

Standing Commission on Constitution and Canons  
Meetings of September 29-October 1, 2008

Prince Conti Hotel  
New Orleans, Louisiana

**Draft Minutes**

Commission Members Present: Thomas A. Little, Esq., Chair; Kevin J. Babb, Esq., Vice Chair; Matthew Livingood, Esq., Secretary; The Rev. Carol Barron; Joan Geiszler-Ludlum, Esq.; the Rt. Rev. Dorsey F. Henderson, Jr.; Lawrence R. Hitt, II; Esq.; the Rev. Luis Fernando Ruiz Restrepo; Diane E. Sammons, Esq.; the Rev. Ward H. Simpson.

Commission Members Absent: the Rt. Rev. Robert L. Fitzpatrick; the Rt. Rev. Samuel Johnson Howard

Guests: Pauline Getz, Esq. (representing the President of the House of Deputies); the Rev. Gregory S. Straub, Secretary of the General Convention; Dinorah Padro, Translator.

September 29

The Commission members met socially among themselves and with the Right Reverend Charles Jenkins, Bishop of the Diocese of Louisiana, and Cove Geary, Esq., the Chancellor of the Diocese of Louisiana. The Chair reviewed the Agenda for the next two days. After a prayer of grace led by Bishop Jenkins, those assembled enjoyed dinner and then adjourned for the evening.

September 30

The Right Reverend Charles Jenkins, Bishop of the Diocese of Louisiana, preached and celebrated Eucharist with the members and guests present.

1. Review and approval of Agenda. The Commission proceeded to review its agenda, as submitted by the Chair. A copy of the agenda is attached to these Minutes as Exhibit 1.

The Commission approved the proposed agenda, with the understanding that it would remain flexible in order to accommodate the work before the Commission at this, its last in-person meeting of the triennium.

2. Review and action on pending Resolutions and related matters.

The meeting then turned to a review of each General Convention Resolution and issue taken up by the Commission during the triennium. (Note: the Minutes reflect the order in which the Commission took up the Resolutions.)

A007: There continues to be uncertainty about what constitutes a "closed" church. Kevin Babb reported on his communications with Mr. Hadaway, a Church statistician, and agreed to follow up and draft a proposed canonical revision in the next several weeks.

A034: The Chair reminded the members that at the November 2007 meeting, the Commission concluded that there was no need to recommend any changes to the Canons regarding usage of the term "canonical residence;" and that Joan Geiszler-Ludlum's report from that meeting would be incorporated into the Commission's Blue Book report for the 2009 General Convention.

A078 (Jointly referred to SCCC and the Standing Commission on Liturgy & Music): At the April 2008 meeting, Carol Barron had still not received any response to her inquiries about A 078 to the other Commission or to the House of Bishop's Theology Committee, which apparently now has the Resolution under advisement. The Chair reported that he also had made an email inquiry to the Chair of the Theology Committee, without a response. It appears that the matter may be dead for the time being. The Commission agreed to not take action on this referral.

A027: This Resolution involves the change in time period from three months to 120 days in the "no election-of-a-bishop" period leading up to a General Convention. At the November 2006 meeting of the Commission, it was determined that this Resolution was made moot by the adoption of Resolution A 082. However, it was noted that the final, published text should be checked one more time to see if any instance of "three months" remains.

A028: As noted in the Minutes of the November 2006 meeting, this Resolution was introduced to clean up the then new Canon III.11. Because of other 2006 legislative action (the adoption of A082), however, the only editing necessary in 2009 would appear to be to insert after the words "Deacon and Priest," the phrase, "and the certificates." Joan Geiszler-Ludlum agreed to prepare a draft Resolution to handle this.

A029: The 2006 enactment of A082 renders action on A029 moot.

A030: The 2006 enactment of A082 renders action on A030 moot.

A033: This Resolution contains editing "housekeeping" changes to conform the Canons to Constitutional changes adopted at second reading in 2003, relating to trials of Bishops. No action was taken on A033 in 2006. A033 would have amended Canons IV.6, .14, .15, and the Title to Appendix A of Title IV. These canonical changes were first proposed in 2003 (D056), but D056 was not adopted in concurrence by both Houses. Resolution A033 was recommended by SCCC in its 2006 Blue Book report, and also by the Title IV Task Force in its 2006 Blue Book report (as part of Resolution A153). Accordingly, SCCC believes that A033 should be re-submitted for action in 2009 (with action contingent on the outcome of the Title IV proposal from the Task Force).

