

**Resolutions submitted by the Committee on Constitution & Canons
to the 149th Annual Convention of the Diocese of Easton**

Resolution 1

Amendment of Article III -- Annual Convention

Purpose: to delete the requirement that the corrected Minutes and all resolutions from the previous annual meeting of Convention be sent out with the notice of the Annual Convention.

Resolved, That Article III, Section 2, of the Constitution be amended as follows:

Sec. 2. **Notice of Meeting.**

On or before sixty (60) days prior to Annual Convention the Secretary of Convention shall send notice of the Convention to the Registrar of each parish and separate congregation and to the similar officer of the congregation of Trinity Cathedral and of each diocesan mission, with or without a rector, to all clerics, and to all other persons entitled to a seat, with or without a vote, in Convention by reason of their office. ~~The Secretary shall also send with said notice the corrected minutes of the previous Convention, including a copy of all resolutions adopted by the previous Convention. Courtesy resolutions may be omitted.~~

Explanation

This provision was added in 2007 and has been ignored ever since. The Journal, which has all this information, is distributed in the fall to all Parishes and separate congregations and is posted on the Diocesan website. The minutes of the 2015 Convention (including all resolutions) were 32 pages long.

This is the **second reading**; a vote by Orders is required. *The Committee on Constitution and Canons recommends adoption.*

Resolution 2

Amendment to Article V -- Election of a Bishop

Purpose: add "Bishop Provisional," prohibit nominations from the floor, and provide for Nominations by Petition.

Sec. 1. **Special Convention - Time and Place.**

The election of a Bishop, Bishop Coadjutor, ~~or~~ **Bishop Suffragan**, **or Bishop Provisional** shall take place at a Special Convention called for the stated purpose by the Bishop, with the advice and consent of the Standing Committee, or by the Standing Committee if there be no Bishop. Such Convention shall be held at such time and place as the convener may appoint.

Sec. 2. **Notice of Meeting.**

The convener shall send, or cause to be sent, written notice of the time, place and purpose of the special Convention for the election of a Bishop, Bishop Coadjutor, ~~or~~ **Bishop Suffragan**, **or Bishop Provisional** at least sixty (60) days before the day of said meeting to all persons entitled to such notice under Article III, Sec. 2.

Sec. 3. **Convention Procedure.**

- (a) Clergy and Laity ~~to~~ shall Vote by Orders.
The election of a Bishop, whether Diocesan, Coadjutor, ~~or~~ Suffragan, **or Provisional**, shall be made in open Convention by the concurrent vote of the clergy and laity, voting separately by ballot, the clergy first and then laity; and a concurrent majority of those present and entitled to vote in each order shall be necessary to a choice.
- (b) Limitation of Action.

No business other than the election of a Bishop and other relevant business pertaining thereto or to the Episcopate shall be transacted at a special Convention for such election.

- (c) ***A nomination from the floor of Convention shall not be permitted, provided that a period of not less than seven (7) days has been allocated for a Nomination by Petition.***
- (d) ***A Nomination by Petition must be signed by at least fifteen (15) signatories including seven (7) diocesan clergy and eight (8) lay communicants in good standing in this Diocese. The Petition must also include valid signatures of clergy and communicants of the three Convocations of this Diocese. Petition candidates shall meet all of the requirements of the search for a Bishop and complete the same materials submitted by other Search Committee candidates. This Petition shall be submitted in a timely manner to the President of the Standing Committee.***

Explanation

“Bishop Provisional” is added to Sections 1, 2, and 3(a). Extensive background checks are now an integral part of the screening process for all candidates for the office of Bishop [see Title III, Canon 11, Section 3(a)]. It is not possible to do this prior to the election for any person who may be nominated from the floor. Therefore, nominations from the floor of Convention are prohibited, provided that there is a process for “Nominations by Petition,” which is defined by Section 3(d); this is virtually identical to a statement issued by the Standing Committee on March 22, 2016.

