

REPORT OF THE COMMITTEE ON THE CONSTITUTION AND CANONS FOR THE 124th ANNUAL CONVENTION

The Committee on the Constitution and Canons has three items to present to the Convention for action. Each of these items will be separately voted upon.

First, the Committee submits to the Convention a series of amendments to the canons to complete the process of the restatement of the canons and conform the canons to the Constitution as already restated and adopted by the Convention.

These proposed amendments appear on pages 34 through 39 of the Convention booklet.

Second, the Committee submits to the Convention a technical and conforming amendment to the Constitution to delete a reference to the position of an elective at-large member of the Diocesan Council for a second and final vote.

This proposed amendment appears on page 40 of the Convention booklet.

Third, the Committee submits to the Convention a proposed amendment to the canons to reassign St. Barnabas' Church of the Deaf from the Montgomery County South Region to the Montgomery County North Region.

This proposed amendment appears on page 40 of the Convention booklet.

Additionally, there are two items that the Committee brings to the attention of the Convention that do not require any action of the Convention this year.

First, the Convention passed a resolution last year to authorize a pilot program for alternatives to Regional Assembly meetings. This program provides for plans initiated by any region that could include any alternative to an in-person meeting, such as one or more electronic meetings and the use of electronic voting. The authority for the program will expire in 2020 so an evaluation of the program will need to continue through this calendar year.

Second, a revised Diocesan Committee Governance Policy that is consistent with the restated Canons took effect in 2018. The new Diocesan Committee Governance Policy will be available on the Diocesan website and will be published in the next edition of the Diocesan Journal and Directory in 2019.

PART I
RESTATEMENT OF THE CANONS

In the last several years, the Convention voted approval of the restatement of the Diocesan Constitution and the restatement of most of the Diocesan canons. The restatements are based on a study directed by the 118th Convention. The purpose of the restatements is to provide good governance for the Diocese. The Diocesan Constitution and canons should be stated in a way that meets necessary legal requirements and provides for transparency, practical administration, and public understanding. In achieving those purposes, the Committee’s practice has been to restate the provisions to carry out the underlying intent without substantive policy changes. In a very few instances, however, substantive changes were made, primarily in order to conform the restated provisions to longstanding practice.

In the last year, in reviewing existing Canon 49 (relating to parochial reports) and Canon 54 (relating to vacant cures) for restatement, the Committee determined that most of the provisions were duplicative of provisions in the Canons of the General Convention and some conflicted with the Constitution and Canons of the General Convention. The Committee submitted its recommendation for repeal to the Council and the Chancellor submitted a memorandum to the Council with an analysis of the relevant provisions. The Council concurred with the recommendation of the Committee and the Chancellor. The Committee has included the direction of the Council relating to Canons 49 and 54 as part of the restatement resolution to minimize the number of votes to amend the canons.

This vote on the canons is the conclusion of the process of the restatement of the Diocesan Constitution and Canons that has been going on for over six years. The Committee would like to thank our Bishop for her strong support of this project. The project would not have been possible without her interest, involvement, and support.

There has been minimal turnover of the membership of the Committee during the last six years. Half of the Committee is composed of lay attorneys and half are clerical members, some of whom are also attorneys. They are an extraordinarily talented and experienced group of dedicated professionals who have given generously of their time, energies, and talent. This restatement of the canons is their gift to the Diocese.

Therefore, the Committee on the Constitution and Canons moves the adoption of a resolution amending the Canons to restate certain provisions of the Canons as follows:

Resolved,

1 **SECTION 1. RESTATEMENT OF CERTAIN CANONS.**
2

3 The Canons of the Diocese are amended by striking Canons 49 through 55 and
4 inserting Canons 49 through 53 of the Appendix (following section 3 of this resolution).
5

6 **SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.**
7

1 (a) REFERENCES.--

2 (1) CANON 50.-- Section 2803(a)(3) of the Canons is amended by
3 striking "Canon 50" and inserting "Canon 49".

4
5 (2) CANON 51.-- Section 2708(d)(2)(b) of the Canons is amended by
6 striking "Canon 51" and inserting "Canon 50".

