

MEMORANDUM

Date: November 4, 2022
To: Members of 183rd Convention of the Episcopal Church in the Diocese of Missouri
From: Committee on Constitution and Canons
Re: Report of the Committee on Constitution and Canons

The Committee on Constitution and Canons will be presenting the following resolutions for consideration at the 183rd Convention of the Episcopal Church in the Diocese of Missouri:

Resolution D-182A

Resolution D-182A: 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 182nd Convention of the Episcopal Church in the Diocese of Missouri (the “Diocese”) adopted Resolution D-182A to effect certain amendments to the Constitution and Canons of the Diocese; and

WHEREAS, as set forth in Article V.2 of the Constitution of this Diocese, the amendments to the Constitution approved during the 182nd Convention were held over for consideration until the 183rd Convention; and

WHEREAS, Bishop Johnson has approved the amendments set forth in Resolution D-182A;

WHEREAS, this 183rd Convention of the Diocese may adopt the proposed amendments to the Constitution by the affirmative vote of a majority of the Voting Members of both Orders, voting separately;

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 phase-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: (i) is the Rector of a Parish; (ii) is the Vicar of a Mission; (iii) is an Assistant in a Congregation (that is, a Parish or Mission); (iv) has served on a Diocesan committee during the preceding year or is regularly assigned by the Bishop for ministry within the Diocese; (v) is a full time staff member of the Diocesan Office or of a Diocesan Institution or Agency; (vi) is a full time instructor at a theological seminary accredited by the Episcopal Church; or (vii) is serving in a position 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.

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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.

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Resolution D-182B

Resolution D-182B: 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 182nd Convention of the Episcopal Church in the Diocese of Missouri (the “Diocese”) voted to postpone consideration of Resolution D-182B until the 183rd Convention of this Diocese; and

WHEREAS, in consultation with the Offices of the Bishop and in consideration of practices and procedures enacted in other Dioceses of the Protestant Episcopal Church in the United States of America, the Committee on Constitution and Canons drafted a proposed new Canon IV.22 to articulate more clearly the manner in which the resources of the Diocese may be best employed to assist a Parish confronting existential challenges;

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

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

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imposed upon it under this Canon during the period of time it was deemed an Imperiled Parish.

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Resolution E-182

Resolution E-182: A Resolution Regarding Deaconess Anne House Representation at Diocesan Convention

Submitted by 2020-2021 DAH 8.0 Corps Members, the Rev. Michaelene Miller, the Rev. Jon Stratton, and the Rev. Camie Dewey

WHEREAS, Deaconess Anne House has served since 2013 as a committed worshipping body in the Episcopal Diocese of Missouri; and

WHEREAS, Deaconess Anne House is a community comprised specifically of young adults intentionally seeking to live as persons of faith in the world; and

WHEREAS, the instruments of Episcopal Church governance sometimes fail to solicit the input of young adult voices when considering issues that affect the future of the Church, and

WHEREAS, Deaconess Anne House members have a unique and vital insight into the spiritual longings of young adults as they intentionally practice forming relationships with other young adult communities, and do so both within and beyond the Episcopal Service Corps and larger Episcopal Church networks.

NOW, THEREFORE, BE IT RESOLVED that this 182nd Convention of the Diocese of Missouri agrees that young adults are valued members of the church community and that representation matters in leadership and decision making roles; and

BE IT FURTHER RESOLVED that in order to grant seat, voice and vote to representatives of the Deaconess Anne House at the Convention of the Church in this Diocese, Article III.3 of the Constitution of the Episcopal Church in the Diocese of Missouri be amended by adding a new Section 15 which shall read as follows:

SEC. 15. Each branch of the Episcopal Service Corps located in this Diocese with a full-time director and each other branch of the Episcopal Service Corps located in this Diocese recognized by the Bishop and Standing Committee may designate a representative who shall have seat, voice and vote in Convention. Each representative shall be appointed on an annual basis by the Bishop after consultation with the Bishop's clergy presence in that community of faith.