A035: Time expired at the 2006 General Convention before action could be taken on this Resolution in the House of Deputies. The Resolution would have revised the Rules of Order of the House of Deputies to prohibit bringing a constitutional or canonical change to the floor of the House on the last day of General Convention, if the change had not previously been on the floor prior to the last day. The House of Bishops adopted A036 in 2006, making this change to its Rules of Order. At its November 2006 meeting, SCCC agreed to resubmit A035 for action in 2009.

A104: At the November 2006 meeting, the Commission concluded, after reviewing this Resolution, no “clean-up” work is necessary.

A112 (Study of the Commission’s Canonical Mandate): The members discussed the ongoing Rules of Order study sponsored by the President of the House of Deputies, as reported by Polly Getz. The Commission concluded that it was wise to let that process continue and defer action on any proposal to expand the Commission’s mandate to include the Rules of Order.

A159 (Commitment to the Interdependence of the Anglican Communion): The Commission reviewed its prior discussions of this Resolution, including the anti-racism dialogue in November 2006 which led to the May 2007 discussion of Larry Hitt’s A159 reflection and proposal to explore inviting visitor’s from around the Anglican Communion to attend certain meetings of The Episcopal Church commissions, boards, agencies and bodies, to foster greater collegiality and awareness of our governance structure and polity. The logistical and cost implications of the proposal were discussed.

A169 (the Quadrilateral and Exercise of Ministry): Following discussion at the November 2006 meeting, Gregory Straub, Secretary of General Convention, referred the Resolution to the Standing Commission on Ministry Development for review and possible action.

D031: The Chair asked Gregory Straub whether its pledge to participate in the Millennium Development Goals through the Commission’s budget had been paid. Gregory advised that this had occurred in 2007. The Commission agreed to continue the pledge payments from its budget for 2008 and 2009.

A020: This amendment to the Constitution had its first reading in 2003 (B005). At second reading in 2006, the House of Bishops amended the Resolution, making it a “second first” reading. The Resolution now proposes to amend Article I.2 as follows:

Resolved, That Article I, Section 2, of the Constitution be amended as follows: All Bishops of this Church, except any excluded by canon or under the Rules of the House, shall have seat and voice in the House of Bishops. Each Bishop of this Church having jurisdiction, Bishop Coadjutor, Bishop Suffragan, Assistant Bishop, and every bishop holding an office created by General Convention shall have a vote in the House of Bishops. A majority of all Bishops entitled to vote shall be necessary to constitute a quorum for transaction of business.

As submitted to General Convention Office

The Commission reiterated its November 2006 vote to recommend A020 for second reading in 2009.

A021: This amendment to the Constitution had its first reading in 2006. The Commission expressed its continuing recommendation that this Resolution be adopted at second reading in 2009. The Resolution reads as follows:

*Resolved*, That the last paragraph of Article VIII of the Constitution be amended to read as follows:

*A bishop may permit an ordained minister in good standing in a Church with which this Church is in full communion as specified by the Canons who has made the foregoing declaration, or a minister ordained in the Evangelical Lutheran Church in America or its predecessor bodies who has made the promise of conformity required by that Church in place of the foregoing declaration to officiate on a temporary basis as an ordained minister of this church.*

A051: This Resolution urges continuing commissions, boards, agencies and bodies to conduct their work via electronic means to the extent practicable, considering the expense of meeting in person. The Chair noted that the Commission has met seven times, including twice by telephone conference call, and expects to meet once more by conference call.

A153 (Creating the new Title IV Task Force): The work of the new Task Force is ongoing, and the Commission will be meeting at length with the Task Force later in the day.

D068 This Resolution died in the Canons Committee in 2006. The Resolution proposed to amend Canon IV.10 by striking the words “good faith.” The Chair noted that the Commission had reviewed the Resolution at its November 2006 meeting, and determined to make no recommendation on it. No contrary sentiment was expressed.

Following a break for lunch with the members of the Title IV Task Force, the Commission met jointly with the Task Force to hear its progress report.

