

## Executive Summary of proposed changes (draft #6) to the Ordinances of the Third Province; to be presented at the meeting the Provincial Synod on May 6, 2019

III.1 - newly elected Officers take office when the Provincial Synod adjourns; nominees must be canonically resident in a diocese which paid its full apportionment to the Province in the previous fiscal year

V.5 (**new**) - Provincial Council (PC) to adopt the annual budget and will inform all dioceses of the *proposed* apportionment for a subsequent fiscal year at least 12 months ahead of time. The proposed apportionment for the subsequent fiscal year (to be approved by Synod) will determine the basic outlines of the P-III budget 7 1/2 months ahead of time (all income minus basic fixed expenses = funds available for program)

V.6 (**new**) - authorizes the PC to hire paid staff consistent with the financial resources of the Province

V.7 (**new**) - defines the membership, duties, and accountability of the Executive Committee of the PC

VI.1 (**new**) – defines the budgeting process

VI.2 (**new**) – defines the Provincial apportionment for each Diocese to be that which is defined by a formula proposed by the PC and approved by the Province III Synod (the current process is unchanged); example: the PC adopts a recommendation in 2020 and submits it to the Provincial Synod in 2021; if approved by the Synod, it will take effect in fiscal year 2022.

VII (**new**) - defines the minimum requirements of a Letter of Agreement for each paid staff person

VIII (formerly VI) - DFMS Executive Council representatives must undergo a background check; no nominations from the floor; said representatives shall report to each meeting of the Synod and the PC; nominees must be canonically resident in a diocese which paid its full apportionment to the Province in the previous fiscal year

IX (Court of Review) -- *deleted*. Resolution A110 adopted by the 2018 General Convention eliminated Provincial Courts of Review but failed to elect a new one as required by A110. We need to delete Ordinance IX because that is what A110 mandated. The fact that GC 79 did not elect a new national Court of Review is not our problem. Well, it is also our problem but there is nothing we can do about it.

X (**new**) - defines the membership of the Nominating Committee and its duties; specifies various deadlines

### The Process

- a) the By-Laws sub-committee submits a final draft to all members of the Provincial Council by 10/15/18
- b) the Provincial Council approves a final draft (as may be amended) on 10/22
- c) the final draft is distributed to all voting members of the Synod twenty days ahead of time (as per Ordinance XI)
- d) the Provincial Synod adopts the Ordinances (as may be amended) in May 2019.

Submitted to the Provincial Council by the By Laws sub-committee:

Bishop W. Michie Klusmeyer, President      The Rev. Nathaniel W. Pierce, Vice President

Mr. Eddie Vance, Diocese of Easton      Mr. Russel Randle, Diocese of Virginia and EC Rep

# Draft Revision #6 (for approval by Synod in 2019)

*(Ordinances previously amended on 4/25/2016 and 5/7/2018)*

## **PREAMBLE AND ORDINANCES OF THE THIRD PROVINCE**

*In the name of the Father and the Son and the Holy Spirit. Amen*

The Synod of the Third Province, in pursuance of authority granted by the Constitution and Canons ~~for~~ **of the government** *General Convention* of the Episcopal Church in the United States of America, sets forth the following Ordinances for its regulation and government in carrying out the following functions:

The Third Province exists to further the mission of the Episcopal Church in the Third Province by coordinating the interdependent ministries of its thirteen dioceses in a spirit of mutual responsibility. Those thirteen Dioceses are: Bethlehem, Central Pennsylvania, Delaware, Easton, Maryland, Northwestern Pennsylvania, Pennsylvania, Pittsburgh, Southern Virginia, Southwestern Virginia, Virginia, Washington, and West Virginia.

### **The Third Province has as its goals:**

to create and support *effective* ~~a forum for the sharing of~~ *training* programs and ministries **among our bishops, clergy and lay people in** ~~by the people of~~ *our dioceses*, parishes and interest groups **to equip all of us to be better ministers of the Gospel in a secular world;** ~~of the 13 Dioceses in such a way as to develop effective strategies for coordinating the use of regional and national resources for the increase of such programs and ministries;~~ **and** to provide opportunities for the Province, dioceses and other groups and networks within the Province to influence those people involved in decision-making at all levels of this Church, particularly the General Convention and the Executive Council.

