

Constitution and Canons Committee Report to Synod

November 2020

2017 amendments pending second vote in 2020

2017.1: Remove extraneous language related to deacons presiding
Constitution, Article X — Concerning Men and Women in Ordained Ministry

Language

Within the Anglican Church in North America there is a diversity of understanding regarding the role of ordination for women, and therefore the roles women may serve within the sacramental ministry of the Church. This Diocese upholds the biblical teaching that both men and women are created in God's image, are redeemed in Christ to be equal heirs of the grace of God, and are freely called and fully gifted for Kingdom ministry according to his sovereign will. Therefore, this Diocese is committed to promoting and honoring the ministry of women alongside men, both within and outside the church. Nevertheless, this Diocese believes that a biblical balance between equality of gifting, freedom for ministry, and the embodiment of spiritual order within the Church is best expressed by distinguishing the ordained roles available to men and women. This Diocese ordains called and gifted women as vocational deacons. We ordain called and gifted men as vocational deacons, transitional deacons, and presbyters. In all this, we gratefully receive the service of both men and women as vocational deacons, and men as transitional deacons, in a broad variety of ministries according to God's gifts and callings in each person's life. At the same time we express our commitment to order within the Church by reserving sacramental ministry to presbyters.

~~***As voted and approved at the 2016 Synod, the following sentence of Article X remains bracketed until reviewed by the Committee on Constitution and Canons. Said committee will submit to the Synod for adoption any recommended changes to this sentence no later than 60 days prior to the 2017 Synod.**~~

~~[The bishop may give specific permission for a deacon to preside at the celebration of a marriage, to preside at baptisms, or to preside at a service in which the reserved sacrament is administered.]~~

Rationale

- This sentence is unnecessary. Episcopally-granted exceptions for deacons are already permitted in the ACNA Texts for Common Prayer:

- Deacons may officiate weddings. “Should a deacon, by lawful authority, be permitted by the Bishop to officiate...” (BCP pg. 212).
- Deacons may preside at baptisms. “In the absence of a bishop or priest, the bishop may specially authorize and delegate a deacon to preside...” (BCP pg. 171).
- Deacons may distribute consecrated bread and wine. “In the absence of a Priest, the Bishop may, at his discretion, authorize a Deacon to distribute Holy Communion...” (BCP pg. 142).
- Furthermore, the ACNA Constitution and Canons do not prohibit bishops from granting such exceptions (cf. Title II, Canons 4, 6 & 7).

Past votes

- 2017: motion carried
- 2019: motion carried

CCC recommendation to Synod

- The CCC recommends final approval of the amendment.

2017.2: Allow for non-confirmed vestry members on an exception basis Title I, Canon 6, Section 3.3.a — Eligibility

Language

Only those Eligible Voters of the Congregation who are over 21 years of age and have also been confirmed or received by a Bishop of the Province or another Province of the Anglican Communion shall be eligible to serve on Vestry. At the time that the Diocese is constituted by the Province, twenty- four months or more shall be allowed for all current Vestry members serving congregations or missions of the Diocese to come into compliance with this provision. For reasons vital to the mission and health of the congregation, the Rector and/or Vestry of a Congregation may petition the Bishop to allow non-confirmed Congregation members to serve on the Vestry, and the Bishop may grant such exceptions.

Congregations entering the Diocese at its constitution, or entering the Diocese at a later date, that do not have a confirmation process in place are encouraged to develop a process of catechesis (discipleship) that would lead to confirmation. The Bishop and the Diocesan Staff are available to assist in helping develop a catechetical process appropriate to the discipleship ministry and mission of each local church.

Unless permitted by written waiver of the Bishop Ordinary or the Diocesan Council: (1) spouses and other immediate family members of Vestry members; and (2) paid staff of the Congregation, excepting the Rector, and their spouses and other immediate family members are ineligible to serve on Vestry.

Rationale

- Confirmation is important. We recognize that having only confirmed members serving on vestries should be the normative practice throughout the diocese. However, in certain local contexts this requirement may impede rather than serve the life and mission of a congregation. Thus, we propose an additional sentence providing for such exceptions.