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Resolution F-183

Resolution F-183: A Resolution of the Committee on Constitution and Canons to Address Impairment of Average Sunday Attendance Calculations

WHEREAS, pursuant to Article III.6.a of the Constitution of the Episcopal Church in this Diocese, Lay representation at Convention in this Diocese is based upon average Sunday attendance during the immediately preceding calendar year; and

WHEREAS, church closures and worship restrictions during the coronavirus pandemic artificially suppressed average Sunday attendance calculations; and

WHEREAS, it is in the best interests of the Diocese to establish a means to address future possible disruptions to Church attendance and preserve the legislative balance of Convention;

NOW, THEREFORE, BE IT RESOLVED that Article III.6 of the Constitution of the Episcopal Church in this Diocese be amended by adding a new Section 6.d. thereof which shall read as follows:

SEC. 6.d. In the event that any occurrence or circumstance temporarily impairs a Congregation from normal gathering for worship in the year otherwise counted, the Diocesan Council, or the ecclesiastical authority of the Diocese with the Diocesan Council's consent, may accord the Congregation the number of Convention delegates determined pursuant to subsection a above for the year before the impairment.

Rationale: The resolution largely speaks for itself. Average Sunday attendance calculations based upon the period when the Diocese was unable to accommodate in-person worship were distorted relative to historical attendance experience. Relying upon such figures would have greatly suppressed Lay participation in Convention and resulted in an imbalance in representation by Order at Convention.

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Resolution G-183

Resolution G-183: A Resolution of the Committee on Constitution and Canons Regarding Province V, Provincial Synods, and Provincial Synod Deputies

WHEREAS Article VII of the Constitution of the General Convention allows that Dioceses may be united into Provinces as provided by Canon of the General Convention; and

WHEREAS Canon I.9.1 of the Canons of the General Convention provides that the “Fifth Province” consists of the Diocese of Missouri along with Dioceses within the states of Ohio, Indiana, Illinois, Michigan and Wisconsin; and

WHEREAS Canon I.9.5 states that “There shall be in each Province a Synod consisting of a House of Bishops and a House of Deputies, which Houses shall sit and deliberate either separately or together. . .” and Canon I.9.8 establishes that each Diocese within the Province shall be entitled to representation in the Provincial House of Deputies by canonically resident Presbyters or Deacons and Lay Persons, in such number as the Provincial Synod, by Ordinance, may provide and that each Diocese and Area Mission shall determine the manner in which its Deputies shall be elected;

NOW, THEREFORE, BE IT RESOLVED that the Canons of the Episcopal Church in the Diocese of Missouri be amended by adding a new Canon III.21 in its proper numerical order and which shall read as follows:

CANON III.21 Deputies to the Provincial Synod

SECTION 1. At each synod of the province of the Episcopal Church which encompasses this Diocese, as such province is from time to time established by the Canons of the Episcopal Church (each, a “Provincial Synod”), the Diocese shall be represented by (a) one clerical deputy and (b) two lay deputies.

SEC. 2. An individual is qualified to be a deputy to the Provincial Synod, if that individual is either (a) a Cleric entitled to seat, voice and vote at Convention; or (b) a Communicant in good standing.

SEC. 3. Prior to each meeting of the Provincial Synod, the Secretary of Convention shall call a meeting of the Clerical and Lay Deputies to the General Convention. At such meeting (a) the Clerical Deputies shall designate from among themselves one Clerical deputy to the Provincial Synod and one Clerical alternate deputy to the Provincial Synod; and (b) the Lay Deputies shall designate from among themselves two Lay deputies to the Provincial Synod and two Lay alternate deputies to the Provincial Synod. The designation of such deputies and alternate deputies shall be by majority vote and with the advice and consent of the Bishop.

SEC. 4. To the extent required under the ordinances of the Provincial Synod, the Secretary of Convention shall certify to the President of the Fifth Province the individuals elected as deputies and alternate deputies for each meeting of the Provincial Synod.