### **ORDINANCE I**

#### **Of the Name**

This Province shall be known as the Third Province. The Synod of this Province shall be known as the Synod of the Third Province.

## ORDINANCE II

### ***Of the Composition of Synod***

Section 1. Every Bishop Diocesan of this Church, having jurisdiction within the Province, **and** every Bishop Coadjutor, Bishop Provisional, Bishop Suffragan and Assistant Bishop, shall have a seat and vote in the House of Bishops of the Province.

Section 2. House of Bishops. The bishop who is President or Vice President of the Province shall chair the House of Bishops and shall preside over its deliberations when meeting separately. In his or her absence the senior active bishop in years of consecration present shall preside. The House of Bishops shall elect one of its members to act as its Secretary.

Section 3. House of Deputies. One clerical deputy and two lay deputies from each diocese within the Province shall have a seat and vote in the House of Deputies. ***Said deputies shall be elected or appointed in such manner as is deemed appropriate by the individual Dioceses.*** The cleric or lay person who is President or Vice President of the Province shall chair the House of Deputies and shall preside over its deliberations when meeting separately. In his or her absence the deputies present shall elect a chair. The House of Deputies shall elect one of its members to act as Secretary. All Deputies shall be encouraged to complete anti-racism training within one year of being elected **or appointed.**

Section 4. Each person holding office or appointment under the Synod shall have a seat and voice in the Synod, but shall not have the right to vote unless such person be a deputy or bishop.

## ORDINANCE III

### ***Of the Officers of the Province***

Section 1. The officers of the Third Province shall be a President, a Vice President, a Secretary and a Treasurer. They shall be elected at Provincial Synod in the year of **the** General Convention for a three-year term and take office ~~October 4~~ **upon adjournment of the electing Synod.** All officers shall have completed or shall complete anti-racism training within one year of being elected.

Section 2. The President shall be one of the bishops, presbyters, deacons or lay persons **canonically resident in** of the Third Province, elected by the Synod, and shall hold office as specified in Section 1, or until a successor is chosen. The President shall chair the

Provincial Council and, ex-officio, be a member of all Standing Committees and Departments. In the case of vacancy caused by death, resignation or otherwise, the Vice President shall assume the responsibilities of the President until a new President is elected at the next meeting of the Synod. No individual shall serve more than two consecutive terms as President ***but may be elected again after an interval of three years.***

Section 3. The Vice President shall be one of the bishops, presbyters, deacons or lay persons ***canonically resident in*** of the Third Province, elected by the Synod, and shall hold office as specified in Section 1, or until a successor is chosen. A vacancy in the office of Vice President shall be filled by appointment of the President until the next meeting of the Synod. The person elected to fill a vacancy shall hold office until the end of the term specified in Section 1. No individual shall serve more than two consecutive terms as Vice President ***but may be elected again after an interval of three years.***

Section 4. When the person elected President is not a bishop, a Vice President shall be elected who shall be a bishop of the Third Province. When the person elected President is a Bishop, a Vice President shall be elected who shall be a presbyter, deacon, or lay person of the Third Province.

Section 5. The Secretary shall be one of the bishops, presbyters, deacons or lay persons ***canonically resident in*** of the Third Province, elected by the Synod, and shall hold office as specified in Section 1, or until a successor is chosen. A vacancy in the office of Secretary shall be filled by appointment of the President until the next meeting of the Synod. The person elected to fill a vacancy shall hold office until the end of the term specified in Section 1. The Secretary shall perform such duties as shall be assigned by the President of the Province. No individual shall serve more than two consecutive terms as Secretary ***but may be elected again after an interval of three years.***

Section 6. The Treasurer shall be one of the bishops, presbyters, deacons or lay persons ***canonically resident in*** of the Third Province, elected by the Synod, and shall hold office as specified in Section 1, or until a successor is chosen. A vacancy in the office of Treasurer shall be filled by appointment of the President until the next meeting of the Synod. The person elected to fill a vacancy shall hold office until the end of the term specified in Section 1. It shall be the duty of the Treasurer to receive and disburse all monies under the authority of the Synod. Accounts shall be rendered to each stated meeting of the Synod and ~~Synod~~ ***Provincial*** Council, and shall be audited annually under the authority of the ~~Synod~~ ***Provincial*** Council ***in such a manner as is deemed***

