

**Decision No. 1224**  
Judicial Council  
The United Methodist Church

**In Re: Review of a Bishop's Decision of Law in the North Carolina Annual Conference  
Regarding Report of the Transition Team**

**DIGEST OF CASE**

The Judicial Council remands this docket Item back to the Secretary of the North Carolina Annual Conference with instructions to provide the Judicial Council with the following: minutes from the 2011 Annual Conference, 2011-2012 minutes from the district conferences and a document that locates all districts within the bounds of the annual conference. Furthermore, the North Carolina Annual Conference is instructed to also submit evidence that the roles of the District Superintendent and the role of the Assistant to the District Superintendents have been clearly defined. Submissions must reach the desk of the Secretary of the Judicial Council no later than 30 days after the close of the 2013 annual conference.

**STATEMENT OF FACTS**

During the regular session of the North Carolina Annual Conference, a retired Elder of the Conference, an elder made a request for a decision of law on a series of questions relating to the report of the Conference's transition team. The request was in the form of five questions. The questions were as follows:

Question 1: Did the Transition Team established by the 2011 Session of the North Carolina Annual Conference and other officials of annual conference have authority under the 2008 Book of Discipline to take actions resulting in changing the structure of the Annual Conference, namely in the closing of all district offices, terminating administrative employees in the districts, and moving all administrative functions to a centralized office without disclosure, discussion, debate or approval by the Annual Conference?

Question 2: Does the North Carolina Annual Conference have authority under the 2008 Book of Discipline to take actions changing the role and function of district superintendents? Namely, do the Transition Team and the Bishop of the North Carolina Annual Conference have authority to determine primary tasks of the superintendent as other than those defined in ¶¶ 419, 420, 421, 422, 423, and 424, by affirming, that the primary tasks of the district superintendents are coaching, mentoring, teaching, team-building, and vision casting and that the superintendents must be freed for relationship building among congregations and pastors for those tasks.

Question 3: Do the Transition Team and other officials of the Annual Conference have authority to change the structure of the conference in creating a new office (separate and distinct from administrative assistants) termed assistant district superintendents (who may be lay or clergy), the new assistants being named by the Bishop, giving them responsibilities formerly reserved to district superintendents (under ¶¶ 419-424 of the 2008 Book of Discipline)?

Questions 4: Do the actions being taken with regard to changing structure, closing of districts, changing of the role and function of the district superintendent and provision for new district

officials, viz. assistant district superintendents, usurp the powers reserved to the General Conference in Article IV of the Constitution, ¶ 16.15? This paragraph states,

The General Conference shall have full legislative power over all matters distinctively connectional, and in the exercise of this power shall have authority as follows:... To allow the annual conferences to utilize structures unique to their mission, other mandated structures notwithstanding. [Book of Discipline ¶ 16 & ¶16.5]

Question 5: Does the action taken by the Transition Team discriminate against rural church, clergy and laity in sparsely populated areas by distancing them from district superintendents and the supervisory connection thus giving unfair advantage to the churches located in the urban areas?

On June 14, 2012, the elder of the North Carolina Annual Conference submitted a question of law to the Presiding Bishop. The questions and the Bishop's response are as follows:

Question 1: The 2011 Annual Conference approved the Report of the Task Force on District Superintendency, which is reproduced, labeled as "Appendix A," and attached to Rev. Simpson's questions. Presumably, Rev. Simpson meant to refer to actions taken by the 2011 Annual Conference, not the 2012 Annual Conference in reference to that report. By his first question, Rev. Simpson asks whether the Conference Transition Team, which reported to the 2012 Annual Conference, had the authority to "take actions resulting in changing the structure of the Annual Conference, namely in the closing of all district offices, terminating administrative employees in the districts, and moving all administrative functions to a centralized conference office without disclosure, discussion, debate or approval by the Annual Conference."

The 2011 Annual Conference approved the recommendations of the Task Force on the District Superintendency made after two years of study, which recommendations included without limitation the following:

"That the number of districts be reduced from twelve to eight (The Book of Discipline reserves to the Bishop, in consultation with the Cabinet, the setting of the district lines subsequent to the Annual Conference setting the number – see para. 415.4)."

"That each district have a full-time administrative assistant to handle all non-appointive and nonjudicial administrative matters related to the work of the district, thus freeing the superintendent for more time in the charges and with the pastors."

"That the Bishop name a transition team to assist the various districts in matters of transfer of property and assets, and creating new district boards and agencies."

"That district offices be relocated out of the district parsonages where this is still the practice."

