

Resolution D - 182

A resolution of the Committee on Constitution and Canons to effect certain amendments to the Constitution and Canons of the Episcopal Church in the Diocese of Missouri

WHEREAS, the last time the Diocesan Constitution and Canons was reviewed in total was in 1986; and

WHEREAS, in the intervening years much has changed; and

WHEREAS, the Diocese has experienced three Episcopal elections and the number of people on the diocesan staff as well as their roles and responsibilities have changed; and

WHEREAS, how, when, where and why we meet in Convention, in committees, and the like have undergone tremendous technological shifts, creating both challenges and opportunities; and

WHEREAS, living into a world-wide pandemic has shaped the parishes and people in the Diocese of Missouri in a myriad of ways that we are just beginning to discover; and

WHEREAS, the current Constitution and Canons were written in a very different time, cultural context and for a very different Church and it is with all of this in mind and at play that a total review and necessary rewrite needs to be undertaken.

NOW, THEREFORE, be it resolved that the Constitution and Canons of the Episcopal Church in the Diocese of Missouri be amended as follows:

1. **Article III.1 Annual Meeting of Convention** of the Constitution is hereby amended in its entirety to read as follows:

ARTICLE III.1 Annual Meeting of Convention

The Convention of the Church in this Diocese shall assemble annually. Each annual meeting of Convention shall designate the time and place for the second succeeding annual meeting of Convention. The ecclesiastical authority of the Diocese may, however, change the time or place, or both, upon at least ten days' notice to the Senior Warden of every Parish, the Bishop's Warden of every Mission and every Clerical Member of Convention.

[Deleted phrase-in text used when first amending this Article: "The 169th annual meeting of Convention shall designate the time and place for the 170th and 171st annual meetings of Convention. The 170th annual meeting of Convention and"]

2. **Section 3 of Article III.3 Members of Convention** of the Constitution is hereby amended in its entirety to read as follows:

SEC 3. Every Cleric who is Canonically Resident and is not subject to Ecclesiastical Discipline shall have seat and voice in Convention. Every such Cleric with seat and voice in Convention who: is the Rector of a Parish; is the Vicar of a Mission; is an Assistant in a Congregation (that is, a Parish or

Mission); has served on a Diocesan committee during the preceding year or is regularly assigned by the Bishop for ministry within the Diocese; a full time staff member of the Diocesan Office or of a Diocesan Institution or Agency; a full time instructor at a theological seminary accredited by the Episcopal Church; or is serving in a position in the Diocese by appointment of the Presiding Bishop or the Bishop, shall have seat, voice and vote in Convention.

[Deletes concept of “regular standing,” which was not defined, and replaces it with an Ecclesiastical Discipline standard. Updates canonically resident Clergy voting standards to assure active local presence, taking into account pandemic-related and other potential limitations as to performance of sacramental ministry.]

3. **Section 4 of Article III.3 Members of Convention** of the Constitution is hereby amended in its entirety to read as follows:

SEC. 4. A Cleric who is not Canonically Resident and not subject to Ecclesiastical Discipline and is serving in a position in the Diocese by appointment of the Bishop, shall have seat and voice in Convention. Every such Cleric with seat and voice in Convention who is regularly assigned by the Bishop for ministry within the Diocese and is not eligible to vote in the convention of any other Diocese of the Episcopal Church shall have seat, voice and vote in Convention.

[Provides for participation in Convention by non-canonically resident Clergy, including voting rights for Clergy if they are actively engaged in sacramental ministry within the Diocese and not eligible to vote in another Diocese.]

4. **Section 9 of Article III.3 Members of Convention** of the Constitution is hereby amended in its entirety to read as follows:

SEC. 9. The Chancellor, Vice Chancellors (if any), Treasurer and Assistant Treasurers (if any) of the Diocese shall have seat and voice in Convention.

[Gives seat and voice at Convention to Assistant Treasurers.]