**appropriate.** No individual shall serve more than two consecutive terms as Treasurer **but may be elected again after an interval of three years.**

**Section 7. No person canonically resident in a Diocese which has not paid in full its apportionment to the Third Province in the previous fiscal year shall be eligible for election as an Officer. This section may be temporarily suspended by the Synod for good cause by a two thirds affirmative vote by orders.**

## **ORDINANCE IV**

### **Of the Meetings and Duties of the Provincial Synod**

Section 1. The regular session of the Synod shall be held each year. Special meetings shall be called by the President on the request, in writing, of ten deputies with the consent of the majority of the active bishops of the Province, or by action and authority of the Provincial Council. Bishops, clerical deputies and lay deputies shall meet in one body. During the regular or special meeting of the Synod, the three orders of bishops, clergy and laity may sit and deliberate in council, separately, upon notification to the other orders.

Section 2. (a) On all matters the Synod shall vote as one body and on any question a vote of the majority of the deputies and active bishops present shall suffice, unless otherwise noted by these ordinances.

Section 2. (b) A vote by orders shall be taken on any question when ~~it shall be required by the requested~~ **of by** any two bishops or any four deputies.

Section 3. To constitute a quorum for the transaction of business, there shall be present at least three bishops and, **in addition**, one clerical deputy and one lay deputy from a majority of the dioceses, but a lesser number may adjourn.

Section 4. Every debatable resolution considered by the Synod shall have been submitted in writing to the Secretary no less than ~~45~~ **30 (thirty)** days before the date of the Synod, unless otherwise admitted by two-thirds of those present and eligible to vote. The Secretary shall distribute the resolutions received to the deputies and bishops at least twenty (20) days prior to the meeting of the Synod either by regular mail or electronically.

Section 5. The clerical deputy from each diocese shall send to the Secretary the names and addresses of **the Third Province** provincial deputies and **the duly elected** General Convention deputies within two weeks of their election in his or her diocese.

## ORDINANCE V

### ***Of the Provincial Council***

Section 1. There shall be a Provincial Council which shall consist ***be comprised of the*** four Officers of the Province, one person elected by the delegation from each Diocese (Bishop(s), one clerical Deputy ***to Synod***, and two lay Deputies ***to Synod***) who is a member of said delegation, and such other persons appointed by the President. The two representatives elected by the Synod as representatives to the Executive Council shall have seat, voice, and vote at meetings of the Provincial Council. An Officer may be elected as his/her Diocesan representative. The size of the Provincial Council shall be no less than seventeen (17), no more than twenty-one (21) persons. ***Provincial Coordinators and paid staff persons shall be ex officio members with seat and voice but no vote.***

Section 2. (a) The Provincial Council shall meet ***in the fall of each year and*** at such ***other*** times and places (or via electronic means) as may be designated by the President or by concurrent action of the other three officers. A member may participate in, and vote at, Council meetings by means of technology where all participants may hear one another simultaneously.

Section 2. (b) The Provincial Council shall have all the powers of the Synod in the period between meetings of the Synod, subject to the ***Constitution and*** Canons of the Church as ***adopted by the General Convention*** and the directives of the Synod.

Section 3. A quorum shall be a majority of the total of the four officers plus the Diocesan representatives plus those appointed or designated as members of the Provincial Council.

Section 4. The President of the Province shall preside at meetings of the Provincial Council. In the absence of the President, the Vice President, Secretary, or Treasurer (in that order) shall preside. In the absence of all four Officers, those present shall elect a person to preside.