Although the Report of the Task Force on District Superintendency was mistakenly omitted from the 2011 Conference Journal, it was clearly adopted by the Annual Conference and was made available on the Conference's website by a link immediately alongside one for the 2011 Conference Journal.

The Report of the Transition Team was presented in detail to the Annual Conference on June 14, 2012 by the Chairperson, The Reverend Linda Taylor, and by The Reverend Harold Cleveland May III, a member of the Team. After extensive questions and discussion, the report was accepted and approved as submitted. The report addressed in detail how the district superintendents would be expected to model leadership for all pastors, connecting personally with each pastor on a regular basis, and acting as a coach, mentor and team builder. This would be facilitated by the district superintendent working from a “virtual office” and supported by an Assistant to the District Superintendent. Located in the United Methodist Building in Garner would be a District Receptionist, a District Administrative Coordinator, and a District Systems Administrator. The Report proposed that all district parsonages be sold and recommended that the funds from these sales be placed in an account to be used to pay housing allowances to the district superintendents.

Insofar as Rev. Simpson challenges the Transition Team’s authority to take any of the above-named actions, the Conference’s approval of the recommendations of the Task Force on District Superintendency and subsequently the Report of the Transition Team clearly rebuts any such argument. The 2011 Annual Conference not only approved this reorganization of the districts as envisioned by the Task Force, but approved the creation of the new positions as full-time administrative assistants with an entirely new set of job descriptions. This necessarily required termination of the former assistants and hiring for the new positions. Each District Board of Trustees, and then the 2012 Annual Conference, essentially approved the relocation of the district offices to “virtual” offices wherever the district superintendent resides, the hiring of the new full-time employees, and a centralized district office with a small number of support staff located in the Conference’s building. The Transition Team also made recommendations concerning the transfer of district property and assets, including the sale of district parsonages. These actions were approved by the various District Conferences conducted pursuant to Paragraph 2517.2 of The Book of Discipline.

The Book of Discipline of 2008 does not mandate any certain method of organizing district offices or the hiring of certain district staff. Instead, the Discipline gives the Conference Council on Finance and Administration (“CF&A”) the duty to estimate the amount of financial support required for the district superintendents, their compensation, travel, staff, office and housing and to make recommendations to the Annual Conference for action. Book of Discipline, ¶ 614.1(a). The Conference CF&A approved this reorganization and budget as required by the Discipline.

Rev. Simpson in his Brief, a copy of which is attached hereto, chiefly argues that the conference violated the requirements of Paragraph 610 of The Book of Discipline 2008. That Paragraph provides in part that “[t]he annual conference is responsible for structuring its ministries and administrative procedures in order to accomplish its purpose (¶ 601), with the exception of the mandated provisions of ¶¶ 635, 636, 639, 640, 647, 648.” Rev. Simpson specifically cites Judicial Decisions 1147 and 1204 to support his claims.

In Decision 1147, the Judicial Council reversed the bishop’s decision of law for the Dakotas Annual Conference based on that Bishop’s misinterpretation of Paragraph 610 of the Discipline. Contrary to the interpretations by that Annual Conference and Bishop, the Judicial Council noted that an Annual Conference under Paragraph 610 has the responsibility to structure its ministries and administrative procedures in a manner that will enable it to accomplish its purposes, as defined in ¶ 601. But the second part of the same sentence (quoted above) limits the scope of how

an Annual Conference may structure its operations and prohibits any changes to mandatory provisions contained in those paragraphs, including the composition, membership terms, lines of accountability, mission structure, etc., as well as any other mandatory provisions found elsewhere in the Discipline.

Decision 1204 was a declaratory decision by the Judicial Council which held that the South Carolina Annual Conference's newly adopted Transition Plan failed to "abide by all disciplinary mandates and Judicial Council Decisions in the creation of its new structure" as required by Judicial Council Decision 1147. The Judicial Council found that the South Carolina plan was deficient in terms of disciplinary mandates, particularly in its failure to give the Commission on Archives and History a place either in its programmatic organization or in the conference budget or budget for conference benevolences.

Here, Rev. Simpson fails to identify any fatal portion of the N.C. Annual Conference's plans that omits a structure or procedure mandated by the Discipline. There is no requirement in the Discipline that each district superintendent have a parsonage, a bricks-and-mortar office, or a clerical employee dedicated to that district superintendent. Instead, Rev. Simpson argues that certain portions of these changes were not voted upon by the Annual Conference. However, when necessary, each of these actions were taken by the appropriate District Conference or District Board of Trustees in accordance with paragraph 2517.2. With respect to Rev. Simpson's question of intangible property held by the districts, such property would necessarily go to the surviving entity in the event of a merger under state nonprofit corporation law, since there is no contravening disciplinary provision. (See Paragraph 2517.) Although Paragraph 2517.3 contains certain provisions concerning distributions from the sale of parsonages, the Transition Team recommended, and the District Conferences and/or Boards of Trustees approved, transfer of the proceeds from the sale of district parsonages to a centralized fund to be used for a housing allowance for all the district superintendents. These steps were affirmed by the 2012 Annual Conference in accepting the Report of the Transition Team.