### 3. Title IV Task Force Joint Session

The Title IV Task Force delivered a presentation of its drafting work to date. The following Task Force members were present: Duncan Bayne, Esq. (Secretary), Joseph L. Delafield, III, Esq., Luis Gonzalez, the Rt. Rev. Dorsey F. Henderson\*, Stephen F. Hutchinson (Chair), the Rt. Rev. C. Wallis Ohl, the Rev. R. Stan Runnels, and Diane E. Sammons, Esq.\* (\* indicates membership on both SCCC and the Task Force.)

Bishop Henderson began the presentation with reflections on the reconciliation theme in Paul’s Second Letter to the Corinthians.

Duncan Bayne reviewed the 2006 Resolution (A 153) establishing the Task Force, after which Joe Delafield described the process of issuing the Title IV revision “exposure

draft” on January 8, 2008, and the subsequent Task Force process of soliciting comments and drafting suggestions from members of the Church. Joe then summarized some of the more significant comments received by the Task Force, and the Task Force’s current thinking about revisions.

- The Task Force has dropped consideration of the initial exposure draft’s “lay leader removal from office” process, which would have required amending Title I of the Canons, concluding that the Church is not ready to entertain this.
- The Task Force likewise has dropped the clergy impairment pieces from the exposure draft, as not sufficiently perfected to bring forward. The Task Force expects to request that the impairment proposal be referred to the Standing Commission on Ministry Development.
- The up-front, or intake, process has been revised in a number of respects. To allow a Bishop to initiate a Title IV proceeding; to remove the requirement that notice of a Bishop’s dismissal of a complaint be given to the respondent; and to permit a complainant whose complaint has been dismissed to appeal the dismissal to the President of the Disciplinary Board.
- Regarding abandonment of the communion: (i) The next draft will strike “Church” in the IV.16 abandonment canon and replace it with “The Episcopal Church,” consistent with the ordination oath, Canon 9 and the Book of Common Prayer. (ii) The vote required of the House of Bishops will be clarified to be a vote of a majority of those present, a quorum also being present. (iii) Inhibition will be clarified to cover authority as an officer of the Church and also any and all secular counterpart offices. (iv) “any other way” will be added in, to parallel the corresponding inhibition canon for priests and deacons. (v) The next draft will strike the requirement of the concurrence of the three senior Bishops of the House of Bishops, and replace it with a majority vote of the Disciplinary Board for Bishops.
- The next draft will tweak the confidential and privileged communications pieces, to give some confidences greater protection.
- In the next draft, a Bishop will be permitted to “settle” with a respondent, in the form of a voluntary submission to discipline, without the approval of the Disciplinary Board, but only after consulting with the President of the Board on the terms of the voluntary submission. Also, a respondent who voluntarily submits will have a three day “rescission” period.
- The term “covenant” is going to be replaced with the term “accord,” as concerns about the collateral meanings of “covenant” were received.

- Likewise, “injured persons” will be used in the next draft instead of “victim.”
- In the draft of revised Canon IV.14, the Task Force plans to expand the time frame for the Bishop’s response from 14 days to 30 days, and expand somewhat the power of a Bishop to modify covenants (now “accords”) and orders.
- In response to comments expressing concern that in the exposure draft, it is not clear who is the Church attorney’s client, the Task Force sees the Church attorney as a sort of independent counsel. There was some discussion about which conversations with a Church attorney would then be privileged.
- The Task Force is working to improve the language used in the definition and examples of “sexual misconduct.”
- In Canon IV.4 of the exposure draft (“Standards of Conduct”), the Task Force is inclined to strike 4.1(b) (“Perform the duties of the ministry with diligence”), 4.1(d) (“Avoid conflicts of interest”), 4.1(i) (“Refrain from exerting undue influence on or taking unfair advantage of any person”), and to add “habitual neglect” of ordained ministry as a standard of conduct.

Larry Hitt commented that changes to the abandonment canon might raise doubts about prior depositions.

Tom Little asked how the exposure draft would function in a diocese with no Bishop? Joe Delafield responded by stating that the Standing Committee would function in lieu of a Bishop, and where episcopal authority is required, a Standing Committee could arrange for an assistant or assisting Bishop to fill in.

In response to a question from a SCCC member, Steve Hutchinson said that no comments had been received about the standard of proof (i.e., moving it to a preponderance of the evidence from clear and convincing evidence).

The afternoon session concluded with a round table discussion of the exposure draft, and the likely legislative and parliamentary process for the draft at the 2009 General Convention in Anaheim, California. The members of the Commission gave their warm thanks and appreciations to the members of the Task Force.