Past votes

- 2017: motion carried
- 2019: motion carried

CCC recommendation to Synod

- The CCC recommends final approval of the amendment.

2017.3: Revise oversight of congregational indebtedness

Title I, Canon 8, Section 2 — Reports to the Bishop, Diocesan Council and Finance Committee of the Diocese Regarding Certain Indebtedness

Language

~~Congregations and Missions shall seek the permission, blessing, and advice of the Bishop and the Finance Committee before incurring debt. Congregations and Missions shall be required to inform the Bishop, Diocesan Council, and Finance Committee of the Diocese if their plans for indebtedness would result in annual debt service payments in excess of their Congregation's or Mission's average annual income over the previous three years. The report should include information regarding the Congregation's or Mission's plan for debt repayment. Congregations and Missions reporting such indebtedness shall provide annual updates to the Bishop, Diocesan Council and Finance Committee of the Diocese regarding the status of such indebtedness for so long as the indebtedness continues at the level originally reported.~~

Congregations and Missions shall be required to inform the Bishop of the Diocese if their plans for indebtedness would result in annual debt service payments in excess of their Congregation's or Mission's average annual income over the previous three years. The report should include information regarding the Congregation's or Mission's plan for debt repayment. Congregations and Missions reporting such indebtedness shall provide annual updates to the Bishop of the Diocese regarding the status of such indebtedness for so long as the indebtedness continues at the level originally reported.

Rationale

- While it is appropriate for the bishop to show pastoral concern regarding congregational indebtedness, fiscal responsibility is among the chief duties of vestries. Property ownership is solely the concern of the local congregation according to the ACNA Constitution (Article XII), ACNA Canon I.6.6, and our own diocesan Constitution (Article IX). As originally worded, Section 2 is a burden, not only to the parish, but also to the bishop. In addition, seeking the permission of any diocesan authority for local fiscal matters is inconsistent with the constitutions and canons of both ACNA and DCH, as well as the norms of Anglican polity. This revision therefore requires local congregations and missions to inform the Bishop alone so that he may provide wise counsel.

Past votes

- 2017: motion carried
- 2019: motion carried

CCC recommendation to Synod

- The CCC recommends final approval of the amendment.

2019 amendments pending second vote in 2020

2019.1: Revise term limit of Diocesan Council Vice-Chair

Title I, Canon 3, Section 1.2 — Officers of the Diocesan Council

Language

The Bishop shall serve as the Chair of the Diocesan Council. He shall establish the agenda of business for the meetings of the Diocesan Council. In addition, a layperson shall be elected annually for a one-year term as the Vice-Chair from within the Diocesan Council ~~and may serve no more two consecutive terms as Vice-Chair.~~

Rationale

- The limit of two consecutive terms for the Vice-Chair does not serve the Diocesan Council well. It takes about one year to get acclimated to the role of Vice-Chair. If they then have only one more year as Vice-Chair, their rhythm and productivity, and therefore that of the Diocesan Council, is interrupted right as they're hitting their stride. In addition, given that the canonical language requires an annual election of the Vice-Chair, it should be the prerogative of the Diocesan Council to elect that office annually as best suits the Diocesan Council.

Past votes

- 2019: motion carried

CCC recommendation to Synod

- The CCC recommends final approval of the amendment.

2019.2: Clarify voting status of diocesan officers on various committees Title I, Canon 4, Section 9 — Terms of Office and Synod Representation

Language

The Chancellor, the Secretary, and the Registrar will serve at the pleasure of the Bishop. The Treasurer will serve at the pleasure of the Diocesan Council. All Officers of the Diocese shall serve as voting members of the Synod ~~and likewise as voting members of their respective committees~~. All Officers of the Diocese shall serve as ex officio members of the Diocesan Council.

Rationale

- The current language is inconsistent with other statements to the contrary elsewhere in our Canons (Canon 5. Section 1.1, Canon 5. Section 2.1, etc.) which already designate the specific voting privileges of Diocesan Officers on their respective committees.

