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PEP Argument Briefing Paper

Title: Clarification of Constitutional & Canonical Changes

Applicable to: Changes to Constitution and Canons of the Episcopal Diocese of

Pittsburgh as recommended by the Committee on Constitution and

Canons (and Addenda from Chancellor)

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Background

The Committee on Constitution and Canons has proposed a large number of changes to the documents that govern the diocese. The report of the committee shows, for each change, the current wording followed by the proposed wording. Although this format is helpful in some cases, many people prefer to see more clearly what is being added or deleted. This briefing paper does exactly that, and only that. (See other briefing papers for analysis of the proposed changes.)

After the Committee report was presented to Diocesan Council, additional changes were proposed by the Chancellor (in "Addenda to the Report of the Committee on Constitution and Canons"). Both sets of proposed changes are scheduled for consideration on the second day of the convention, November 3. This document will deal with these two sets of proposals separately. Cross-references have been inserted where both sets of proposals affect the same rules. In such cases, Bishop Duncan announced at a hearing on October 17, the Chancellor's proposal only will be considered.

In what follows, existing wording unaffected by the proposed changes is shown in black. Changes are shown in red, with deleted text struck through and new text underlined. Vertical red bars in the left margin indicate changed lines. Minor formatting differences that do not affect meaning, some of which may be unintentional anyway, are ignored. There may also some minor, insignificant errors in the following analysis because the report of the Committee did not always copy existing wording precisely.

Proposed Changes by Committee

1. Constitution Article X, Section 1

The Board of Trustees shall consist of the Bishop, five Lay persons appointed by the Bishop, and one Lay person from each District and five other <u>lay</u> persons without limitation as to District, elected in the manner and for the term specified by Canon duly enacted. The Bishop shall appoint the President of the Board of Trustees each year, and the Board of Trustees shall elect other officers as it shall deem appropriate.

2. Canon III, Section 2a

The Parochial Report of every Parish of this Diocese shall be prepared annually for the year ending December 31st preceding, upon the <u>standard</u> forms <u>prepared by the Executive Council of the Church</u>, and shall be returned in duplicate not later than <u>March 1stApril 15th</u> to the Bishop of the Diocese, or upon his request, to the Secretary of the Convention. In every Parish the preparation and delivery of this Report shall be the joint duty of the Minister and Vestry.

3. Canon III, Section 2b

In case of failure to present the Parochial Report to the Bishop or Secretary of Convention on or before March 1stApril 15th any and all Clergy and Deputies of such delinquent Parishes shall not be entitled to Seats in the Convention.

4. Canon IV, Section 2

Trustees At large. Those persons who are to be elected to the Board of trustees as Trustees At-large as provided in Article X of the Constitution shall be elected in the following manner. Whenever a vacancy shall occur in a position on the Board of Trustees being filled by a person elected by the Convention, the Nominating Committee shall present nominations of at least twoone or more Lay persons to fill such vacancy. From among those nominated, a successor shall be elected at the Diocesan Convention.

5. Canon IV, Section 4

Section 4. In the event a vacancy shall occur in a position on the Board of Trustees during the unfilled term of said position, such vacancy shall be filled as provided by Article IX, section 5 of the Constitution.

6. Canon V, Section 3

Those persons who are to be elected to Diocesan Council as provided in Article XI of the Constitution shall be elected in the following manner. Whenever a vacancy shall occuroccurs or will occur beis about to occur for any reason in a position on the Diocesan Council being filled by a person from a particular District established pursuant to Canon XVIII hereof, the District Commission shall nominate at least twoone or more persons, Clergy or Lay as appropriate, who are Deputies to the Convention and who are canonically resident within such District. From among those nominated, a successor shall be elected by the members of such District Commission at the annual meeting of the Commission held during the Convention. Deputies elected prior to the Convention for a term beginning immediately upon adjournment of Convention, or upon recess of the first Session of Convention, shall be included with the Deputies eligible for election to Diocesan Council.