#### October 1

4. The Commission resumed its review of Resolutions and other matters taken up during the triennium.

B009 (Assistant Registrar at Ordination of a Bishop): This Resolution proposed the creation of a Registrar of the House of Bishops to maintain the documents connected with the Ordination and Consecration of Bishops, which was not acted on. The Secretary of the General Convention requested the Standing Commission on Constitution and Canons to consider developing canonical changes to Canon I.1.5(b), to create the position of Deputy Registrar to reflect current practice. Following discussion and listening to the guidance of Gregory Straub, SCCC concluded that there are polity and practice issues which SCCC is unable to resolve within its mandate. The Commission by consensus agreed to recommend that the Standing Commission on Structure study the issues in the next Triennium and bring forward comprehensive recommendations. Joan Geiszler-Ludlum agreed to prepare a draft of such a referral Resolution.

Consent to Translation: The Commission next resumed its April 2008 discussion of Ward Simpson's proposal to provide a canonical counterpart to the Constitutional provision (Article II.8) for the "translation" of a Bishop from one Diocese to another Diocese. The Constitutional provision addresses the eligibility of a Bishop Diocesan of Diocese "A" to be elected as a Bishop of Diocese "B" after five years of being elected as Bishop of Diocese A. Tom Little noted that in a recent email message, White & Dykman editor Robert Royce reminded the Commission that Article II.8 applies to the translation of Bishops Diocesan and Coadjutor, but does not expressly address the translation of Bishops Suffragan or the Assisting Bishops.

The Commission listened to Ward's presentation of proposed revisions to Canons III.11.4(b), III.11.3(c), and the addition of a new subsection (5) to Canon III.11 (see Exhibit 2 to these Minutes). Following discussion, the Commission agreed to recommend these revisions to the Anaheim General Convention.

Canon III.11.4(b): The Commission reviewed Ward Simpson's draft of a revision to III.11.4(b) to specify that telephone conference call meetings by a Standing Committee, and the use of counterpart signatures on a Standing Committee's consent, are acceptable. Ward withdrew his proposal on telephone conference calls, explaining that he believed it needed further study. He asked for the Commission's support for the counterpart signatures revision, and received it.

Letter from B+E+S+T (Bishops' Executive Secretaries Together): This letter, dated August 2, 2007, requested consideration of the organization's advice on B+E+S+T's August 1, 2007 "Proposal" seeking revision of the procedure for communicating Title IV disciplinary actions, as its anecdotal information shows that Dioceses are often failing to properly make the required filings of documents. This had first been discussed by the Commission in November 2007. The members came to the judgment that the proposed overhaul of Title IV, in the form of the exposure draft, appeared to be addressing the concerns raised in the B+E+S+T letter and proposal. The Chair agreed to so inform Margo Acomb, President of B+E+S+T.

A147 (Church Pension Group Healthcare Coverage Feasibility Study): In response to 2006 Resolution A147, the Church Pension Group undertook a study of whether and how to provide healthcare benefits to all lay employees in the Church. Sally Johnson, Patrick Cheng and Timothy Vanover presented the CPG report to the Commission in April 2008. A brief discussion yielded a concern from Larry Hitt (also expressed in April) about the impact of the proposal on Dioceses outside the United States. The Chair agreed to contact Sally Johnson to learn if CPG has made any changes to the draft.

White & Dykman: Tom Little summarized the Commission's work on White & Dykman over the last two years, including forging a stronger working relationship with editor (and friend of the Commission) Robert Royce; providing editorial support to the editor for the Supplements for the Constitution and Canons I, II and V; securing the posting of the entire opus, and the 1981 and 1994 Supplements, on the Web site of the Archives of The Episcopal Church; and agreeing with the editor on the need for a major effort to address the challenges presented by recent wholesale revisions to Canons III and IV.

Election of members of a court for the trial of a Bishop on non-doctrinal matters: The Chair reminded the members that action taken in 2003 and 2006 General Conventions resulted in amendments to the Constitution and Canons to create two courts, one for a presentment on an offense of doctrine (only Bishops on the court), and one for all other offenses (Bishops, clergy and lay persons on the court). Clarifying language, and election of members of the Court, would seem to require action in 2009. Tom advised that he will consult with the Chancellor to the Presiding Bishop for guidance on who may be working on a draft Resolution to address this.