Question 2: In Question 2, Rev. Simpson questioned the Conference's authority under The Book of Discipline 2008 to establish that the "primary tasks of the district superintendents are coaching, mentoring, teach, team-building, and vision casting," as was set forth in the Report of the Task Force on District Superintendency and approved by the 2011 Annual Conference.

The principles set forth in the Task Force's Report were not an attempt to override, and will not have the effect of overriding, the duties outlined in the Book of Discipline for a district superintendent. The tasks cited by Rev. Simpson do not conflict with the superintendent's role outlined in the Book of Discipline but actually complement the disciplinary provisions. For example, Paragraph 419 of the Discipline states that

The district superintendent shall oversee the total ministry of the clergy and of the churches in the communities of the district...by giving priority to the scheduling of time and effort for spiritual leadership, pastoral support, supervision, and encouragement to the clergy and to the churches of the district; [and] by encouraging their personal, spiritual, and professional growth; ...

This language sounds very much like coaching and mentoring and certainly does not conflict with the language of the Task Force and Transition Team reports. Similarly, Paragraph 420 emphasizes the spiritual leadership of the clergy in the district by modeling and encouraging

spiritual formation, counseling with clergy and encouraging the building of covenantal community among the clergy. The Book of Discipline supports, and is consistent with, the superintendents' role envisioned by the Annual Conference. The use of the term "primary tasks" of the district superintendent was in no way an attempt to re-define the basic role of a superintendent under the Discipline. Instead, it was a means of focusing the attention of the superintendents and the entire Annual Conference on what is already identified as the "priority" in Paragraph 419. Nor does it remove any of the superintendents' other responsibilities as set forth in the Discipline.

Question 3: By Question 3, Rev. Simpson asked whether the Transition Team and officials of the Annual Conference have the authority to create new positions to be called "assistant district superintendents," who may be lay or clergy, and by giving them responsibilities formerly reserved to the district superintendents under The Book of Discipline.

Unfortunately, Rev. Simpson is mistaken on several counts. First, the Transition Team did not recommend the creation of new positions entitled "assistant district superintendents" but instead "assistants to the district superintendents." This distinction is important, because this was not a new "office," separate and distinct from the office of superintendent, but is a support person as mentioned in Paragraph 423.2 of The Book of Discipline 2008.

Second, the role envisioned for the assistants is to help with some of the scheduling and administrative duties of the district superintendent and thus free the district superintendent to do the primary tasks of coaching, mentoring, teach, team building and vision casting. The Report of the Transition Team envisions that "[w]ork[ing] under the direct supervision of the superintendent," the assistant would "answer disciplinary questions, conflict management, property issues including closed churches, and resource district committees." Obviously, these duties focus primarily on administration rather than spiritual leadership, and the assistant would be closely supervised by the district superintendent in these respects. We are aware of no disciplinary provision, which prohibits a district superintendent from overseeing support staff to accomplish some of these duties. In fact, some of these duties have been ably performed by experienced administrative assistants under appropriate supervision for many years.

Finally, contrary to Rev. Simpson's claims, the new assistants were not named by the Bishop but were hired after being interviewed by the leadership committee of the Transition Team and by each of the district superintendents in the eight new districts. The assistants will still be supervised by their respective superintendents, and their roles do not contradict any of the responsibilities of superintendents as set forth in The Book of Discipline.

Question 4: In Question 4, Rev. Simpson asks whether the actions recommended by the Transition Team and approved by the Annual Conference "usurp the powers reserved to the General Conference in Articles IV of the Constitution, ¶ 16.15." As set forth in detail in response to the previous questions, the Annual Conference and its Transition Team did not change any mandated structures for annual conferences set forth in The Book of Discipline. Thus, the plan is constitutional and fully complies with Paragraph 16.15 of the Discipline and the criteria identified for changes in conference structure in Decision 1147 and the other applicable decisions of the Judicial Council.

Question 5: By Question 5, Rev. Simpson asks whether "the action taken by the Transition Team discriminate[s] against rural church, clergy and laity in sparsely populated areas by distancing them from district superintendents and the supervisory connection thus giving unfair

advantage to the churches located in the urban areas.” In his accompanying Brief, Rev. Simpson argues that the reorganization and geographical expansion of the districts will further distance the superintendents from local churches in the rural areas, which make up much of the Annual Conference.