5. **Section 3 of Article III.4 Presiding Officer of Convention** of the Constitution is hereby amended in its entirety to read as follows:

SEC. 3. The Presiding Officer shall appoint a Secretary of Convention to keep a record of its proceedings, to attest to its acts and to perform any further duties assigned by Convention or required by Canon. The Secretary shall be a Communicant in good standing.

[Deletes the requirement that the Secretary of Convention be a Member of Convention.]

6. The first sentence of **Article III.5 Transaction of Business** of the Constitution is hereby amended in its entirety to read as follows:

The Holy Communion shall be celebrated at least once in connection with each meeting of Convention.

[Confirms flexibility in scheduling the Eucharist as part of Convention (may be before initial call to order or after adjournment).]

7. **Article III.10 Treasurer of the Diocese** of the Constitution is hereby amended in its entirety to read as follows:

ARTICLE III.10 Treasurer of the Diocese

The Bishop, with the consent of Convention, shall appoint a Treasurer, and may appoint one or more Assistant Treasurers, of the Diocese. They shall be financial advisors of the Bishop, Standing Committee, and Diocesan Council, and shall perform such other duties as may be assigned by Convention or required by Canon. Each shall be a Communicant in good standing and shall hold office at the pleasure of the Bishop. Whenever, between meetings of Convention, a vacancy shall occur in the office of the Treasurer of the Diocese, the Bishop may fill the vacancy by interim appointment, with the advice and consent of the Standing Committee.

[Allows for the appointment of Assistant Treasurers (similar to provision allowing for the appointment of Vice Chancellors).]

8. **Article III.14** of the Constitution is hereby added in its proper numerical order and shall read in its entirety as follows:

ARTICLE III.14 Electronic Participation in Convention

If warranted by extraordinary circumstances, as determined by the ecclesiastical authority of the Diocese, including issues of public health and welfare, the ecclesiastical authority of the Diocese may elect to hold any annual or special meeting of Convention predominantly or exclusively by means of videoconference, conference telephone or similar communications equipment whereby all persons participating in the meeting can hear each other, and participation in a meeting of Convention in this manner shall constitute presence in person at the meeting of Convention for all purposes. The Ecclesiastical Authority of the Diocese shall give at least ten days notice of any such determination to the Senior Warden of every Parish, the Bishop's Warden of every Mission and every Clerical Member of Convention.

[Clarifies the ability of the Diocese to hold "virtual" meetings of Convention when necessary, with a bias toward in-person participation.]

9. **Section 2.a. of Article IV.1 The Cathedral** of the Constitution is hereby amended in its entirety to read as follows:

SEC. 2. a. Each annual meeting of Convention shall elect one Clerical member and one lay member of the Cathedral Chapter, neither of whom may be a member of the Cathedral Parish, to serve a term of three years.

Members shall not be eligible for re-election until after the expiration of one year. The six Diocesan members shall be chosen so that two lay members and two Clergy members shall be from Congregations within the St. Louis City/ County area (that is, St. Louis City and St. Louis County) and one of each from Congregations in the Diocese outside the St. Louis City/County area. The Clerical members of the Chapter must be Canonically Resident and shall be known as Honorary Canons of Christ Church Cathedral.

In case of any vacancy, the Chapter shall appoint a Clerical or lay member, as the case may be, from the vacating member's geographical area, to serve out the vacating member's unexpired term.

[Conforms reference to Canonically Resident to be consistent with other usage in the Constitution and Canons.]

10. **Article V.5** of the Constitution is hereby amended in its entirety to read as follows:

ARTICLE V.5 Definitions

Capitalized terms used and not otherwise defined in the Constitution or Canons shall have the meanings set forth in this Article V.5.

Annual Convention means the annual plenary session of Convention.

Assistant means a Priest serving as an assistant in a Parish or Mission, by whatever title designated, and selected and approved to serve in such capacity as required by the Constitution and Canons of the Episcopal Church and the Constitution and the Canons.

Bishop Coadjutor means a bishop elected by Convention for the purpose of succeeding the Bishop, but who has not yet become the Bishop of the Episcopal Church in the Diocese.