Past votes

- 2019: motion carried

CCC recommendation to Synod

- The CCC recommends final approval of the amendment.

2019.3: Revise the process for amending the Canons Title V, Canon 1 — Amendments

Language

The Canons of the Diocese, including its appendices, may be amended by a two-thirds majority vote of the Synod at any regular meeting or any Special Meeting called for that purpose. No amendment to these Canons, including its appendices, may be adopted until it has been first noticed to and reviewed by the Constitution and Canons Committee ~~and the Bishop Ordinary~~, and ~~its the Committee's~~ recommendations given to the Synod at least 10 days prior to the Synod meeting at which it shall be considered. ~~All proposed amendments to the Canons shall be submitted to the Committee no fewer than 120 days prior to the next Synod meeting. The Committee shall review and report its recommendation to the Synod regarding any proposed amendment no fewer than 60 days prior to the next Synod meeting. If approved by a two-thirds majority vote of the Synod, the amendment shall lie over to the next annual meeting of the Synod, and, if again approved in the same form by a two-thirds majority vote, the Canons shall then stand amended as proposed, after the completion of a 90-day waiting period after the amendment has been finally passed. If approved by a two-thirds majority vote of the Synod, the amendment shall be adopted. Typographical errors may be corrected by the Constitution and Canons Committee and reported to the Synod, provided such changes do not change the meaning or intent of the affected Canon.~~

Rationale

- The current language requires a two-thirds majority vote at Synod. Then a one-year lay-over. Then another two-thirds majority vote at the following Synod. Then 90 days. Then it's canon law.
- Upon a thorough investigation of the canons of other ACNA dioceses, we discovered that our canonical amendment process is unique. While it is customary to require a one year lay-over and a second vote to amend the diocesan constitution, no other ACNA diocese requires this same process to amend their canons. It is clear that upon writing our Constitution and Canons in 2015-16, the language was copy/pasted from our Constitution to our Canons without consideration for the overly complex and lengthy process. Upon consultation, ACNA canon law experts agreed with our research and findings. The above proposed language is consistent with the standard language in diocesan canons on amendments and will better serve our diocese as we refine the canons in future years.

Past votes

- 2019: motion carried

CCC recommendation to Synod

- The CCC recommends final approval of the amendment.

2020 proposed amendments

2020.1: Add confirmation requirement for members of the DC Title I, Canon 3, Section 1.1 — Composition

Referred by Synod (2019)

Language

The Diocesan Council shall be composed of a minimum of ten members and maximum of fifteen members, consisting of the Bishop Ordinary, the Bishop Coadjutor, if there be one, and representative members of the laity and clergy from the Diocese. Each of these members shall have voice and vote on the Diocesan Council. The Suffragan and Assistant Bishops, if there be any, and the Diocesan Staff will be members ex officio of the Diocesan Council.

A two-to-one ratio of laity and clergy members of the Diocese, respectively, will be chosen by the Synod, ensuring a full and fair representation from an even geographic distribution of the entire Diocese, and will be presented for election to the Synod. The specific number of nominees presented to the Synod will accord with the number necessary to maintain a full number of Diocesan Council members serving staggered three-year terms.

Only those Eligible Voters of the Synod who are over 21 years of age and have also been confirmed or received by a Bishop of the Province or another Province of the Anglican Communion shall be eligible to serve on the Diocesan Council. At the time that this canon is enacted by Synod, twenty-four months or more shall be allowed for all current Diocesan Council members to come into compliance with this provision.

For reasons vital to the mission and health of the Diocese, the Bishop may allow non-confirmed members of a Congregation or Mission to serve on the Diocesan Council.