Because this question is wholly speculative and not supported by any facts evident in the Annual Conference’s actions, it is moot, hypothetical and improper and does not require a substantive response. In fact, it ignores the clear intent and assumptions of the Transition Team; namely, that the new model of organization will result in district superintendents being more present, visible and involved in rural communities and congregations within their districts. By moving the superintendents to “virtual” offices, they may no longer expect pastors and lay leaders to come to them, but the superintendents must go to where the people are. Nor is it anticipated that the Assistants to the District Superintendent will be tied to a physical office, but they will be present with the superintendent in the district, which they serve. The location of a few employees forming the “centralized support team” in the Annual Conference’s headquarters in Garner does not change this fact. The superintendents’ visits and meetings will no longer take place in a centralized district office because there will be no such offices. These visits and meetings will now necessarily take place out among the clergy and laity in all congregations, rural and urban. As a result, the Annual Conference envisions that congregations and communities will see the superintendent not just once a year in a charge conference setting, but assisting clergy in making disciples for Jesus Christ by modeling leadership in a myriad of ways, such as helping with mission projects, teaching Bible studies, assisting in Vacation Bible School, and helping with community projects. The possibilities are endless and exciting. This thread is woven throughout the Transition Team Report, which is attached hereto and labeled as “Exhibit 2.”

## **JURISDICTION**

The Judicial Council has jurisdiction under Paragraph 2609.6 of the 2008 Discipline.

## **ANALYSIS AND RATIONALE**

A review of the documents supplied by the leadership of the North Carolina Annual Conference raises some concern about the nature of the new structure and its compliance with the 2008 Discipline of The United Methodist Church. The Discipline in paragraphs 419-425 clearly sets forth the role and responsibilities of the District Superintendent. The information supplied by the North Carolina Annual Conference blurs the line of the roles of the District Superintendent and the Assistant to the District Superintendent. The job description of the Assistant to the Superintendent fails to clearly underscore the limitations of the Assistant to the Superintendent, and at times it is difficult to distinguish between the two. The new structure also provides that Superintendents will no longer be located at district offices but instead enjoy the flexibility of virtual offices that will enable them to spend more time within the districts. However, the documentation fails to provide any geographical descriptions of the location of the districts within the bounds of the North Carolina Annual Conference.

The record supplied by the Annual Conference makes several references to decisions made by the 2011 Annual Conference and district conferences in which authorization was given to dispose of district

property. However, the record is insufficient in that it does not provide documentation to support their actions. Furthermore, the record does not clearly specify the limitation of the assistant to the District Superintendents. Therefore, this item is remanded back to the Secretary of the North Carolina Annual Conference with instructions to provide the Judicial Council with the minutes from the 2011 Annual Conference and the district conferences that authorize the disposal of district parsonages and clear understanding of the limitations of the Assistant to the Superintendent.

The information makes multiple references to the 2011 Annual Conference which affirmed the implementation of a new conference structure as well as the 2011-2012 district conferences that authorized the disposal of district property. The record is insufficient in that it does not provide documentation that supports these actions. Therefore, this item is remanded to the secretary of the North Carolina Annual Conference with instructions to provide the Judicial Council with minutes from the 2011 Annual Conference, and 2011-2012 district conferences that adopted the implementation of the new structure, and gave authorization to dispose of district property. Furthermore, the Judicial Council directs the North Carolina Annual Conference to also submit to the Judicial Conference clear evidence of the geography of the districts within the bounds of the annual conference. In addition, the Judicial Council requests that the annual conference in its comprehensive review of its structure provide evidence that the roles of the District Superintendent and the Assistant to the Superintendent are clearly delineated. This item is continued to the 2013 spring docket. However, all submissions must be returned to the Secretary of the Judicial Council no later than 30 days after the close of the 2013 annual conference.

#### **DECISION**

The Judicial Council remands this Docket Item back to the Secretary of the North Carolina Conference with instructions to provide the Judicial Council with the following: minutes from the 2011 Annual Conference, 2011-2012 minutes from the district conferences and a document that locates all districts within the bounds of the annual conference. Furthermore, the North Carolina Annual Conference is instructed to also submit evidence that the role of the District Superintendent and the role of the Assistant to the District Superintendents have been clearly defined. Submissions must reach the desk of the Secretary of the Judicial Council no later than 30 days after the close of the 2013 annual conference.

F. Belton Joyner, Jr. recused and took no part in this decision.

Beth Capen was absent. Sandra Lutz, first lay alternate, participated in this decision.

October 27, 2012