***Section 5. The Provincial Council shall prepare and adopt an annual budget for the Third Province and shall also notify all constituent dioceses of the proposed annual apportionment for a subsequent fiscal year at least twelve (12) months in advance.***

***Section 6. The Provincial Council is authorized to employ such paid staff persons as it deems necessary to support the mission and ministry of the Third Province and consistent with the financial resources of the Province.***

**Section 7. There shall be an Executive Committee of the Provincial Council comprised of the four Officers and the two Provincial representatives to the DFMS Executive Council. The Executive Committee is authorized to act on behalf of the Provincial Council provided that all such actions shall be approved and ratified by the next meeting of the Provincial Council or the Synod, which meeting may take place by electronic means if no regular meeting is scheduled within the next ninety (90) days.**

#### **ORDINANCE VI**

##### **Of the Budget for the Third Province**

**Section 1. The annual Budget, as approved by a majority vote of all voting members of the Provincial Council, shall be presented for review and comment by the Synod. Budgetary resolutions will be exempt from the provisions of IV.4 and may address budgetary issues for the following fiscal year.**

**Section 2. The annual apportionment requested by the Province from each constituent Diocese shall be determined by a formula proposed by the Provincial Council and approved by the Synod, to take effect as of January 1 of the calendar year following the meeting of the Synod. Such formula shall seek to allocate the costs of Provincial work proportionately among the dioceses, considering membership and all available financial resources.**

#### **ORDINANCE VII**

##### **Of the Staff of the Third Province**

**There shall be a Letter of Agreement for all paid staff persons employed by the Provincial Council which shall include the following:**

- a) a comprehensive job description and all aspects of compensation;**
- b) a provision for an annual mutual ministry reflection;**
- c) a statement that the position is at will and may be terminated without cause;**
- d) a provision for a severance package;**
- e) the name of a Bishop not on the Provincial Council from whom the employee may seek counseling or advice or to whom the employee may address a complaint.**

#### **ORDINANCE VIII**

##### **Of the Third Province Representatives on the Executive Council**

**Section 1. The Synod at a *its* regular meeting *in the year of the General Convention* shall elect one representative to the Executive Council to serve a term twice the interval**

between General Conventions. **This** election shall alternate between the clerical **ordained** and lay orders, so that the Province is always represented by two people **persons**, one **Bishop or** clergy person **Presbyter or Deacon** and one lay person. Nominations of persons **canonically resident in the Third Province** shall be made by the Nominating Committee appointed by the President. , provided that additional nominations from the floor of the Synod may be made prior to the closure of nominations and voting. **A background check of all candidates shall be required. Any potentially disqualifying information, such as criminal charges or convictions, professional discipline, or a history of substance abuse or domestic violence, shall be disclosed first to a potential nominee, and then if the nominee agrees to proceed, to the voting members. Nominations from the floor shall not be permitted.** The Secretary shall certify such election to the proper authorities. Terms of office shall commence upon the adjournment of the first regular meeting of the General Convention following election.

**Section 2.** In case of a vacancy, the Provincial Council, **or the Executive Committee thereof**, shall elect a person **of the same order** to fill such a vacancy for the unexpired term, **provided that candidates in the previous election are among those nominated for consideration. A background check shall be required for all nominees. If it is the Executive Committee which acts under this Section, the provision of Ordinance V.7, requiring subsequent approval, shall not apply.**

**Section 3.** Persons elected to the Executive Council **must remain canonically resident in the Third Province for the duration of their term and** may not succeed themselves. Persons elected to Executive Council shall have ~~completed or~~ complete anti-racism training within one year of being elected.

Section 4. The elected representatives on the Executive Council **from the Third Province** shall make a report at each regular meeting of the Synod **and the Provincial Council.**

**Section 5. No person canonically resident in a Diocese which has not paid in full its apportionment to the Third Province in the previous fiscal year shall be eligible for election as a Provincial Representative to Executive Council. This section may be temporarily suspended by the Synod for good cause by a two thirds affirmative vote by orders.**

## **ORDINANCE IX**

### **Of a Court of Review**



~~Section 1. There shall be a Court of Review of the trial of a presbyter or deacon which shall be comprised of (i) a one bishop of the Province, two Priests, or one Priest and one Deacon canonically resident within the Province, and two lay communicants, and (ii) one Bishop, one Priest or Deacon, and one lay person to serve as alternates as hereinafter provided. Each Priest or Deacon, whether a member or alternate, shall be canonically resident in a Diocese of the Province different from any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a Diocese of the Province different from any other lay person. The Priests, Deacons and lay persons shall be members of the Disciplinary Boards of their respective Dioceses.~~