Requests for review from Standing Commission on the Structure of the Church: The Chair reported that he had received three requests for the Commission to review draft Resolutions under consideration by the Standing Committee on the Structure of the Church (SCSC), and handed out copies of the drafts. The proposals (attached as Exhibit 3) are summarized as follows:

- Amend Canon I.1.4.3 to create a Joint Audit Committee of Executive Council and the Domestic and Foreign Missionary Society. The existing Audit Committee exists by virtue of Executive Council Bylaw provisions, and Joint Rule of Order 11. The revision is sought in order to give the Audit Committee greater independence.
- Amend Canon I.15.10. This proposal is in response to the referral of Resolution B020, which proposed to replace Canon I.15.10 with a new section removing disciplinary authority from the Presiding Bishop, was referred to SCSC in 2006. SCSC has substantially rewritten the Resolution. SCCC commented that it might be best to await the results of General Convention action on the report of the Title IV Task Force, prior to revising Canon I.15.10.

- Amend Canon I.9 by adding a new Section 10 (and renumbering the remaining Section to be numerically correct). Tom Little explained that Barbara Mann, SCSC Chair, has advise him that SCSC's intent is to give canonical status to the procedures already in place for collective allocation of funds from the General Convention to the Provinces, but not to change the function of the individual Provinces in any material way.

The Commission discussed the three drafts, and offered comments and concerns about canonical form, consistency of language and potential polity issues, striving to keep within its canonical mandate to not comment on the policy content of proposed revisions to the Canons. The Chair agreed to communicate the comments and concerns to SCSC Chair Mann.

The "Anglican Covenant." The members had a brief discussion of the most recently published draft (the "St. Andrews" draft) of a possible Anglican Covenant, and agreed that the matter was beyond the scope of the Commission's canonical jurisdiction.

Missionary Bishops. The Commission revisited its prior discussions of this inquiry from Sally Johnson, who in 2007 asked whether the House of Bishops Rules of Order, relating to the election of Missionary Bishops, should more properly be handled in the Canons, as a matter of interest of both Houses. The Commission directed its attention to Article II, §1 of the Constitution, to Canon III.11.10(c), and Canon I.11.4(e). Ward Simpson observed that under Article VI.1 of the Constitution, the House of Bishops is given the authority to establish Mission Dioceses, and to elect or appoint a Bishop for such a Diocese. Upon considering this, the Commission was not persuaded that there was a polity question sufficient to warrant any canonical change.

5. Other Business. The Chair announced that December 12, 2008, is the deadline for submission of all Blue Book reports, and urged members with individual drafting or research assignments to complete their work as soon as possible. The Chair suggested that a final Commission meeting, by teleconference, was likely for early December, to bring the Commission's work, and the Blue Book report, to closure.

6. Adjournment. At 11:35 a.m., the meeting was adjourned. Father Luis closed the meeting with a closing prayer, and all members exchanged warm farewells.

Exhibit 1

Standing Commission on Constitutions and Canons

New Orleans, Louisiana  
September 29 – October 1, 2008

AGENDA

Monday, September 29, 2008

**06:00 pm**                    **Dinner & Discussion of Agenda**  
**Breakout drafting groups (as needed)**

Tuesday, September 30, 2008

**08:00am**                    **Breakfast on own**

**8:30am**                    **Holy Eucharist**

**09:00am**                    **Review and finalize Agenda**

**9:05 am**                    **Review and adopt Minutes of April 7-9 and June 17 meetings**

**09:15 am**                    **Form and Process of Standing Committee Consent to Ordination of a Bishop**  
**Ward Simpson**