7 (b) TABLE OF CONTENTS.— The table of contents of the Canons are amended
8 as provided under section 7005 of the Canons.

9
10 **SEC. 3. EFFECTIVE DATE.**

11
12 This resolution shall take effect on the day after the last day of the annual meeting
13 of the Diocesan Convention in calendar year 2019.

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15
16 **APPENDIX**
17 **RESTATEMENT OF THE TEXT OF CERTAIN CANONS**

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19 **CANON 49**
20 **ENCUMBRANCE OR ALIENATION OF CHURCH PROPERTY**

21
22 **SEC. 4901. APPROVAL OF BISHOP AND STANDING COMMITTEE.**

23
24 (a) APPROVAL REQUIRED.-- Except as provided under subsection (b), the
25 vestry of a parish or separate congregation shall obtain written approval as
26 required under Canon I.7.3 and Canon II.6 of the canons of this Church before taking
27 any action to--

28 (1) encumber any real property of that parish or separate
29 congregation, including encumbering that property by mortgage, deed of
30 trust, lease, right of way, or easement; or

31 (2) alienate any real property of that parish or separate congregation,
32 including alienation of that property by gift, sale, or exchange.

33 (b) EXCEPTION.-- The vestry of a parish or separate congregation may lease
34 real property of that parish or separate congregation without the approval of the
35 Bishop or the Standing Committee, if—

36 (1) the real property is not any part of a church or chapel that is
37 principally used for public worship; and

38 (2) the term of the lease is 3 years or less.

39
40 **SEC. 4902. INACTIVE PARISHES AND SEPARATE CONGREGATIONS.**

41
42 The vestry of a parish or separate congregation shall obtain the same written
43 approval as required under section 4901(a) before disposing of any personal
44 property, including the proceeds of any sale of real property, if that parish or

1 separate congregation expects to become inactive and discontinue the holding of
2 public worship.

3
4 **CANON 50**
5 **OPERATING BUDGET OF THE DIOCESE**
6

7 **SEC. 5001. ADOPTION OF OPERATING BUDGET.**
8

9 The Convention shall adopt an operating budget for the current fiscal year at
10 each annual meeting of the Convention.
11

12 **SEC. 5002. PLEDGE OF THE DIOCESE.**
13

14 The operating budget shall include the pledge of the Diocese to the Executive
15 Council of the General Convention for the maintenance and extension of the mission
16 and ministry of the Church outside the Diocese.
17

18 **CANON 51**
19 **SUPPORT OF THE DIOCESAN OPERATING**
20 **BUDGET BY CONGREGATIONS**
21

22 **SEC. 5101. APPLICATION TO PARISHES, SEPARATE CONGREGATIONS,**
23 **ORGANIZED MISSIONS, AND THE CATHEDRAL.**
24

25 (a) PARISHES.— This canon shall apply to each parish in the Diocese.

26 (b) SEPARATE CONGREGATIONS.— This canon shall apply to each separate
27 congregation in the Diocese by substituting the term “separate congregation” for the
28 term “parish” each place that term appears.

29 (c) ORGANIZED MISSION.— This canon shall apply to each organized mission
30 in the Diocese by substituting —

31 (1) the term “organized mission” for the term “parish” each place that
32 term appears;

33 (2) the term “mission committee” for the term “vestry” each place that
34 term appears;

35 (3) the term “Vicar” for the term “Rector” each place that term
36 appears; and

37 (4) the term “vice-chair of the mission committee” for the term
38 “Senior Warden” each place that term appears.

39 (d) CATHEDRAL.—

40 (1) IN GENERAL.— Except as provided under paragraph (2), this
41 canon shall apply to the Cathedral by substituting—

42 (A) the term “Cathedral” for the term “parish” each place that
43 term appears;

44 (B) the term “ the Cathedral” for the term “each parish” each
45 place that term appears; and

1 (C) the term “Chapter” for the term “vestry” each place that
2 term appears.

3 (2) NOTICES.— Section 5103(c)(2)(B)(i) shall not apply to the
4 Cathedral.