7. Canon VI

The Bishop, with the consent of the Standing Committee, Diocesan Council and the Convention, shall have the authority to appoint a memberone or more members of the Clergy to assist the Bishop in respect to the mission of the diocese. Said authority shall include the authority to appoint an Assistant Bishop. The mission of the diocese shall include but is not limited to pastoral and counseling functions, visitations to Parishes, development of these parishes, the planting of new congregations, and relationships with and among Parishes and Districts, including continuation of the special relationship to Aided Transitional Parishes. Unless such person be a Bishop-Coadjutor-or, Suffragan Bishop, or Assistant Bishop, such person or persons so appointed shall bear such title as shall be deemed appropriate by the Bishop.

8. Canon XI

Registrar/Historiographer

Section 1. Election. At each annual session of Convention, a Registrar/Historiographer shall be elected to serve for one year The Bishop may appoint an Archivist who shall administer the Diocesan archives, including the historical documentation of the Diocesa and Parishes, and perform such other duties as directed by the Bishop or Standing Committee. It shall be the duty of the Archivist to issue, on request, proper certification of records in the archives including, but not limited to, Consecration, Ordination, Baptism, Confirmation, Marriage and Burial Records.

Section 2. General Duties. It shall be the duty of the Registrar/The Bishop may appoint a Historiographer to who shall provide for the safekeeping and preservation of the all Diocesan records and other materials that relate to the history of the Episcopal Church in this Diocesa and any parish therein, and to transmit such materials into not otherwise under the custody of the Diocesa to be kept in the Diocesan Archives Archivist, and perform such other duties as directed by the Bishop or Standing Committee.

Section 3. Duties at Trials and Inquiries. The Registrar/Historiographer shall act as clerk at all ecclesiastical trials and inquiries held in the Diocese.

Section 4. Convention Responsibilities. The Registrar/Historiographer shall serve as custodian of

records for the Constitution and Canons of the Diocese; shall see that all changes or additions to the Constitution or Canons authorized at any convention are entered in the official copy of the Constitution and Canons which the Registrar shall place in the Diocesan Archives, and that a current copy of the Constitution and Canons as revised be supplied to the President of the Convention, the Chancellor of the Diocese, the Secretary of the Convention, and the Committee on Canons.

Section 5. Preservation Ordination Records. It shall be the duty of the Registrar/Historiographer to preserve in a proper registry book a record of the ordination/consecration of the successive bishops of the Diocese, designating accurately the time and place of the same with the names of the ordaining/consecrating bishops and the others present and assisting, and to record such additional facts as may be worthy of preservation.

Section 6. Historical Responsibilities. It shall be the responsibility of the Registrar/Historiographer to note any facts which illustrate important aspects of and parochial registers, of officially closed or dissolved missions and parishes shall revert to the custody of and be preserved in the Diocesan Archives.

Section 16. Disposition of Records. The Archivist, with the consent of the Diocesan Historical Commission, may dispose of duplications and other materials which do not fall within the scope of the established Collection Agreement.

Section 17. Confidentiality of Diocesan Records. The Bishop may direct that documents, which for pastoral or other reasons should be kept in confidence, shall be placed under seal. The Bishop shall specify for what period each security shall continue, who shall have access, and for what purpose. Section 18. Accessibility. All books, papers, and documents in the Archivist's charge, not previously sealed under Section 16, shall be subject to the call of the Convention and shall be open to the inspection of the Bishop, the Standing Committee, and any committee or officer of the Convention or Diocese.

9. Canon XII, Section 2

The Bishop shall cause to be prepared for review by Diocesan Council and submission to the Convention for its approval, a comprehensive budget for the ensuing year. Such budget shall be based on clearly specified work programs missionary objectives, evaluation of program accomplishment and determined priorities.

10. Canon XIV, Section 4

At each Annual Convention there shall be elected one member of the Clergy and one Lay person to serve as members of saidthe Cathedral Chapter and its corporation for a period of three years.

11. Canon XV, Section 6

The Convention may, by a two-thirds vote, dissolve its union with any Parish. Provided, however, that, except in such cases as may fall under Canon XXV, Section 5, notice of said proposed action shall have been given in thea preceding Annual Convention.