This is the **first reading**; a vote by Orders is required. *The Committee on Constitution and Canons recommends adoption.*

Resolution 3

Article XIII -- Parishes – Separate Congregations -- Missions

Purpose: to revise and update the minimum requirements of Parish By-Laws

Resolved, That Article XIII, Section 4, of the Constitution be amended as follows:

Sec. 4. Concerning Parish By-Laws.

Each parish and separate congregation shall have authority to govern its internal affairs through By-Laws in accordance with the provisions of Maryland law. Parish By-Laws shall regulate the following aspects of parish operations:

- (a) membership in the parish or separate congregation;
- (b) the conduct of congregational meetings including the date, time and place of the meeting, the method of giving notice for the meeting, the **numerical** number of members required to form a quorum, the qualification of voters, the officers of the meeting, parliamentary procedure, and the purpose of the meeting (provided that a congregational meeting must be held a minimum of once each year); ***the Rector, Associate Rector, Assistant Rector, Priest-in-Charge, Interim Minister, or Vicar (in that order) shall preside; in the absence of any clergy on the staff, the Senior Warden shall preside; in the absence of any clergy and the Senior Warden, the Junior Warden shall preside; in the absence of any clergy and both Wardens, those gathered for a congregational meeting shall elect a Presiding Officer.***
- (c) the organization, role, and authority of the vestry;
- (d) the regulation of the vestry including the date, time and place of meetings, the method of giving notice of meetings, the number of members required to form a quorum, par-

- liamentary procedure, the purpose of the meetings, order of business, and officers (provided that the vestry must meet a minimum of one time each year);
- (e) the qualifications, number, oath of office, term, powers, and duties of vestry members, ***provided, however, that no person serve as a member of the Vestry for more than a total of 2 (two) consecutive terms;***
 - (f) the election, re-election, removal, replacement, and continuance in office of vestry members;
 - (g) the election, re-election, removal, replacement, and continuance in the office of the parish officers including the senior warden, junior warden, treasurer, registrar, and such other officers as the By-Laws may permit, ***provided, however, that no person serve in said office for more than 5 (five) consecutive years;***
 - (h) the qualifications, number, oath of office, term, powers, and duties of parish or congregational officers including the senior warden, junior warden, treasurer, registrar, and such other officers as the By-Laws may permit;
 - (i) the election, calling, removal, compensation, powers, duties, and obligations of the Rector and other clergy, provided the relevant By-Law provisions comply with the constitution and canons of the Episcopal Church and of this Diocese;
 - (j) the control, ***reporting on***, and regulation of property, assets, and investments; ***the Annual Parochial Report shall be approved by the Vestry prior to its submission.***
 - (k) prior to their adoption, all proposed By-Laws shall be reviewed by Diocesan Committee on Constitution and Canons.

Explanation

Summary of proposed changes:

- a) specify an actual number required for a quorum and the Presiding Officer for congregational meetings
- b) require a term limit (no more than two consecutive terms) for Vestry members
- c) require a term limit (no more than five consecutive years) for Parish Officers
- d) require (as per the national Canons) that the Vestry formally approve the Annual Parochial Report

The By-Laws of almost all Parishes currently include term limits for Vestry members. This proposal simply extends that same principle to apply to Vestry Officers. The purpose is to encourage current Vestry Officers to prepare and train others to serve the local church in these important ministries. This is simply good stewardship of our human resources and incarnates the wisdom of total ministry.

This is the **first reading**; a vote by Orders is required. *The Committee on Constitution and Canons recommends adoption.*

Resolution 4

Canon 108 (new) -- Of the Committee on the Bishop's Address to Diocesan Convention

Purpose: to create and empower a "Committee on the Bishop's Address to Diocesan Convention"

Resolved, That a new Canon 108 "Of the Committee on the Bishop's Address to Diocesan Convention" be adopted as follows:

Sec. 108.01 ***Committee on the Bishop's Address***

.011 ***At each meeting of the Annual Convention there shall be a Committee on the Bishop's Address comprised of those members of the Diocesan Council whose terms of office are due to expire at the end of said Convention.***

Sec. 108.02 Authorized to Submit Resolutions

.021 In response to the Bishop's Address, the Committee shall submit such resolutions as it deems appropriate to the Convention.