**9:45 am**                    **Translation of a Bishop from one Diocese to Another**  
**Ward Simpson & Polly Getz**

**10:00am**                    **Hold**

**11:00 am**                    **Break**

**11:15 am**                    **Update on Anglican Covenant**

**12:15 pm**                    **Lunch**

**1:15pm**                    **Title IV Task Force Presentation**

**2:45pm**                    **Break**

**3:00 pm**                    **SCCC-Task Force Roundtable Discussion of Title IV Revision**

**4:30 pm**                    **Review Remaining Agenda Items and Prioritize**

**4:45 pm**                    **Hold**

**05:30pm**                    **Adjourn for the day**

**06:00pm**                    **Dinner**

As submitted to General Convention Office

Wednesday, October 1, 2008

- 08:00am**                    **Breakfast on own**
- 09:00am**                    **Opening Prayer**
- 9:15 am**                    **Review Remaining "Unresolved" Items**
- Canon I.8 and Resolution A147 (GC 2006) (Church Pension Group)
  - Update on Rules of Order review from Polly Getz
  - A078 (Carol Barron)
  - Standing Comm. on Structure Proposal for Canon 1.9
  - White & Dykman Supplements Update
  - A007 (Kevin Babb)
  - Polity Issues from Prior Meetings
    - Letter from B.E.S.T. (Matt Livingood)
- 10:30am**                    **Break**
- 10:45am**                    **Blue Book Report – Discussion of scope, schedule and drafting assignments**
- 11:15am**                    **Review of the triennium's work; possible conference call meeting to handle canonical review requests from other CCABs; other business**
- 12:00pm**                    **Meeting adjourns**

**Lunch and Departures on own.**

Exhibit 2

“Consent and Translation” Proposals

**Consent to consecration and translation of a bishop:**

(Version 2008-Sept 18)

Issues this seeks to address:

1. The Constitution specifically allows for the translation of a bishop from one diocese to another diocese in Article II Section 8, but the canons are silent on how to go about doing this resulting in an inconsistent practice.
2. There currently exists no canonical provision for Standing Committees to use any meetings other than face to face meetings. Though teleconferencing and video-conferencing are common practice, it can be (and has been) argued that only face to face meetings are allowed for consenting to consecrations of bishops. This argument is based on the inclusion of the phrase "at \_\_\_\_" in the language of the consent. Also, Canon I.12.1 allows a Standing Committee to "meet in conformity with their own rules. . . ." This would allow each Standing Committee to set rules that allow a teleconference or other meeting format as that Standing Committee is comfortable and as conform to the laws governing in that location.
3. The existing wording of the consent from standing committees (Canon III.11.4 (b)) is often perceived as a very negative statement and, it can be argued, doesn't really consent so much as it doesn't object. (The members of the Standing Committee "testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Order.")
4. The existing canons do not specify the language to be used by the House of Deputies when it acts in the place of the Standing Committees to consent to a consecration or translation. This has resulted in a wide variance in wording including "consent to the election"; a phrase that is clearly not intended by the canons. (Note: this issue was discussed, but not included in my earlier versions of this proposal.)

I believe that Proposals A, B, & D could be presented as a single resolution and that Proposal C as a separate resolution.

**Proposed changes:**

**Proposal A**

**Canon III.11.4(b) shall be modified as follows:**

(b) Evidence of the consent of each Standing Committee shall be a testimonial in the following words, signed by a majority of all the members of the Committee:

**We, being a majority of all the members of the Standing Committee of \_\_\_\_\_, and having been duly convened at \_\_\_\_\_,**

**being fully sensible how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Order and we hereby consent to (her/his) consecration.** In witness whereof, we have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_.  
(Signed) \_\_\_\_\_

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### **Proposal B**

**Canon III.11.3(c) shall be modified as follows:**

- (c) The Secretary of the House of Deputies shall present the testimonials to the House and shall introduce a resolution for the House's consideration in the following words:

**Resolved that the House of Deputies, fully sensible how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Order and we hereby consent to (her/his) consecration.**

~~and if the House consents to the ordination of the Bishop-elect, If the House adopts the resolution,~~ notice of its consent, certified by the President and the Secretary of the House, together with the testimonials, shall be sent to the House of Bishops.

*[Here is the existing subsection for your comparison]*

- (c) The Secretary of the House of Deputies shall present the testimonials to the House, and if the House consents to the ordination of the Bishop-elect, notice of its consent, certified by the President and the Secretary of the House, together with the testimonials, shall be sent to the House of Bishops.
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### **Proposal C**

**CANON I.12 shall be modified as follows:**

**Sec. 1.** In every Diocese the Standing Committee shall elect from their own body a President and a Secretary. They may meet in conformity with their own rules from time to time, and shall keep a record of their proceedings; and they may be

summoned to a special meeting whenever the President may deem it necessary. They may be summoned on the requisition of the Bishop, whenever the Bishop shall desire their advice; and they may meet of their own accord and agreeably to their own rules when they may be disposed to advise the Bishop.