12. Canon 17 (i.e., XVII), Section 5

All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes or other institutions shall be audited annually by an independent Certified Public Accountant, or independent Licensed Public Accountant, or such audit committee as shall be authorized by the Judge of Audits of the Diocesan Councilor other appropriate diocesan authority.

All reports of such audits, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in no event, not later than September 1 of each year covering the financial report of the previous calendar year. In any case of failure to file such audits, memorandum, or summary as required herein, any and all Lay Deputies of such delinquent Parishes shall not be entitled to Seats in the Convention.

13. Canon XIX

<u>Diocesan Review Committee and Ecclesiastical Trial Court (The Array)</u>
<u>Section 1. The Standing Committee shall serve as the Diocesan Review Committee.</u>

Section 6. The powers, duties and procedures of the Court and the definition of terms used in this Canon shall be as set forth in the Disciplinary Appendix, attached to these Canons.

14. Canon XX, Section 4

The call of the Clergy-elect shall be in writing in a letter of agreement between the member of the Clergy and the Vestry (and in the case of an Aideda Transitional Parish, the Bishop and Diocesan Council) and must express distinctly job description and any special conditions, together with the stipulations of salary or support, which salary when the member of the Clergy is settled shall be held a valid legal contract, and the salary as accruing to be an acknowledged debt, recoverable by process of law, if necessary, of which said call shall be held as substantial evidence. Provided, that the salary may be increased or diminished, as the parties may from time to time agree; due notice of which shall be given to the Ecclesiastical Authority by the Clerk of the Vestry.

15. Canon XXI, Section 4

The annual salary and other compensations of full time resident Clergy shall be no less than the minimum established for in the Clergy of Aided Parishes Compensation Guide, recommended by Diocesan Council and approved by the Annual Convention, except in special cases as determined by the Bishop and the Standing Committee.

16. Canon XXIII, Section 1c

A Priest-in-Charge or a Deacon-in-Charge is a Priest or Deacon settled in an Aideda Transitional Parish and whose settlement in the Parish is subject to a specific agreement as to time and other conditions. These Titles also apply to all members of the Clergy appointed by the Ecclesiastical Authority to the cure of souls.

17. Canon XXIII, Section 1d

Minister-in-Charge is a Lay person appointed by the Ecclesiastical Authority to conduct the religious affairs of an Aideda Transitional Parish having no Priest or Deacon-in-Charge.

18. Canon XXV, Section 1

The Bishop shall be assume ecclesiastical oversight of each vacant Parish.

19. Canon XXV, Section 3

The Bishop shall take order for supplying vacant Parishes with occasional services, at the expense of the Parish so suppliedIn the event of a vacant parish, the Bishop shall takes such action as the Bishop deems appropriate to supply said parish for appropriate services, and such supply expenses shall be borne by said parish.

20. Canon XXVI, Section 1 (changes proposed by the Chancellor are to be considered instead) Deputies to the a Provincial Synod of the Province of Washingtonin which the diocese shall be a participating member shall be elected concurrently with Deputies to the General Convention at the Annual Diocesan Convention which is held within two years preceding the regular General Convention in the following manner: The member of the Clergy receiving the highest number of votes as a Deputy to the General Convention shall be declared the Clerical Deputy to thesaid Provincial Synod, and the member of the Clergy receiving the next highest number of votes shall be declared the Supplemental Clerical Deputy. The two Lay persons receiving the two highest number of votes as Deputies to the General Convention shall be declared the Lay Deputies to thesaid Provincial Synod, and the two Lay members receiving the next two highest number of votes shall be declared the Supplemental Lay Deputies, with priority of right in rotation according to plurality of the aggregate vote received by them respectively.

21. Canon XXVII

The site of any Church, or Chapel, shall not be changed to a place nearer the site of any other Church, or Chapel, without the consent of the Bishop of the Diocese and the approval of the who shall have consulted with the leadership of nearby parishes (as determined by the Bishop) and the Standing Committee. One months notice of any application to the Standing Committee for such approval shall be given to the Rectors or Priests/ Deacons/Ministers in Charge and Vestries of the three Churches or Congregations nearest to the proposed site, and action shall not be taken until such Rectors or Priests/

Deacons/ Ministers in Charge and Vestries have had an opportunity to be heard thereon.