Bishop or **Diocesan Bishop** means the bishop elected by Convention to be chief priest, pastor, overseer and chief executive officer of the Diocese.

Canonically Resident means, as to a Cleric, that such Cleric is canonically resident in the Diocese as determined by the applicable Canons of the Episcopal Church.

Canon Law means the entire body of ecclesiastical law governing the Episcopal Church and the Diocese, developed continuously since Apostolic times, including but not limited to the Constitution and Canons of the Episcopal Church, this Constitution, and the Canons of the Diocese.

Canons means the Canons of the Diocese.

Clergy or **Cleric** means an ordained deacon, priest, or bishop of the Episcopal Church, who has not been deposed under the Canons of the Episcopal Church.

COEDMO means the Missouri non-profit corporation known as the Corporation of the Episcopal Church in the Diocese of Missouri (formerly known as The Parochial Trust Fund of the Diocese of Missouri).

Congregation means a parish, mission, or other worship assembly of the Episcopal Church that was, or is, or is eligible to become, in Union with Convention.

Constitution means this document, which constitutes the Constitution of the Episcopal Church in the Diocese of Missouri.

Convention means the legislative branch of the Diocese, which assembles each year in plenary session as Annual Convention, and which may also assemble in special sessions for limited purposes as a Special Convention.

Delegate or **Member** means a Clergy representative or a Lay representative to Convention.

Diocesan Office means the professional and administrative offices established by the Bishop to assist in the planning, development and execution of Diocesan business, affairs and programs.

Diocesan Agency means a nonprofit entity or association established in compliance with Section 1 of Canon III.17 which acts in the name of the Church.

Diocesan Institution means a nonprofit entity or association established in compliance with Section 2 of Canon III.17.

Diocese means the Episcopal Church in the Diocese of Missouri, as established pursuant to the Constitution and Canons of the Protestant Episcopal Church in the United States of America.

Domestic and Foreign Missionary Society or **DFMS** means The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, as incorporated by an act of the Legislature of the State of New York.

Ecclesiastical Discipline means any discipline described in Title IV of the Canons of the Episcopal Church, as those Canons may be amended from time-to-time, whether or not the discipline is submitted to voluntarily or is imposed upon the person subject to it.

Episcopal Church means The Protestant Episcopal Church in the United States of America, an ecclesiastical association organized in 1789 in spiritual, temporal, and legal continuity with the doctrine, discipline, and worship of the Church of England, and which is a part of the worldwide Anglican Communion.

Lay means a person who is not a member of the Clergy.

Mission means a Congregation of this Church established in accordance with Canon IV.2.

Parish means a Congregation of this Church established in accordance with Canon IV.4.

President means the President of Convention.

Special Convention means a session of Convention other than an Annual Convention.

11. **Canon III.1 List of Clergy** is hereby amended in its entirety to read as follows:

Within one week before every meeting of Convention of this Diocese, the Bishop shall cause to be prepared a list of all the Clergy Canonically Resident, identifying their residence addresses, the ecclesiastical organizations with which they are affiliated and their status as Priests or Deacons. Clergy suspended from the ministry shall be so designated on the list. The list shall be laid before Convention immediately after it shall have been called to order, and those entitled under the Constitution shall thereupon take their seats. The list shall be included in the Journal.

[Conforms reference to Canonically Resident to be consistent with other usage in the Constitution and Canons.]

12. **Section 1.d. of Canon III.4 Consideration of Resolutions** is hereby amended in its entirety to read as follows:

d. At least two weeks prior to the opening date of the next meeting of Convention, draft reports from the Resolutions Committee and the Committee on Constitution and Canons, together with any resolutions to be proposed by such Committees, shall be transmitted to the Members of Convention in accordance with Section 5 of Canon III.5.

[Accommodates electronic transmittal of resolutions rather than mailing.]