SEC. 5. If there is a vacancy in the office of a deputy to the Provincial Synod or there is an opening because a deputy is unable to attend the meeting of the Provincial Synod, that vacancy or opening shall be filled by an alternate deputy (as designated pursuant to Section 3 above) identified by the Bishop. If there is an insufficient number of alternate deputies,

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the Bishop, in consultation with the Clerical and Lay Deputies to the General Convention, shall appoint a sufficient number of other canonically eligible Clergy or Lay Communicants as deputies in their stead.

Rationale: Provinces and Provincial Synods of the Episcopal Church are defined within the Constitution and Canons of the General Convention. In the past, the Bishop has appointed deputies to Provincial Synods from the ranks of the General Convention deputation, but this practice has not been memorialized in the Diocesan Canons. Adding the proposed canon to the Diocesan Canons will add a measure of certainty to the process.

Canon I.9.2 of the General Convention states that “The primary purposes of the Provinces are to facilitate inter-diocesan collaboration to achieve Diocesan and Episcopal Church goals, and to enable more effective communications and regional advocacy of significant programmatic efforts”

Provincial Synods focus on the work of the Province, which is to support people in their local ministry contexts: parish, community-based, or diocesan. Province V endeavors to build projects and networks that can help people connect, network, and support one another at the provincial level of the church. While Province V has a history of hosting Synods only during General Convention years, a Synod can be called at any time, so deputies should understand that they might be called upon for additional service during their term. Synod deputies have responsibility for electing Province V Representatives to Executive Council (of General Convention) and electing the officers of the Province V Executive Board.

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Resolution H-183

Resolution H-183: A Resolution of the Committee on Constitution and Canons Regarding Election of Lay Members of Diocesan Council by Convocations

WHEREAS, pursuant to Section 6 of Canon III.6 of the Canons of the Episcopal Church in this Diocese (the "Canons"), each Convocation elects one lay and one clerical representative; and

WHEREAS, pursuant to Canon I.2 of the Canons, the Bishop, with the advice and consent of Standing Committee, reduced the number of Convocation Districts from six to four; and

WHEREAS, in order to enhance the mission of the Convocations and promote lay participation in the leadership of the Diocese, the Bishop and Standing Committee have determined that it is in the best interests of the Diocese to provide for each Convocation to elect two lay representatives to Diocesan Council;

NOW, THEREFORE, BE IT RESOLVED that Sections 6 and 8 of Canon III.6 of the Canons be amended in their entirety to read as follows:

SEC. 6. . The voting members of Diocesan Council shall consist of elected and appointed members. The elected membership of Diocesan Council shall consist of six at large lay members elected by Convention and two lay representatives and one clerical representative elected by each Convocation. The appointed members shall consist of three persons selected by the Bishop, subject to ratification by the elected members..

SEC. 8. Members of Diocesan Council elected by Convocation shall serve a two-year term. Each Convocation shall elect one lay representative per year and shall elect its clergy representative every two years. The Convocations shall, in consultation with the Bishop, conduct elections for clergy representatives in alternating years so that a total of two clergy representatives shall be elected by the Convocations each year. Lay members of Diocesan Council elected by Convocation shall be Convention delegates or alternates at the time of their election but this requirement shall not apply to the reelection by Convocation of any member of Diocesan Council. The representatives of a Convocation, in order to be eligible to serve, shall be members of Congregations within that Convocation; a representative removing to a Congregation outside the Convocation shall thereby vacate the office. Vacancies in the representation of a Convocation shall be filled by that Convocation. In the event of a vacancy in the Clergy order, Diocesan Council may, upon such Convocation's request, permit election of a lay representative to serve out the vacating member's unexpired term.

Rationale: Convocations have the potential to fulfill an important mission for the Diocese and having three members from each Convocation as members of Diocesan Council should enhance communications among the groups and provide a broader range of voices at Diocesan Council meetings.