.

2006 ROCKY MOUNTAIN CONFERENCE JOURNAL

Decision No. 1038

In Re: Review of Bishop's Decision of Law in the Rocky Mountain Annual Conference Related to Whether Elders and Licensed Local Pastors May Be Permitted to Waive Compensation under an Annual Conference's Clergy Minimum Compensation Plan.

DIGEST OF CASE

The bishop's decision of law is affirmed. A proposed amendment allowing clergy to waive base minimum compensation cannot be added to the conference base minimum compensation plan. The proposed amendment would be applicable to all clergy categories but elders and local pastors are not permitted to waive base minimum compensation.

STATEMENT OF FACTS

During the 2005 regular session of the Rocky Mountain Annual Conference, the Commission on Equitable Compensation petitioned the conference to approve its report for minimum base compensation. The petition provided:

A. Minimum Base Compensation

1. The Rocky Mountain Conference Minimum Base Compensation for clergy [Elders, Deacons, Probationers, and Local Pastors] who are in good standing and appointed to full-time service according to the provisions of the 2004 *Book of Discipline* will be \$27,693 effective January 1, 2006. This minimum compensation is 59% of the 2006 Conference Average Compensation (CAC) of \$46,937.
2. For clergy who are in good standing and appointed to less than full-time service, the Minimum Base Compensation shall be adjusted in one-quarter increments.

An elder in full connection moved to amend the report by adding the following sentence to the end of paragraph 2: "Clergy may choose to waive minimum base compensation." A written request for a decision of law was made asking the bishop to "make a determination . . . that . . . ¶ 342 is not applicable [to the purposed amendment]." The written request was submitted during the regular business of a session. In order to facilitate review, the bishop has reported his decision of law in the manner and in the time frame provided by ¶ 2609.6 of the 2004 Book of Discipline.

The bishop ruled: "The proposed amendment . . . would allow 'clergy . . . to waive minimum base compensation . . .' in violation of the 2004 *Book of Discipline*. . ." He said, "*The Discipline* allows deacons to receive an appointment to a non-salaried appointment. (¶ 331.6.d.) . . . [and] no other categories of clergy are specifically named as being allowed to waive their salary/compensation. Only deacons are specifically permitted to waive compensation." He further ruled:

¶ 342 of *The Discipline* requires that the 'Church shall provide . . . not less than the equitable compensation established by the annual conference...' I understand this to say that elders appointed to a local church must receive compensation, and the amount must equal or exceed the annual conference's base minimum.

¶ 318.1 of *The Discipline* requires local pastors to 'receive . . . an amount equal to or larger than the minimum base compensation . . .' when appointed to full-time service. ¶ 318.2 is not clear on minimum compensation for less than full-time local pastors. But in reading the two paragraphs

2006 ROCKY MOUNTAIN CONFERENCE JOURNAL

together, I understand them to say that local pastors must equal or exceed the annual conference's base minimum (proportionately applied to less than full-time, as applicable).

Therefore, I have determined that only deacons can waive 'minimum base compensation' or be appointed to non-salaried positions.

An annual conference cannot adopt policies or guidelines which would prevent the payment of minimum compensation to full members in good standing. (citations omitted)

The proposed amendment uses the broad term 'clergy,' thereby including not only deacons but also elders and licensed local pastors. Since neither elders nor licensed local pastors are allowed to waive minimum base compensation, and an annual conference cannot prevent the payment of minimum base compensation, the proposed amendment violates the *2004 Book of Discipline*. . . .

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of the *2004 Discipline*.

Analysis and Rationale

Paragraph 342 is clear in stating that "[t]he Church shall provide, and the ordained minister is entitled to receive, not less than the equitable compensation established by the annual conference for clergy members. . . ." Paragraphs 342.1 and 342.2 set out that principle for elders in full-time service and elders in less than full time service. In Decision 579, the Judicial Council interpreted these provisions as requiring each annual conference to "establish basic minimum salary for members of the conference and that the conference could not make rules which would deprive any full member in good standing of basic minimum salary." Local pastors cannot waive minimum base compensation. ¶ 318. Elders and local pastors are entitled to receive not less than the equitable compensation established by the annual conference. Decision 968. Only deacons may choose to waive minimum base compensation. Paragraph 331.6.d allows deacons in full connection to be appointed, at their request or with their consent to a non-salaried position.

The bishop's decision of law is affirmed. The amendment violates the *Discipline*. Since the proposed amendment would apply to all categories of clergy, those that may waive minimum base compensation and those that may not waive minimum base compensation, the amendment does not meet disciplinary requirements and cannot be added to the conference's minimum base compensation plan.

Decision

The bishop's decision of law of the bishop is affirmed. A proposed amendment allowing clergy to waive base minimum compensation cannot be added to the conference base minimum compensation plan. The proposed amendment would be applicable to all clergy categories but elders and local pastors are not permitted to waive base minimum compensation.

Friday, April 28, 2006.