13. **Section 1.e. of Canon III.4 Consideration of Resolutions** is hereby amended in its entirety to read as follows:

e. Each Permanent Committee recommending resolutions may, and at the direction of Convention, shall, during temporary recess of the Annual Meeting of Convention, have at least one open meeting for the hearing of comments from Members of Convention. After such hearing or hearings and before Convention takes up the proposed resolutions for action, the Committee shall reconvene and may withdraw or modify its proposed resolutions or propose other or additional resolutions, provided only that the same shall not depart substantially from the general subject matter of the proposals sent to the Members before Convention.

[Makes open meetings of permanent committees of Convention optional except to the extent mandated by Convention. Reflects the fact that resolutions some years are relatively uncontroversial.]

14. **Section 1 of Canon III.5 The Secretary of Convention** is hereby amended in its entirety to read as follows:

SECTION 1. The Secretary shall be appointed at each annual meeting of Convention, and shall remain in office until the next annual meeting. The Secretary shall take minutes of the proceedings of Convention, keep its journals and records, attest to its public acts, and deliver faithfully into the hands of his or her successor all books and papers relative to its concerns. The Secretary shall also give the constitutionally required notice of each meeting of Convention. The Secretary shall obtain (or cause to be obtained) certificates of Lay Delegates from each Parish and each Mission. The Secretary shall transmit (or cause to be transmitted), annually a copy of the Journal of Convention to each of the Bishops in this Province, to the Secretary of the House of Deputies of General Convention, and to the Archives of the Episcopal Church. The Secretary shall also transmit (or cause to be transmitted), a copy to each Member of Convention, and forward a copy or copies to each Parish or organized Mission in the Diocese, as they may request.

[Revised to reflect changes to the process of submitting parochial reports and certificates of lay delegates and transmittal of various Convention reports.]

15. **Section 3 of Canon III.5 The Secretary of Convention** is hereby amended in its entirety as follows:

SEC. 3. All notices and other communications to the Members of Convention or to Convocations to be transmitted pursuant to the requirements of the Constitution and Canons of this Diocese may be mailed or otherwise furnished to Members of Convention and to Convocations by using any electronic system, including e-mail, e-fax, web portal access and any other Internet or extranet-based site, as applicable, or pursuant to procedures approved by the Secretary of Convention.

[Deletes outdated language regarding Secretary of Convention correspondence with Diocesan Treasurer and adds language facilitating use of email and other technology to communicate with Convention Delegates.]

16. **Section 1 of Canon III.11 Aged and Infirm Clergy Fund** is hereby amended in its entirety to read as follows:

SECTION 1. All money or other property now held or hereafter acquired for the Fund for the relief of Clergy Canonically Resident disabled by age, disease, or otherwise, and of the surviving spouse and children of Clergy, shall be entrusted to the Trustees of COEDMO.

[Conforms reference to Canonically Resident to be consistent with other usage in the Constitution and Canons.]

17. **Section 5 of Canon III.13 Church Pension Fund** is hereby amended in its entirety to read as follows:

SEC. 5. Every lay employee of and every Cleric Canonically Resident or serving in this Diocese shall inform the Church Pension Fund promptly of such facts as dates of birth, ordination or reception, marriage, divorce, births of children, deaths, and changes in Clergy and lay employee compensation as may be necessary for the Fund's proper administration and shall cooperate in any way necessary for the Fund to discharge its obligations.

[Conforms reference to Canonically Resident to be consistent with other usage in the Constitution and Canons.]

18. The first sentence of **Section 2 of Canon III.14 The Diocesan Commission on Ministry** is hereby amended in its entirety to read as follows:

The Commission shall be composed of twelve persons physically domiciled in this Diocese, six of whom shall be Canonically Resident Clergy and six of whom shall be lay confirmed Communicants in good standing.

[Conforms reference to Canonically Resident to be consistent with other usage in the Constitution and Canons.]

19. **Section 4 of Canon III.18 Registrar** is hereby deleted in its entirety.

