

MEMORANDUM

TO: Episcopal Diocese of Rochester
FROM: Constitution and Canons Committee
DATE: August 18, 2016
RE: Revision to Episcopal Diocese of Rochester Constitution and Canons - 2016
 Proposed Amendments

This memo summarizes the proposed changes to the Episcopal Diocese of Rochester Constitution and Canons, as recommended and approved by the Constitution and Canons Committee at its May 16, 2016 meeting.

1. **Constitution, Art. V, Section 3.** The requirement that the Registrar be a “communicant in good standing” is deleted. Since the Secretary and Treasurer are not required to be “communicant in good standing”, it seems this requirement should not be imposed on the Registrar, which is substantially a recordkeeping position. The Bishop may appoint the Registrar at any time and advise the Convention of the appointment at the next following Convention.
2. **Article VIII, Section 1(a).** This section has been deleted. It required that if a vacancy in the Episcopate occurs within 30 to 90 days before the Diocesan Convention, that the Convention elect a Bishop. It also required that if that does not occur, within 30 days of the vacancy a date for a special Convention for that purpose be announced. Neither of these of the timeframes are workable given the current processes for discerning and electing a Bishop.
3. **Article IX.** The requirement that amendments to the Constitution be submitted to the Committee on Constitution and Canons 90 days in advance of Diocesan Convention has been reduced to 60 days.
4. **Canon 3, Convention Elections.**

A new Section 4(a) is added and the balance of the subsections are re-lettered. The new subsection sets forth a procedure for the Nominating Committee to recommend to Diocesan Council for its approval a timetable for the nominating process. This will permit the “Spring” schedule, which has been tried this year, to be established and for its time submission dates to be binding, provided they are not shorter than the Canonical time limits.

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New Section 4(c), old 4(b), requires nominations to be in at least 45 days before Diocesan Convention. If the Spring nominating process is not used, this reduces the nomination submission requirement from 60 days to 45 days. This shorter process recognizes the shorter amount of time needed to communicate electronically rather than by mail. So under this shorter process, notice of vacancies go out at least 90 days in advance of convention as before, nominations are required at least 45 days in advance of Convention giving parishes added time, and the nominations information must be disseminated at least 30 days in advance of Convention as before and as needed for District meetings. In other words, the 90/60/30 day timeframes are changed to 90/45/30 days. Also, by way of example, with a Convention on November 5, under the existing canonical provision nominations are due September 5. Under the new canonical provision, nominations would be due September 20, which would give parishes time to return from the summer season and essentially have two weeks to focus on the nominations task. The Committee believes this is a significant difference for parishes.

The language in New Section 4(e), old 4(d), is revised slightly to remove a reference to a brochure and instead indicate nominee profiles “will be made available”, presumably electronically by an email and on the Diocesan website rather than through a printed paper brochure.

New Section 4(g), old 4(f), is revised to reflect that costs may pertain to mailing and/or distribution by other means, such as electronic communication. The terms “profiles” and “Convention materials” are used in place of “brochure”, which implies a paper booklet.

Section 5 is modified to delete references to mailing, since notification may be given electronically. The time periods are still calculated from the date of sending of the notification.

5. Canon 6, Section 2, Diocesan Council

The errant language in the first line of “the Bishop of” is deleted.

In Canon 6.2(b)(1) the time by which to notify the Secretary of District representatives is reduced from 90 days prior to Convention to 30 days.

6. Canon 6, Section 4, secretary for Diocesan Council.

An additional sentence is added to permit an individual other than the Secretary to serve as the “secretary” of Diocesan Council. Susan Woodhouse will be stepping down at the end of her term this year. Because of the magnitude of the duties, consideration is being given to electing a Secretary of the Diocese to perform the

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traditional Canon 2.1 functions and then selecting another individual to serve as the recording Secretary of Council. There is nothing in the current Canons that would prevent this, but this language makes it clear that this approach may be used.

7. Canon 9, Section 1(g), Business Methods.

After the departure of a rector or priest-in-charge, an audit of the parish's accounts is performed. Depending upon the departure date of the rector or priest-in-charge, such as in the fall, a parish will often request that the audit be deferred for month or two and be performed on the calendar fiscal year. The Diocese often will agree to this if there are no concerns regarding the circumstances at the time of the rector's departure. The language is revised to permit this practice. In addition, this audit requirement has been made applicable to the departure of a priest-in-charge, not just a rector, since many parishes now have a priest-in-charge serving for a reasonable period of time.

8. Canon 9 Section 1(j), Business Methods, Human Resources Committee.

A new subsection 9.1(j) is added as authority for the Diocese's Human Resources Committee. The Diocese has had an HR committee for a long time. Although the Bishop has the authority to establish positions and committees as necessary to run the Diocese, it is thought that a canonical basis for the HR Committee should be added

9. Canon 17.3(i)(1), The Parish Organization.

The reference to "Title 1, Canon 7, Section 1(b)" is amended to delete "Section 1(b)" since the relevant language is now in Section 3.

10. Canon 17.3(i)(9).

The time for submitting a proposed parish bylaw, bylaw amendment, or amendment of the Certificate of Incorporation to the Chancellor is reduced from 60 days to 30 days, prior to its publication at a meeting. Technical changes are made to this Section's references to bylaws and amendments thereto. Also, amendments to a parish's Certificate of Incorporation are added as documents that must be reviewed by the Chancellor.

11. Canon 20, Section 4, Diocesan Societies and Institutions.

The time for submitting a certificate of Incorporation and new By-Laws to the Chancellor is reduced from 90 to 60 days prior to the Convention in which approval is sought. Throughout sections 3 and 4, and the Canons as a whole, clerical changes are made such that references to Articles of Incorporation are

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changed to Certificate of Incorporation, the correct term in New York State. Also, “By-Laws”, “By-laws”, “Bylaws” and “bylaws” are now consistently styled “By-Laws”.

12. Canon 21, Ecclesiastical Discipline.

By its terms, Section 2(b)(2), the introductory initial staggered term procedure provision is to be deleted from the canons effective December 31, 2014. Accordingly, this Section is now deleted, and former Section 2(a)(3) is renumbered 2(a)(2).

13. Canon 28, Interpretation of Canons

A new section is added to deal with electronic communication. While the New York Not-for-Profit Corporation Law permits such electronic communication, the Committee thought it would be helpful to state in the Canons that meetings may be held, in whole or in part, by telephone conference call, and that notices, consents, signatures, etc. may be given by e-mail.