.022 The Committee shall be exempt from the requirements of Canons 102.06 and 410.

Explanation

Bishop Parsley recommended this addition to our Canons. Canon 108 will provide a mechanism whereby the Bishop's address to the annual Diocesan Convention can be incorporated immediately into the ongoing life of our Diocese. The members of our Diocesan Council, whose terms of service will be ending with this Convention, are designated as the Committee to draft the appropriate resolutions.

The Committee on Constitution and Canons recommends adoption.

Resolution 5

Canon 508 -- Of Non-Functioning Parishes

Purpose: to delete Canon 508 because it partially duplicates (and is also in conflict with) Article XIII.

Resolved, That Canon 508 be deleted.

~~Sec. 508.01 — **Minimum Functions of Non-Functioning Parishes.**~~

~~.011 — A parish shall be deemed to have abandoned the minimum functions of a parish if any of the following conditions exist:~~

~~.011(a) Holy Communion has not been celebrated in the parish on at least three different days during the last prior calendar year.~~

~~.011(b) There has not been an annual congregational meeting during the last prior calendar year.~~

~~.011(c) The Vestry of the parish has not met at a formal meeting with duly recorded minutes during the last prior calendar year.~~

~~.011(d) The parish does not have two Wardens, a Registrar and a Treasurer, and no action to fill any vacancy has taken place within the last prior calendar year.~~

~~.011(e) The Parish Records, consisting of a Parish Register, a Parish Minute Book, and a Record of Parish Accounts, are not current, and have not been made reasonably current during the last prior calendar year.~~

~~.011 (f) The parish assessment for the Diocesan Fund Budget for three successive years is due and in arrears, and the parish has made no satisfactory arrangement for payment of the deficiency.~~

~~Sec. 508.02 — Ecclesiastical Discretion~~

~~.021 — The definition of minimum functions in Section 508.01 shall not preclude the Ecclesiastical Authority to recommend to Diocesan Convention a finding of non-functioning parish if he or she shall have cause to believe that such parish is in fact a viable and functioning religious corporation which should continue in that capacity.~~

~~Sec. 508.03 — Time Limit.~~

~~.031 — If the ecclesiastical authority takes over and administers the affairs of a non-functioning parish and exercises supervision and control over the parish property, he or she must terminate the temporary operation by not later than the end of the calendar year next following the year in which it stated; either:~~

~~.031(a) By restoring responsibility to a duly constituted religious corporation, or~~

~~.031(b) Transferring the property to the Diocese of Easton to be operated as a mission or to be preserved for future use, or~~

~~.031(c) By liquidating the property.~~

~~.032 — The purpose of this time limit is to establish definite responsibility for the preservation, use or sale of church property when the corporate body which previously owned it no longer exists, thus avoiding long lapses of time when there is no legal responsibility for its use or disposition. The ecclesiastical authority shall annually report to Convention his or her actions and the status of each non-functioning parish until the temporary operation has been concluded.~~

Explanation

Section 508.01 is a shortened version of Article XIII, Sections (6) and (7). Section 508.02 as written makes absolutely no sense. Sec 508.03 is in conflict with Article XIII, Section 7 (f); the Constitution of the Diocese takes precedence over the Canons.

The Committee on Constitution and Canons recommends adoption.

Resolution 6 -- (withdrawn)

Canon 404 -- Of the Board of Managers of Trust Funds

Purpose: to add a new Section 6 mandating the creation of a Diocesan Property Committee and a new Section 7 authorizing the Board of Managers to create a Local Diocesan Board of Trustees for a specific property

Resolved, That Canon 404 be amended by adding a new Section 6 and a new Section 7 as follows:

Sec. 404.06 Diocesan Property Committee

.061 Diocesan Property Committee. There shall be a Diocesan Property Committee comprised of no fewer than five nor more than nine members appointed by the Bishop with the advice and consent of the Board of Managers to serve terms of three years. The Bishop and the Vice Chair of the Board of Managers shall be ex officio members of said Property Committee.

