

## **JUDICIAL COUNCIL DECISION**

### **MEMORANDUM NO. 1085**

IN RE: Review of Bishop's Decision of Law in the New England Annual Conference Concerning the Legality of the Conference Policy on Parsonages Shared between Local Church Clergy and Conference Staff.

In the 2007 session of the New England Annual Conference, the Board of Trustees moved adoption of RS 218 - Policy on Parsonages Shared between Local Church Clergy and Conference Staff. This resolution dealt with situations where local churches provide housing for an appointed pastor which is also occupied by a full time New England Conference staff person. A pastor of the conference spoke against the motion stating she believed the proposed legislation to be in conflict with Judicial Council Decision 510 and that it contradicted RS 213, a 2003 annual conference resolution. RS 218 was adopted by the conference and the pastor asked for clarification of the process for bringing the matter to the Judicial Council. In a letter to the bishop, the pastor outlined the concerns she had raised on the floor of annual conference as follows:

I believe that this resolution, as well as the situation that prompted its writing, is in conflict with Judicial Ruling 510. RS 218 refers to the local church and Annual Conference sharing expenses for the parsonage in which a clergy couple lives and implies that the member of the clergy couple who is living in the parsonage of the other member of the clergy couple will not receive compensation in lieu of housing.

Resolution 218 violates the spirit of NEAC 2003 Resolution 213.

The implication of Resolution 218 is to perpetuate the inequities in our system related to issues of the total compensation for clergy couples.

The bishop interpreted the concerns to be questions of law and issued a decision of law. He ruled RS 218 did not conflict with Judicial Council Decision 510, that there was no conflict with RS 213, and that while he shared the concerns about inequalities between male and female clergy, there was "no basis to find that RS 218 in any way contributes or perpetuates such inequalities".

The Judicial Council has jurisdiction under ¶2609 of the 2004 Book of Discipline.

The pastor stated the concerns but did not frame the concerns as questions of law upon which a decision of law could be rendered. The bishop should not have treated the concerns as questions of law.

### **DIGEST**

The bishop's decision of law is not affirmed since no questions of law were submitted upon which a decision of law could be rendered.

October 27, 2007

James W. Holsinger, Jr., Jon R. Gray and Shamwange P. Kyungu were absent. C. Rex Bevins, the first clergy alternate, and Solomon Christian, the first lay alternate, participated in this decision.