5
6 **SEC. 5102. OPERATING INCOME AND CALENDAR YEAR USED FOR**
7 **DETERMINATIONS.**

8
9 (a) DEFINITION.-- In this canon the term “operating income” has the meaning of
10 the term “normal operating income” as defined in the annual parochial report required
11 under the canons of this Church.

12 (b) CALENDAR YEAR USED FOR FINANCIAL COMMITMENT.— The annual
13 financial commitment and tithe of a parish shall be based on the operating income of
14 that parish as reported in the annual parochial report for the calendar year that
15 occurs 2 years before the calendar year of the applicable annual operating budget for
16 the Diocese.

17
18 **SEC. 5103. ANNUAL FINANCIAL COMMITMENT TO THE DIOCESE.**

19
20 (a) IN GENERAL.— The vestry of each parish shall make an annual financial
21 commitment to support the mission and ministry of the Diocese.

22 (b) TITHE.— The normative standard of the annual financial commitment of
23 a parish under subsection (a) shall be a tithe of the annual operating income of that
24 parish.

25 (c) NOTICE OF FINANCIAL COMMITMENT.—

26 (1) DATE NOTICE IS REQUIRED.-- The Diocesan Council shall set a
27 date on which each parish shall provide notice under paragraph (2) to the
28 Council.

29 (2) SUBMISSION.—

30 (A) IN GENERAL.-- Not later than the date set under paragraph
31 (1), each parish shall submit the notice of financial commitment to the
32 Council.

33 (B) RESPONSIBILITY FOR NOTICE.—

34 (i) PARISH.— The Rector of the parish shall submit
35 notice under this subsection. If the office of Rector is vacant or
36 the Rector is absent, the notice shall be submitted by the
37 Senior Warden.

38 (ii) CATHEDRAL.— The Chapter of the Cathedral shall
39 submit notice under this subsection.

40 (3) CONTENTS.— The annual financial commitment shall be
41 expressed as—

42 (A) a specific dollar amount; and

43 (B) a percentage of the operating income of the parish.

44
45 **CANON 52**
46 **PARISH RECORDS**

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2 **SEC. 5201. APPLICATION TO PARISHES, SEPARATE CONGREGATIONS,**
3 **ORGANIZED MISSIONS, AND THE CATHEDRAL.**
4

5 (a) PARISHES.— This canon shall apply to each parish in the Diocese.

6 (b) SEPARATE CONGREGATIONS.— This canon shall apply to each separate
7 congregation in the Diocese by substituting the term “separate congregation” for the
8 term “parish” each place that term appears.

9 (c) ORGANIZED MISSION.— This canon shall apply to each organized mission
10 in the Diocese by substituting —

11 (1) the term “organized mission” for the term “parish” each place that
12 term appears;

13 (2) the term “mission committee” for the term “vestry” each place that
14 term appears; and

15 (3) the term “Vicar” for the term “Rector” each place that term
16 appears.

17 (d) CATHEDRAL.— This canon shall apply to the Cathedral by substituting—

18 (1) the term “Cathedral” for the term “parish” each place that term
19 appears;

20 (2) the term “the Cathedral” for the term “each parish” each place that
21 term appears;

22 (3) the term “Chapter” for the term “vestry” each place that term
23 appears; and

24 (4) the term “Dean of the Cathedral” for the term “Rector” each place
25 that term appears.

26
27 **SEC. 5202. PARISH REGISTER.**
28

29 (a) DUTY OF THE VESTRY.-- The vestry of each parish shall provide a parish
30 register for that parish.

31 (b) PERMANENT RECORD AND PROPERTY.-- The parish register is—

32 (1) a permanent record of the parish; and

33 (2) the property of the parish.

34 (c) DUTY OF THE RECTOR.-- The Rector shall—

35 (1) maintain the parish register; and

36 (2) ensure the timely and accurate entry of information in the parish
37 register.

