

PEP Argument Briefing Paper

Title: Change Restores Balance to Calling a New Priest
Applicable to: Canonical Change 9 (Canon XXV)
Author: PEP Board of Directors
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Background

The revision of Canon XXV does not undo recent changes. The diocese's Canon XXV, however, gives the bishop a much more obtrusive role in the search for a new rector than do the canons of The Episcopal Church. The proposed revision puts more responsibility on the parish and limits the unnecessary interference of the bishop.

Argument

- Canon III.9 of The Episcopal Church sets out requirements for a parish when it loses its rector. It is unnecessary for local canons to repeat these requirements or to expand them in such a way that a competent parish is hindered, rather than assisted in finding a new rector.
- The current canon allows the bishop to engage clergy in the absence of a rector and require the parish to pay what the bishop deems appropriate. In the proposed revision, the bishop can step in only when the parish has failed “to provide services of public worship for more than 30 days.”
- The proposed revision makes it clear that a parish may hire its own consultants. This is a check on a bishop's considerable power.
- The draconian measure of dissolving the relationship of a parish with the convention in the current Section 5 has been eliminated.
- In a canon such as this one, a balance must be struck between the needs and desires of the parish and the wishes of the bishop. Although this proposal attempts to establish a more reasonable balance, the proper balance is ultimately a judgment call. Moreover, where the parish and bishop are in conflict, no canon is likely to seem ideal.

Supporting Information

Resolution (from *Preconvention Journal 2009*, pp. C-16—C-18,
<http://www.episcopalpgh.org/wp-content/uploads/file/Documents/2009%20DioConv/2009DioConventionPacketV3.pdf>):

9. Canon XXV, Of Vacant Parishes, shall be restated in its entirety as follows:

Canon XXV **Of Vacant Parishes**

Section 1. When a Parish becomes vacant, it shall be the duty of the Wardens thereof to give notice to the Bishop, or, if there be no Bishop, to the President of the Standing Committee.

Section 2. Should a vacant Parish fail to provide services of public worship for more than 30 days, the Bishop shall make provision for such services. After consultation with the vestry, the Bishop may appoint a Priest-in-Charge to the Parish. The Parish will negotiate a contract (approved by the Bishop) with that person, including provisions regarding compensation, expectations, and termination process.

Section 3. The Parish shall notify the Bishop of any agreement reached for interim services with a Minister canonically resident in the Diocese and must seek appropriate licensing from the Bishop for an Interim Priest not canonically resident in the Diocese.

Section 4. In developing a search process for a Minister, the Parish may consult with those knowledgeable in such searches.

Section 5. The Parish must provide written notice to the Bishop of any call offered to a Minister, so that the Bishop may determine if the person so called is a duly qualified Minister as defined by the Constitution and Canons of The Episcopal Church. When the call is accepted, the Bishop shall send the Minister's name to the Secretary of Convention and Recorder of Ordinations for proper recording of the call.

Rationale: This proposed process eliminates the first three sections of the current canon in order to give parishes the flexibility provided in the canons of The Episcopal Church. The revision aligns diocesan procedures more closely with those in Episcopal Church canons. Section 3 removes the requirement that a priest canonically resident in the diocese seek an additional license to serve a parish within the diocese. The addition of the Recorder of Ordinations in Section 5 is to ensure that the person who is responsible for notifying the Church Pension Fund and The Episcopal Church about changes in clergy status receives notice directly. The current wording of Canon XXV to be replaced is the following:

**Canon XXV
Of Vacant Parishes**

Section 1. The Bishop shall assume ecclesiastical oversight of each vacant Parish.

Section 2. When the Vestry is notified by the Rector of an intent to resign, the Bishop shall simultaneously be notified. Upon such notification, the Bishop shall have the authority to examine any Parish records which would assist in evaluating the condition of the Parish. The Vestry shall furnish the Bishop such information as the Bishop deems necessary to assist the Parish in the selection of a new Rector, including but not limited to, parish goals, profile of the Parish, and desired Clergy qualifications.

Section 3. In the event of a vacant parish, the Bishop shall take such action as the Bishop deems appropriate to supply said parish for appropriate services, and such supply expenses shall be borne by said parish.

Section 4. When a Parish becomes vacant, it shall be the duty of the Wardens thereof to give notice to the Bishop, or if there be no Bishop, to the President of the Standing Committee, forthwith.

Section 5. A Minister canonically resident in this Diocese, without a Parish, may not assume pastoral relations with, nor officiate for longer than one month in a Parish, unless and until he or she shall have obtained from the Bishop a written license authorizing the Minister so to do, and, if such license be refused, by and with the advice and consent of a majority of all the members of the Standing Committee, and if such Clergy shall nevertheless, without such license, officiate in such Parish, or attempt to assume such pastoral relations, the Clergy, by reason of such action on

his or her part, shall thereafter not be in regular standing in this Diocese until he or she shall have made satisfaction to the Bishop; and any subsequent Convention of this Diocese may dissolve its union with the offending Parish, provided the Standing Committee shall, at least thirty days prior to such Convention, have sent to the Vestry, or to one of the Wardens, of such Parish written notice that the action of the Parish will be reported to the Convention.

N.B. In the Preconvention Journal, “Section 5.” was omitted from the above paragraph.