22. Canon XXIX, Section 2 (changes proposed by the Chancellor are to be considered instead)

The Bishop of this Diocese shall appoint annually, upon the opening of the Convention, a Committee of the Church Pension Fund to consist of four Presbyters and four Lay persons, for a term of one year and until their successors shall have been appointed or qualified, and the Bishop may from time to time fill by appointment any vacancies in said Committee caused by resignation, death or inability to act.

The duties of said Committee shall be as follows:

a. To be informed of, and to inform the Clergy and Laity of this Diocese of the pension system created by the General Convention and committed by it to the Trustees of the Church Pension Fund, in order that the ordained Clergy of the Church may be assured of pension protection for themselves in event of old age or total and permanent disability and for their widows or widowers and minor children in the event of death.

b. To receive reports from the Church Pension Fund, from time to time, on the status of the pension assessments payable to said Fund, under its Rules and as required by Canon Law, by this Diocese and by the Parishes and other ecclesiastical organizations within the Diocese.

c. To make an annual report to the Convention of this Diocese on such matters relating to the Church Pension Fund as may be of interest to the said Convention.

d. To cooperate with the Church Pension Fund in doing all things necessary or advisable in the premises to the end that the Clergy of this Diocese may be assured of the fullest pension protection by said Fund under its established Rules.

23. Canon XXIX, Sections 3, 4, and 5 (only renumbering is involved here)

24. Canon XXXI, Section 1

There shall be a Commission of the Diocese, to be known as the Commission on Church Architecture, which shall consist of the Bishop, together with the Bishop Coadjutor or Suffragan Bishop, if there be any, together with three Clergy and three Lay persons, of which number two shall be architects skilled or experienced in ecclesiastical design, residing within or without the Diocese, to be appointed annually by the Bishop.

The Bishop, with approval of the Standing Committee, may appoint a Commission on Church Architecture ("Commission"). Such Commission shall have such duties as included in this Canon or as otherwise directed by the Bishop or Standing Committee. If a Commission is appointed, the Bishop shall serve as one of its members.

25. Canon XXXIII

Canon XXXIII. Definitions

Except as may otherwise be provided within these Canons, for purposes of the Canons of the Diocese of Pittsburgh:

a. "constitution" shall mean the Constitution of the Diocese of Pittsburgh.

b. "The Bishop" shall mean the Diocesan Bishop of the Diocese of Pittsburgh.

Rules of Order, C.4 (Parliamentary Procedure)

On a question being put by the President, it shall be determined by the sound of voices for or against it; but any member may require the count of votes, and Tellers for that purpose shall be appointed by the President; or any twenty a majority of the members, of whom at least ten must be Clergy and at least ten must be Lay Deputies present, may, previous to a decision by count, require the ayes and nays to be taken, which shall be done by calling the names of the Clerical members and then of the Parishes and the numbernames of Lay Deputies to which the lay deputies of each is entitled parish, and all votes by ayes and nays shall be entered upon the minutes.

Proposed Changes by Chancellor

1. Canon XVII, Section 7

Insurance protection for personnel, property and contents, and liability shall be maintained according to the minimum standards published by the Diocesan Director of Administration from time to time. Records of insurance and total insured values shall be made available for inspection and audit by an appointee of the Diocesan Director of Administration. All buildings and their contents shall be kept adequately insured.

2. Canon XXVI (also addressed by Committee)

Of Deputies to the Provincial Synod

Section 1. Deputies to the Provincial Synod of the Province of Washington shall be elected concurrently with Deputies to the General Convention at the Annual Diocesan Convention which is held within two years preceding the regular General Convention in the following manner: The member of the Clergy receiving the highest number of votes as a Deputy to the General Convention shall be declared the Clerical Deputy to the Provincial Synod, and the member of the Clergy receiving the next highest number of votes shall be declared the Supplemental Clerical Deputy. The two Lay persons receiving the two highest number of votes as Deputies to the General Convention shall be declared the Lay Deputies to the Provincial Synod, and the two Lay members receiving the next two highest number of votes shall be declared the Supplemental Lay Deputies, with priority of right in rotation according to plurality of the aggregate vote received by them respectively.