.062 Duties. The Committee shall exercise oversight and be responsible for the management and upkeep of those real properties owned by the Episcopal Diocese of Easton which are not under the authority of a Parish, Mission, or the Committee on Camp Wright, including but not limited to cemeteries, non-functioning parish properties, and the Diocesan offices. The Committee shall manage the funds used for maintenance and repair of these properties as may be provided in the Diocesan Budget. The Committee shall report quarterly to the Board of Managers.

.063 Wardens. The Committee may appoint local Warden(s) to supervise specific properties.

.064 New Property. The Committee shall assess any new real property to be received by the Diocese and submit appropriate recommendations to the Board of Managers as to use, transfer, or sale.

Sec. 404.07 Local Diocesan Board of Trustees

.071 The Board of Managers may establish a Local Diocesan Board of Trustees to oversee and manage specific real properties of the Diocese. Each Local Board of Trustees shall be governed by By-Laws which have been approved by the Board of Managers. The By-Laws shall include a defined mission for the property.

.072 Members. Members of the Local Diocesan Board of Trustees shall be appointed by the Bishop for a three year term and shall meet at least annually.

.073 Budget. The Local Diocesan Board of Trustees shall approve an annual budget of revenues, disbursements, and capital expenditures.

.074 Financial Reports. Every Local Diocesan Board of Trustees shall submit an annual financial report to the Diocese of Easton's Department of Finance, Board of Managers, and Convention.

.075 Committees. The Local Diocesan Board of Trustees may establish such committees to carry out its responsibilities as it deems appropriate.

.076 Dissolution. Should the Local Diocesan Board of Trustees be found by the Board of Managers to be functioning contrary to its mission and/or bylaws, or should the property be deemed to be no longer viable, the Board of Managers may in its sole discretion dissolve any Local Diocesan Board of Trustees after 90 (ninety) days of notice, having previously provided said Local Diocesan Board of Trustees with an opportunity to appear and speak at a meeting of the Board of Managers.

Explanation

There are a variety of properties owned by the Diocese of Easton, from cemeteries and plots of land to the diocesan offices at Bray House and the buildings and grounds of non-functioning parishes. The canonical responsibility of caring for these properties rests with the Board of Managers. While the canons do a good job of detailing the Board's responsibilities for diocesan investments, there exists no canon that spells out the Board's responsibility for the management of the diocese's real property. Over the years there have been ad-hoc solutions for the stewardship of diocesan property which would meet with some initial success and then would die off from neglect. Today there is no one entity that is watching over the physical assets of the diocese and no ongoing accountability and oversight for the properties under diocesan care. In addition, there is interest by local Episcopalians to take care at the grassroots level of some important properties, such as the historic Green Hill Church in Wicomico County (circa. 1733), yet presently they lack the mechanism to do so with the diocese.

Resolution 6 addresses these issues – and provides a clear way of practicing good stewardship with the assets of the Diocese of Easton.

By adopting Resolution 6 the Board of Managers would be required to formally establish a permanent standing committee on property that would be accountable 1) for the management of property, 2) the use of funds to maintain the property, and 3) would be a resource for the reception, transfer and sale of property. Members of the Property Committee would be chosen for their expertise and understanding of church properties and would be an ongoing resource for the diocese in the proper stewardship of its real properties.

In addition, this resolution provides a predictable way canonically for local Episcopalians to petition to manage particular Diocesan properties where there is a shared mission and appropriate diocesan oversight. This can provide a win-win solution: the diocese benefits from local, focused management of a property and those who manage such a property know what they are accountable for and what they are able to pursue on behalf of the Diocese.

Submitted by: The Rev. David Michaud, Rector, St. Peter's Salisbury Parish

Endorsed by: the Vestry of St. Peter's, Salisbury Parish

The Committee on Constitution and Canons makes no recommendation on this resolution.

As a matter of information, the Committee on Constitution and Canons notes the following:

Canon 404.011 states in part: "The Board of Managers of Trust Funds ... shall have full responsibility for all property, real and personal, ... delivered to the Convention, Diocese, or Board of Managers for Trust Funds for investment or safekeeping."