**Sec. 2.** In all cases in which a Canon of the General Convention directs a duty to be performed, or a power to be exercised, by a Standing Committee, or by the Clerical members thereof, or by any other body consisting of several members, a majority of said members, the whole having been duly cited to meet, shall be a quorum; and a majority of the quorum so convened shall be competent to act, unless the contrary is expressly required by the Canon.

**Sec. 3.** Any document required to be signed by members of the Standing Committee or by the Clerical members thereof, or by any other body consisting of several members may be signed in counterparts and the joined counterparts shall be considered a single document.

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**Proposal D**

**Canon III.11 shall be modified by adding a new section 5 and renumbering the remaining sections. The new Section 5 shall be worded as follows:**

Section 5. If any body empowered to elect a Bishop shall elect a person who is already a member of that sacred order as permitted in Article II Section 8 of the Constitution, the consent process shall proceed as provided in this canon, including the requirements of section 3(b) of this canon, with only the following variations:

(a) In lieu of the testimonial required in III.11.3(a) or III.11.4(a), the testimonial for the translation of a Bishop shall be in the following words:

**We, whose names are hereunder written, fully aware of the sanctity of the Order and Office of a Bishop, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Right Reverend A.B. ought not to be translated from the Diocese of \_\_\_ to the Diocese of \_\_\_. We do, moreover, jointly and severally declare that we believe the Right Reverend A.B. to have been duly and lawfully elected, which election process has affirmed that he/she is of such sufficiency in learning, of such soundness in the Faith, and of such godly character as to exercise the Office of a Bishop for this cure, to the honor of God, and the edifying of the Church, and to be a wholesome example to the flock of Christ.**

**(Date)** \_\_\_\_\_ **(Signed)** \_\_\_\_\_

(b) In lieu of the testimonial required by Canon III.11.4(b), the testimonial for the consent to the translation of a Bishop shall be in the following words:

**We, being a majority of all the members of the Standing Committee of \_\_\_\_\_, having been duly convened, being fully aware of the sanctity of the Order and Office of a Bishop, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Right Reverend A.B. ought not to be translated from the Diocese of \_\_\_ to the Diocese of \_\_\_ and we hereby consent to the translation of the Right Reverend A.B. from the Diocese of \_\_\_\_\_ to the Diocese of \_\_\_\_\_. In witness whereof, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_.**  
**(Signed) \_\_\_\_\_**

(c) In lieu of the Resolution required by Canon III.11.3(c), the Resolution for consent to the translation of a Bishop shall be in the following words:

**Resolved that the House of Deputies, fully aware of the sanctity of the Order and Office of a Bishop, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Right Reverend A.B. ought not to be translated from the Diocese of \_\_\_ to the Diocese of \_\_\_ and we hereby consent to the translation of the Right Reverend A.B. from the Diocese of \_\_\_\_\_ to the Diocese of \_\_\_\_\_.**

Exhibit 3

Proposals from Standing Commission on the Structure of the Church

1. Title: **Amend Canon I.1.4.3 to create an Audit Committee**

A-

*Resolved*, the House of \_\_\_\_\_ concurring, That Canon I.4.3 is hereby amended by adding a new subsection (f) to read as follows:

(f) Upon joint nomination of the Chair and Vice Chair, the Executive Council shall appoint a Joint Audit Committee of the Council and the Domestic and Foreign Missionary Society. The Committee shall be composed of 6 members who shall not be members or officers of Executive Council nor of the Joint Standing Committee on Program, Budget and Finance, but shall be members of the Church-at-large having experience in general business practices. The members shall be elected triennially and may serve two terms, after which a full triennium must elapse before being eligible for re-election. The Chair and Vice-Chair of Council shall designate the Chair of the Committee from among its members. The Audit Committee shall regularly review the financial statements relating to all funds under the management or control of the Council and the Society and shall report thereon at least annually to the Council and the Society. Upon recommendation of the Audit Committee, the Executive Council shall employ on behalf of the Council and the Society an independent Certified Public Accountant firm to audit annually all accounts under the management or control of the Council and Society. After receipt of the annual audit, the Audit Committee shall recommend to the Council and Society what action to take as to any matters identified in the annual audit and accompanying management letter.