20. **Section 4 of Canon IV.3 Government of a Mission** is hereby amended in its entirety to read as follows:

SEC. 4. On or before the last Sunday of January of each year, or as soon thereafter as practicable, every Mission shall hold its annual meeting to elect successors to any members of the Bishop's Committee whose terms of office have expired, and to transact any other business properly brought before the meeting. Except as otherwise provided in these Canons, the Vicar shall preside at the meeting. If there be no Vicar, the Bishop's Warden shall preside. The polls shall be kept open for at least one half hour. In the case of a contested election, voting shall be by secret ballot. Each elector of the Mission who is present shall be entitled to vote, but no proxies shall be permitted. A preferential ballot may be used if so specified in the notice provided for below. Whatever election procedures and method of voting are employed must be fair and democratic. Notice of the annual meeting shall be given to the congregation at all public services on the two Sundays immediately preceding the meeting and shall be posted on the Mission's website (if any) for no less than the two weeks immediately preceding the meeting. The notice shall specify the method of voting and the time and place of the meeting. Voting by proxy shall not be permitted. The right of challenge as to the identity or qualifications of an elector shall be admitted;

the Secretary of the Mission meeting shall make record of any challenge and its cause. Reference may be made to the Bishop, whose decision shall be final.

[Conforms the Canon to local practice of having annual meetings on or about the last Sunday of January and provides for notice on the Mission's website (if any). Clarifies scope of right of challenge.]

21. **Canons IV.5A, IV.5B, IV.5C and Canons IV.6 through IV.19** are hereby renumbered as **Canons IV.5 through IV.21**, respectively.
22. **Section 1 of Canon IV.5 Rectors and Vestries; Parochial Officials and Staff** is hereby amended in its entirety to read as follows:

SECTION 1. On or before the last Sunday of January of each year, or as soon thereafter as practicable, every Parish shall hold its annual meeting to elect successors to any members of the Vestry whose terms of office have expired, and to transact any other business properly brought before the meeting. Except as otherwise provided in these Canons, the Rector shall preside at the meeting. The polls shall be kept open for at least one half hour. In the case of a contested election, voting shall be by secret ballot. Each elector of the Parish who is present shall be entitled to vote, but no proxies shall be permitted. A preferential ballot may be used if so specified in the notice provided for below. Whatever election procedures and method of voting are employed must be fair and democratic. Notice of the annual meeting shall be given to the congregation at all public services on the two Sundays immediately preceding the meeting and shall be posted on the Parish's website (if any) for no less than the two weeks immediately preceding the meeting.. The notice shall specify the method of voting and the time and place of the meeting. Voting by proxy shall not be permitted. The right of challenge as to the identity or qualifications of an elector shall be admitted; the Secretary of the Parish meeting shall make record of any challenge and its cause. Reference may be made to the Bishop, whose decision shall be final.

[Conforms the Canon to local practice of having annual meetings on or about the last Sunday of January and provides for notice on the Mission's website (if any). Clarifies scope of right of challenge.]

23. **Section 2.b. of Canon IV.12 Filling Clerical Vacancies in Parishes and Missions** is hereby amended in its entirety to read as follows:

SEC. 2.b. If the Vestry choose to employ or engage a Cleric during the time of the vacancy, he or she shall be called the Interim Pastor or Priest-in-Charge. The selection of such a Cleric shall be by majority vote and with the advice and consent of the Bishop. The terms of the Cleric's employment or engagement shall be contained in a written agreement, which shall enumerate with specificity the authority and responsibilities of the Cleric and the duration of the Cleric's employment or engagement. Such authority and responsibilities may include all those of a Rector; but in no event shall the Cleric have the rights of a Rector accorded by CANONS IV.6 and 7. The

agreement shall also comply with all provisions of Section 5 of this Canon. It shall provide that the Cleric's employment or engagement may be terminated, and his or her authorities and responsibilities revoked or limited, by either the Bishop or the Vestry upon the giving of such notice to the other authority and to the Cleric. No Interim Pastor or Priest-in-Charge may be a candidate for Rector without the prior written consent of the Bishop.

[Adjusts canonical cross-references to address renumbering of parts of Title IV.]