38 (d) CONTENTS.-- The information in the parish register shall include—

39 (1) the name and date of birth of each child baptized and the names of
40 the parents and sponsors;

41 (2) the name of each adult baptized and the names of the witnesses;

42 (3) the name of each individual confirmed and the name of the Bishop
43 who performed the confirmation;

44 (4) the name of each communicant in the parish with any incident of
45 removal, death, or discipline of that communicant;

1 (5) the name, age, and residence of each individual and spouse who
2 marry;

3 (6) the name and age of any individual for whom a rite of burial is
4 performed; and

5 (7) the date and place of each event described under paragraphs (1)
6 through (6).

7 (e) SIGNATURES.--

8 (1) BAPTISM.-- The registry of each baptism shall be signed by the
9 officiating cleric.

10 (2) MARRIAGE.— The registry of each marriage shall be signed by—

11 (A) the officiating cleric; and

12 (B) if practicable—

13 (i) the individuals who marry; and

14 (ii) at least 2 witnesses of the marriage.

15
16 **SEC. 5203. RECORD OF PUBLIC AND PRIVATE SERVICES.**

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18 In addition to the parish register, the Rector of each parish shall maintain a
19 record of—

20 (1) each public and private service held and the nature of that service; and

21 (2) the total attendance at each service.

22
23 **CANON 53**

24 **PROVIDING THE ELEMENTS OF THE HOLY COMMUNION**

25
26 **SEC. 5301. PROVIDING THE ELEMENTS OF THE HOLY COMMUNION.**

27
28 In each parish or separate congregation, the Senior Warden and Junior
29 Warden shall provide the elements of bread and wine for the holy communion if
30 required by the Rector.

PART II

GENERAL TECHNICAL AND CONFORMING AMENDMENTS

**REFERENCE TO AT-LARGE MEMBERS OF DIOCESAN COUNCIL
AMENDMENT TO CONSTITUTION**

At the meeting of the Convention in calendar year 2017, the Convention voted final approval to amend section 1102 of the Constitution deleting a reference to Deputies and Alternate Deputies to the Provincial Synod as candidates in elections. At the same meeting the Convention also amended the canons to eliminate the positions of at-large members of the Diocesan Council through a gradual phase-out. The Committee delayed submitting the necessary conforming amendment (relating to deleting a reference to at-large members as candidates in elections) to the same section 1102 of the Constitution until calendar year 2018 to avoid confusion. Since an amendment to the Constitution

requires approval at two consecutive meetings of the Convention, the second vote of approval on this amendment to the Constitution occurs at the meeting of the Convention this year.

Therefore, the Committee on the Constitution and Canons moves the adoption of the following amendment to the Constitution of the Diocese, with this being the second of two meetings of the Convention to approve it, taking effect on the day after the last day of the annual meeting of the Diocesan Convention in calendar year 2019 as follows:

Section 1102 of the Constitution of the Diocese is amended (in order to delete the reference to an elective at-large member of the Diocesan Council) by striking subsection (a) and inserting the following:

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“(a) DEFINITION.— In this section, the term “candidate” means an individual who is a candidate for any position that, by Canon—
 “(1) is established;
 “(2) except as provided under paragraph (3), requires an election by the Convention to fill; and
 “(3) may provide for the filling of a vacancy by appointment.”.

PART III REGIONAL REASSIGNMENT OF ST. BARNABAS’ CHURCH OF THE DEAF

St. Barnabas Church of the Deaf is a mission congregation of the Diocese of Washington and does not have its own church building. Until recently, St. Barnabas’ Church of the Deaf met at Norwood Parish in the Montgomery County South Region of the Diocese. Over the last year, St. Barnabas relocated its services to Ascension Parish, Gaithersburg in the Montgomery County North Region. The Diocesan Council requested that the Committee prepare a proposed amendment to the canons reflecting this change.

Therefore, the Committee on the Constitution and Canons moves the adoption of an amendment to the Canons, taking effect on the day after the last day of the annual meeting of the Diocesan Convention in calendar year 2018 as follows:

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Section 2301(b) of the Canons is amended—
 (1) in paragraph (5) (relating to the Montgomery County North Region), by inserting “St. Barnabas’ Church of the Deaf,” after “St. Anne's Parish,”; and
 (2) in paragraph (6) (relating to the Montgomery County South Region), by striking “St. Barnabas’ Church of the Deaf,” after “Sligo Parish,”.