Every person elected a member of the Diocesan Council shall attest, by signing a book kept for that purpose, the following declaration and promise:

“I do believe the Holy Scriptures of the Old and New Testament to be the Word of God and to contain all things necessary for salvation through our Lord Jesus Christ and I do yield my consent to the doctrine set forth in the Constitution of the Anglican Church in North America, and to the discipline and forms of worship of the same as practiced within the Diocese of Christ our Hope. I promise that I will faithfully execute the duties of the office of Diocesan Council member of this Diocese to the best of my ability.”

Rationale

- In Title I. Canon 6. Section 3.3.a (Eligibility to serve on vestry), we have previously approved an amendment that requires confirmation or reception to be eligible to serve on a vestry, with the Bishop being given permission to grant exceptions upon request. However, no such requirement exists for the Diocesan Council, which functions as the “vestry of the diocese.” This is a double standard that does not seem in keeping with the spirit of the requirement of confirmation or reception for serving on a vestry.
- Similarly, there is currently no such oath required for diocesan council members.

Notes

- This amendment was referred back to the CCC at Synod 2019 for additional discussion and revision with the goal of better defining acceptable confirmations/receptions from provinces outside of the ACNA.

CCC recommendation to Synod

- The CCC recommends deferring consideration of the amendment to 2021 as amendments approved in 2021 will be effective earlier under the revised amendment process than amendments approved this year.

2020.2: Revise Constitution and Canons Committee size and term limits Title I, Canon 5, Section 2.1 — Establishment

Proposed by Bishop Steve Breedlove

Language

There shall be a Committee on Constitution and Canons, which shall consist of nine ~~eight~~ members: four clergy and five-four lay. In addition, the Bishop and the Chancellor shall serve as ex officio members of this Committee with voice but no vote. The Bishop shall appoint three-two members of the Committee on Constitution and Canons for staggered three-year terms. The remaining six members shall be elected by the Synod for staggered three-year terms. The Diocesan Council shall fill vacancies which may arise between meetings of the Synod, with such appointments to serve until the next annual Synod. Each member of the Committee on Constitution and Canons shall be and remain while serving a communicant in good standing of a Congregation or Mission of this Diocese. Members of the Committee may serve for two consecutive terms. Retiring members shall be ineligible for election or appointment for two years.

Rationale

- This section currently has two inherent issues: first, the language is silent as to term limits for the Bishop's appointments; second, a committee of eight is not well suited to three-year staggered rotations. As a result, the proposal is to expand the size to nine and including a rotation requirement for the appointed positions. The Bishop's perspective is that we should generally have a majority of laity over clergy for most diocesan committees, and he has therefore recommended that the ninth member be a lay member.
- The Bishop has also recommended establishing term limits for the CCC to allow for broader input and vitality on matters related to the Constitution and Canons.

CCC recommendation to Synod

- The CCC recommends deferring consideration of the amendment to 2021 as amendments approved in 2021 will be effective earlier under the revised amendment process than amendments approved this year.

2020.3: Align CCC amendment timeline to 2019 process change Title I, Canon 5, Section 2.2. — Duties

Proposed by Ryan Willers

Language

The Committee on Constitution and Canons shall make an annual report to the Synod. The Committee shall be responsible for ensuring the conformity of the Diocesan Constitution and Canons with those of the Province. All proposed amendments to the Diocesan Constitution or Canons shall be submitted to the Committee not fewer than 120 days prior to the next Synod meeting; however, proposed amendments submitted after this deadline may be considered at the discretion of the Committee. The Committee shall review and report its recommendation to the Synod regarding any proposed amendment no fewer than ~~10-60~~ days prior to the next Synod meeting.

Rationale

- The motion to revise the process for amending the canons was initially carried at Synod 2019 and included reducing the notice period before Synod to 10 days. This change is intended to align the corresponding language in the Constitution and Canons Committee section to the same requirement.
- Given the shorter notice period, we are also proposing that the deadline to submit proposed amendments be softened, but not removed. Under the proposed language, all amendments received up to the 120 day deadline must be considered. Amendments received subsequently can be reviewed, but there is a recognition that the committee may not also have sufficient time and availability to do so.