24. **Canon IV.22** is hereby added in its proper numerical order and shall read in its entirety as follows:

CANON IV.22 Of Imperiled Parishes

SECTION. 1. The Bishop, with the consent of the Standing Committee, may declare a Congregation to be an Imperiled Parish under Section 3 (below) when one or more of the following conditions shall exist:

(a) The Parish refuses or neglects to assemble and elect a Vestry, as provided in these Canons; or neglects to send delegates to any Convention of this Diocese; or shall neglect to pay diocesan assessments.

(b) The Parish fails to search for and elect a Rector after a reasonable period of time.

(c) The Parish fails to compensate its Clergy with at least the minimum stipends and allowances set forth in the compensation guidelines of the Diocese most recently adopted by Convention, or does not pay canonically required pension assessments for its Clergy and eligible lay employees, or does not maintain adequate insurance for the property of the Parish.

(d) The Parish fails to make timely reports or to submit a certificate of audit as required by CANON IV.10.

(e) Financial reports reveal invasion of the principal portion of endowment funds, or other evidence of financial instability sufficient, in the judgment of the Bishop and Standing Committee, to warrant action under this canon.

(f) The Parish attempts to or effects an alienation or encumbrance of the real property of the Parish in violation of CANON IV.11.

(g) The Parish permits its property to be used for purposes incompatible with its consecration; or the Parish engages in any persistent course inconsistent with the doctrine, discipline or form of worship of this Church.

SEC. 2. Action under this Canon may also be initiated in any of the following ways:

(a) The Rector or Vestry of any such Congregation may invite the pastoral intervention of the Bishop.

(b) The Bishop, being aware of the conditions enumerated in Section 1 of this Canon, and acting in his or her capacity as Pastor of the Church in this Diocese, may appoint a committee of three persons to seek amelioration of the condition(s), and to report to the Bishop thereon.

(c) The Standing Committee may initiate such intervention upon the affirmative vote of a majority of the members of the Standing Committee.

SEC. 3. In the event that one or more of the conditions specified persist, the Bishop, with the advice and consent of the Standing Committee, may declare such Congregation to be an Imperiled Parish, and require the application of one or more of the following measures to restore health to the Congregation:

(a) appointment by the Bishop of five or more adult Communicants of the Parish to govern the affairs of the Parish as the Vestry during the pendency of the specified condition(s), notwithstanding any other provisions in these Canons for (i) such governance, or (ii) the election of a Vestry;

(b) designation of the Rector of the Parish as Vicar, during the pendency of the specified condition(s);

(c) conveyance of title of all real property to the Trustees of COEDMO, who shall hold the same in trust during the pendency of the specified condition(s);

(d) such other measures, during the pendency of the specified condition(s), as the Bishop, with the advice and consent of the Standing Committee, shall determine.

SEC. 4. It shall be the obligation of all parties to labor to restore the Parish to a greater degree of health, setting forth problems to be addressed in an open, honest manner and working toward the resolution of such problems in a climate of respect and charity.

SEC. 5. When any Parish fails to elect a Vestry, the Bishop, with the advice and consent of the Standing Committee, may appoint at least three trustees to take charge of the property of the Parish and exercise the rights and functions of a Vestry, until (i) the Parish shall have elected a Vestry under the provisions of this Canon or (ii) the appointment of a new Vestry under Section 3(a) of this Canon.

SEC. 6. When, in the judgment of the Bishop, and with the advice and consent of the Standing Committee, an Imperiled Parish has either completed its mission or exhausted its resources, the Bishop may end the existence of the Parish, and its property and other assets shall be transferred to the Trustees of COEDMO. The Diocese will take appropriate steps to

conclude the affairs of the Parish. The Diocese shall assist the people and Clergy of the affected Parish in continuing their lives in faith in the Diocese.

SEC.7. The Bishop, with the advice and consent of the Standing Committee, may remove a Parish's designation as an Imperiled Parish, thereby terminating any actions or restrictions imposed upon it under this Canon during the period of time it was deemed an Imperiled Parish.