Section 2. The Deputies so selected shall serve a three year term, beginning with their election. Should a vacancy occur by resignation, removal from the Diocese, death or otherwise among the Deputies or Supplemental Deputies between the stated times of election, it shall be filled by the Deputy in the respective order to the General Convention who received the next highest number of votes.

Section 3. It shall be the duty of the Deputies to make a report as a deputation to the Annual Diocesan Convention following each meeting of the Provincial Synod.

3. Canon XXIX (also addressed by Committee)

On Pensions Of the Church Pension Fund

Section-Sec. 1. It shall be the duty of every employer within the diocese, on behalf of their clergy and lay employees, to participate in the pension system adopted by the provisions of this canon. In conformity with the legislation adopted by the General Convention of 1913, pursuant to which the Church Pension Fund was duly incorporated, and in conformity with the Canon of the General Convention, "Of The Church Pension Fund," as heretofore amended and as it may hereafter be amended, the Diocese of Pittsburgh hereby adopts and acknowledges the Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York as subsequently amended, as the authorized and approved pension system for the Clergy of the Protestant Episcopal Church in the United States of America and for their dependents, and declares its intention of supporting said Fund in accordance with its Rules.

Section-Sec. 2. The authorized and approved pension plan of the Diocese of Pittsburgh is that of the Church Pension Fund of New York, NewYork. The Bishop of this Diocese shall appoint annually, upon the opening of the Convention, a Committee of the Church Pension Fund to consist of four Presbyters and four Lay persons, for a term of one year and until their successors shall have been appointed or qualified, and the Bishop may from time to time fill by appointment any vacancies in said Committee caused by resignation, death or inability to act.

The duties of said Committee shall be as follows:

a. To be informed of, and to inform the Clergy and Laity of this Diocese of the pension system created by the General Convention and committed by it to the Trustees of the Church Pension Fund, in order that the ordained Clergy of the Church may be assured of pension protection for themselves in event of old age or total and permanent disability and for their widows or widowers and minor children in the event of death.

b. To receive reports from the Church Pension Fund, from time to time, on the status of the pension assessments payable to said Fund, under its Rules and as required by Canon Law, by this Diocese and by the Parishes and other ecclesiastical organizations within the Diocese.

c. To make an annual report to the Convention of this Diocese on such matters relating to the Church Pension Fund as may be of interest to the said Convention.

d. To cooperate with the Church Pension Fund in doing all things necessary or advisable in the premises to the end that the Clergy of this Diocese may be assured of the fullest pension protection by said Fund under its established Rules.

Section 3. It shall be the duty of this Diocese and of the Parishes and other ecclesiastical organizations therein, each through its Treasurer or other proper official, to inform the Church Pension Fund of salaries and other compensation paid to Clergy by said Diocese, Parishes and other ecclesiastical organizations for services rendered, currently or in the past, prior to becoming beneficiaries of said Fund, and changes in such salaries and other compensations as they occur; and to pay promptly to the Church Pension Fund the pension assessments required thereon under the Canon of the General Convention and in accordance with the Rules of the said Fund.

Section 4. It shall be the duty of every member of the Clergy canonically resident in or serving in this Diocese to inform the Church Pension Fund promptly of such facts as dates of birth, or ordination or reception, of marriage, births of children, deaths, and changes in cures or salaries, as may be necessary for its proper administration and to cooperate with said Fund in such other ways as may be necessary in order that said Fund may discharge its obligations in accordance with the intention of the General Convention in respect thereto.

Section 5. Lay Employees Benefits

a. The diocese shall provide a pension plan for all its lay employees, 21 years of age or older, who have been employed by the Diocese for one year or more and who work a minimum of 1,000 hours annually. Such plan may be provided by participation in the Episcopal Church Lay Employees Retirement Plan or by a separate plan offering equivalent or higher benefits, with contributions at a rate approved by the Trustees of the Church Pension Fund. The Diocese shall encourage each parish and other unit under its ecclesiastical authority to establish a similar plan.

b. The Diocese shall also provide for such lay employees a program of health and life insurance benefits comparable to those provided for its clergy and shall permit similar lay employees of parishes and other units under its ecclesiastical authority to participate in such program.