~~Section 2. The members and alternates of the Provincial Court of Review shall be appointed annually by the President of the Province. The Provincial Court of Review shall select a President from among its members. The persons appointed to the Provincial Court of Review shall continue to serve until their respective successors have been appointed, except in case of death, resignation or declination to serve.~~

~~Section 3. No member of the Provincial Court of Review may serve in any matter originating from the Diocese in which such member serves on the Disciplinary Board. In such event, the alternate shall serve.~~

~~Section 4. In the event that any member of the Provincial Court of Review is excused pursuant to the provisions of National **the General Convention** Canon IV.5.3(c), or, upon objection made by either party to the appeal is deemed by the other members of the Provincial Court of Review to be disqualified, such member's alternate shall serve.~~

~~Section 5. In the event of any Provincial Court of Review member's death, resignation or declination to serve, or disability rendering the member unable to act or is ineligible to serve under National **the General Convention** Canons IV.5.4(d) or (e), and in the further event that there is no alternate available to serve, the president of the Provincial Court of Review shall declare a vacancy on the Provincial Court of Review. Notices of resignation or declination to serve shall be communicated in writing to the president of the Provincial Court of Review.~~

~~Section 6. Vacancies on the Provincial Court of Review shall be filled by appointment by the president of the Province of persons qualified as provided in National **the General Convention** Canon IV.5.4(a).~~

~~Section 7. The Provincial Court of Review shall appoint a clerk who may be a member of the Court, who shall be custodian of all records and files of the Provincial Court of Review, and who shall provide administrative services as needed for the functioning of the Court.~~

~~Section 8. The rules of procedure for appeals to the Provincial Court of Review are as provided in National **the General Convention** Canon IV.15, but the Provincial Court of Review may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.~~

~~Section 9. The Court of Review is vested with jurisdiction to hear and determine appeals from decisions of Trial Courts in dioceses within the Province on the trial of a presbyter or deacon, in conformity with the provisions of the Constitution and Canons of The Episcopal Church.~~

## **ORDINANCE IX**

### **Of the Bishops of the Province**

The Bishops of the Province, under the leadership of the President or Vice President of the Province, are authorized to advise the Presiding Bishop and Executive Council in the name of this Province when the occasion demands, and to act on behalf of this Province so far as the General **Convention** Canons and the Ordinances permit, in all matters pertaining to the mission of the Church in the dioceses of this Province and in other dioceses and missionary districts ~~at home and abroad.~~ **of the Episcopal Church.**

## **ORDINANCE X**

### **Of the Nominating Committee**

***Section 1. There shall be a Nominating Committee appointed by the President.***

***Section 2. In a General Convention year the Committee shall present candidates to the Synod for the positions of President, Vice President, Secretary, Treasurer, and a Provincial representative to the DFMS Executive Council.***

***Section 3. In years when there is no General Convention, the Committee shall present a candidate to fill any vacancy for the positions of President, Vice President, Secretary, or Treasurer of the Province.***

***Section 4. The deadline for submitting the names of candidates to the Committee shall be no less than sixty (60) days prior to the meeting of the Synod, said deadline to be communicated to all bishops and deputies no less than ninety (90) days prior***

*to the meeting of the Synod. The Committee shall conduct a background check on all nominees. Any potentially disqualifying information, such as criminal charges or convictions, professional discipline, or a history of substance abuse or domestic violence, shall be disclosed first to a potential nominee, and then if the nominee agrees to proceed, to the voting members.*

*Section 5. Information about the candidates presented to the Synod by the Committee shall be distributed to all bishops and deputies at least twenty (20) days prior to the meeting of the Synod.*

## **ORDINANCE XI**

### ***Of the Process of Amendment***

These Ordinances may be amended at any session of the Synod by a concurrent vote of the ***House of Bishops*** ~~clergy and laity~~ and ***the House of Deputies*** by a majority vote of those present in each order, ***provided that such amendments shall have been distributed no less than twenty (20) days prior to a meeting the Synod.*** In case of a conflict between these Ordinances and any Canon of ~~The Episcopal Church~~ ***adopted by the General Convention***, the Canon of ~~The Episcopal Church~~ ***the General Convention*** shall take precedence. In the case of such a conflict, these Ordinances shall be amended at the next meeting of the Synod to resolve any such conflict.