*And be it further resolved*, That the Joint Rules of Order are hereby amended by deleting Rule 11:

~~Two members of the Joint Standing Committee shall be appointed by the Chair of the Joint Standing Committee on Program, Budget and Finance to the Audit Committee of the Executive Council. The Audit Committee is required to report to the General Convention or the Executive Council when the General Convention is not in session, through the Joint Standing Committee on Program, Budget and Finance (PB&F) at each PB&F Executive Committee meeting and each PB&F committee meeting of the whole. PB&F shall present the reports of its actions on audit to the General Convention at each regular meeting thereof.~~

As submitted to General Convention Office

Explanation: The Audit Committee is currently created through the By-laws of Executive Council and by reference in Joint Rule 11. An Audit Committee is of critical importance to the prudent exercise of the Church's fiduciary responsibility and should therefore be established in canon, although details of its operation may be set out elsewhere. The current Audit Committee has recommended that its membership, in order to be truly independent, should not overlap other governance bodies in TEC, such as the Executive Council and the Joint Standing Committee on Program, Budget and Finance, as currently required.

## 2. Title: **Amend Canon I.15.10 – Discipline Process for Congregations in Foreign Lands**

A-

*Resolved*, the House of \_\_\_\_\_ concurring, That Canon I.15.11 is hereby amended to read as follows:

In case a Member of the Clergy ~~officiating in charge of a Congregation~~ in a foreign land shall be accused of any offense under the Canons of this Church, it shall be the duty of the Bishop in charge of ~~such the~~ Congregations *in that land, or if there be none, the Presiding Bishop, to fulfill the role of the Bishop under Title IV. The Bishop shall* summon the Council of Advice, or the Standing Committee of the Bishop's diocese, ~~and cause an inquiry to be instituted as to the truth of such accusation; and should there be reasonable grounds for believing the same to be true, the said Bishop and the Council of Advice shall appoint a Commission, consisting of three Clergy and two Lay Persons, whose duty it shall be to meet in the place where the accused resides, and to obtain all the evidence in the case from the parties interested; which shall perform the functions of a Diocesan Review Committee as provided in Title IV. they~~ *The Bishop, Council of Advice and Trial Court* shall give to the accused all rights under the Canons of this Church which can be exercised in a foreign land. ~~The judgment of the said Commission, solemnly made, shall then be sent to the Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried into effect; Provided, that no such Commission shall recommend any other discipline than admonition or removal of the Member of the Clergy from charge of said Congregation.~~

~~Should the result of the inquiry of the aforesaid Commission reveal evidence tending, in their judgment, to show that said Member of the Clergy deserves a more severe discipline, all the documents in the case shall be placed in the hands of the Presiding Bishop, who may proceed against the Member of the Clergy, as far as possible, according to the Canons of the General Convention.~~

As submitted to General Convention Office

*The judgment of the Ecclesiastical Trial Court may be appealed by the Respondent to the Court of Review of the Province within which the Bishop in Charge is a member of the Provincial House of Bishops, or in the case of the Presiding Bishop, the province most convenient to the Respondent.*

*And be it further resolved,* That Canon \_\_\_\_\_ is hereby amended to read as follows:

Explanation:

### **3. Amend Canon I.9: Provincial Leadership Conference**

Resolved, The House of \_\_\_\_\_ concurring, That the \_\_\_\_\_ General Convention amend Canon I.9 as follows:

Sec. 11. Oversight of the ministry of the Provinces shall be provided by a Provincial Leadership Conference, consisting of the President, Vice President, and Coordinator of each of the various Provinces, which shall meet at least annually at a time and place established by the Conference. Subject to the authority of the Constitution and Canons of The General Convention, the Provincial Leadership Conference shall determine the scope and manner of fulfilling its responsibilities. The Provincial Leadership Conference shall have responsibility for the allocation of, and accountability for, the funds directly provided by The General Convention to support the work of the Provinces. The Provincial Leadership Conference shall report on its work to The General Convention each triennium.

Rationale for this amendment:

1. This amendment identifies the structure of oversight of the ministry of the Provinces which is established in I.9

2. This amendment gives canonical status to the procedures already in place for collective allocation of funds from the General Convention to the Provinces. Currently the Provincial Leadership Conference meets as a committee of the whole to reach a consensus on distribution of funds to the various Provinces.
3. This amendment identifies other work of the Provinces as subject to the authority of the General Convention.