CCC recommendation to Synod

- The CCC recommends deferring consideration of the amendment to 2021 as amendments approved in 2021 will be effective earlier under the revised amendment process than amendments approved this year.

2020.4: Revise Nominating Committee size and composition Title I, Canon 5, Section 3.1 — Composition and Duties

Proposed by Bishop Steve Breedlove

Language

A Committee on Nominations, consisting of ~~seven-three~~ Clergy and ~~six-four~~ Lay Delegates chosen from among the delegates to the Synod to provide a diverse representation of the Diocese, may be elected annually by the Synod. The clergy members shall include one member of the Diocese's staff. The lay members shall include at least one member of the Diocesan Council. As used in this section, a diverse representation of the Diocese includes, but is not limited to, age, sex, geography, and, where applicable, clergy order. The Committee on Nominations shall be responsible for receiving, considering, and publishing all accepted nominations for Bishop and Assistant Bishop as provided by these canons. Each member of the Committee on Nominations for Bishop, Bishop Coadjutor, and Bishop Suffragan shall be and remain while serving a communicant in good standing of a Congregation or Mission of this Diocese.

Rationale

- The Nominating Committee, given its constrained size as defined in the current Canons, is not diversely representative enough to discern an accurate profile of the Diocese, its core values and defining ministries, and its aspirations and future identity/calling. In addition, the Nominating Committee as it is currently constituted may not be large enough to accomplish these tasks, plus the ensuing search and recommendations for a new bishop (months of active work, interviewing etc.) without overwhelming its capacities and time as volunteers. As a result, a larger and more representative Committee has been proposed.

CCC recommendation to Synod

- The CCC recommends deferring consideration of the amendment to 2021 as amendments approved in 2021 will be effective earlier under the revised amendment process than amendments approved this year.

2020.5: Align clergy service to roles permitted by Diocesan Constitution Title III, Canon 5, Section 6 — Concerning Clergy Domiciled in Other Jurisdictions

Proposed by Bishop Steve Breedlove

Language

Under special circumstances, a clergy person may be permitted to serve as clergy within the Diocese and remain domiciled in another jurisdiction that is within Historic Succession.

In order to serve as a Presbyter or Deacon one must be under the active episcopal authority of the Bishop of a Diocese in the Historic Succession (that Diocese being one's "Domicile"). On behalf of the Clergy seeking to serve within this Diocese, the Bishop of the originating Diocese will write a letter of request on his or her behalf to the Bishop of the Diocese of Christ our Hope, requesting permission for service by the Clergy. The Bishop shall determine willingness and advisability of granting permission. Such permission to serve may be granted upon fully satisfying all of the requirements for transfer of clergy from a Diocese in Historic Succession as described in Title III, Canon 5, Section 2.

In accordance with Article X of the Diocesan Constitution, called and gifted women who serve as either a Presbyter or Deacon in the originating Diocese may serve as a Deacon in this Diocese. Called and gifted men who serve as either a Presbyter or Deacon in the originating Diocese may serve in the corresponding role in this Diocese.

Any person who has been given permission to serve as a Presbyter or Deacon in this Diocese owes canonical obedience in all things lawful and honest to the Bishop of this Diocese. For the duration of his / her ministry within the Diocese, such person shall come under the doctrinal and disciplinary oversight of this Diocese in every way as if he or she were domiciled in the Diocese.

Permission to serve within the Diocese is limited to a specific cure. Permission to serve in another cure within the Diocese must be granted in writing by the Bishop.

Clergy domiciled in other jurisdictions have seat and voice in the Synod, but do not have vote. They may not serve on a Committee of the Diocese without written permission from the Bishop.

Rationale

- While the Diocese's Constitution allows male clergy to serve as Deacon, Presbyter, or Bishop, female clergy may serve only as Deacon. This amendment aligns the Canon's

language related to service by clergy domiciled in another Diocese to the Constitution's existing requirement.

CCC recommendation to Synod

- The CCC recommends deferring consideration of the amendment to 2021 as amendments approved in 2021 will be effective earlier under the revised amendment process than amendments approved this year.