4. Canon XXX, Section 1

<u>Sec.Section</u> 1. Duties. The Commission on Ministry shall assist the Bishop in matters pertaining to the enlistment and selection of persons for Ministry, in the guidance and pastoral care of all Candidates for Holy Orders, in the examination of persons for Holy Orders, and in discharging any additional duties relating to Ministry as are, or may be, required by the Constitution and Canons of the Episcopal Church in the United States of Americathis Diocese.

5. Rules of Order, B.1 (Admission to Convention)

1. The following, if they are not Deputies shall be admitted to the sittings of the Convention without vote and, except for Chairpersons of Boards and Commissions and except as provided in Canon II, Section 3, without voice: all Clergy of the Protestant Episcopal Church who are not canonically resident in the Diocese and of Churches in full communion with this Church; candidates for Holy Orders; members of all Diocesan Boards and Commissions; and the Vestry of the Church in which the Convention is held. Upon their reporting themselves to the Secretary, their names shall be entered in the Journal.

When the Convention is sitting as the Committee of the Whole, for the election of a bishop or for other purposes, the following shall be entitled to Seats but, if not deputies, shall be without vote and without voice: members of the Nominating/Search Committee, the Chairman of the Convention Committee,

the Vice Chancellors, the Diocesan Administrator and the Judge of Elections.

6. Rules of Order, B.3 (Nominations)

Nominations

- a. Parishes and district commissions shall be encouraged to and provided opportunity for recommending to the Nominating Committee persons who are deemed to have exceptional qualifications for the posts to be filled. Deadline for these recommendations shall be June 15th each year. At least three months prior to the sitting of the Convention in which an election is to be held, the Nominating Committee, to be constituted as hereinafter provided, shall nominate at least one candidate, for each office to be filled by the Convention by election: provided, however, that in accordance with Canon IV, Section 2, there shall be at least two nominees for each office of Trustee-At-Large, and provided, further, that in accordance with subsection A 4 of these Rules of Order, Diocesan Council shall nominate a person to serve as Secretary of the Convention. The list of such nominations shall be published, including biographical data on each nominee, in an appropriate organ of Diocesan-wide circulation and distributed to each member of the Clergy, the Deputy Leader and the Senior Warden of each Parish at least one month before the sitting of the Convention in which the election is to be held. Except as otherwise provided in the Constitution and Canons, any candidate nominated must be a Communicant in good standing of the Episcopal Church in the Diocese of Pittsburgh.
- b. Thereupon and until two weeks before such sitting, any ten members of the Convention may make additional nominations to the Convention through the Nominating Committee, providing that such nominations shall be made in writing and signed by the members making such nominations.
- c. At the Convention, any ten members may make additional nominations for any office, providing that such nominations shall be made in writing and signed by the members making such nominations. The Nominating Committee shall report orally to the Convention the names of candidates nominated pursuant to this paragraph.
- d. Only the names of candidates nominated in accordance with Rules 3a and 3b shall be printed upon the ballot to be used at the election.
- e. After all candidates have been nominated as provided by Rules 3a and 3b, their names shall be listed upon the ballot as determined by lot, accomplished by drawing successively the names for each elective office by the Chairperson of the Nominating Committee.
- f. The Diocesan Nominating Committee shall be appointed by the President of Diocesan Council in consultation with the Diocesan Bishop and the Presidents of the Standing Committee and Board of Trustees. The Diocesan Nominating Committee shall be organized in January of each year, consisting of one person from each District, with representation by both clergy and laity. A chairperson shall be appointed by the President of Diocesan Council with the Consent of the Bishop and the Presidents of Standing Committee and Board of Trustees. All members will be appointed annually with no member serving more than four consecutive years. The duty of the Nominating Committee shall be to present a full slate of nominees as required by subparagraph B3a above and shall include, but not be limited to, soliciting, receiving and screening recommendations from individuals, parishes and District Commissions.