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Giving with Grateful Hearts

Proposed Amendments to the Constitution and Canons

Proposed Amendment I:

Proposed by: The Rev. Katie Beth Miksa, Robert Crocker, The Rev. Zach Drennen, Jeannie Gallagher, The Rev. Geoff Mackey, The Rev. Eric Miller, and Karen Miller

A Resolution to Amend Title II Canon 10, Section 2, "Audits" by changing the deadline and expanding the options for congregations with annual revenues above $250,000.

> Be it resolved that this 149th Annual Convention of the Episcopal Diocese of West Virginia Amend Title II Canon 10, Section 2 of the Canons of this Diocese as follows:
> The Vestry or governing body of every Parish, Mission, or Worshipping Community shall annually cause to be audited the accounts of its Treasurer and all other custodians of funds or securities. A copy of this audit is sent to the Treasurer of the Diocese by ~~July 1~~ *Nov 1* of each year for the preceding year. *The audit may take the form of a financial review. The financial review may be overseen by an independent Certified Public Accountant, or independent Licensed Public Accountant, or by individuals within the Deanery or neighboring Episcopal congregations in a form* ~~Those congregations with annual revenues of less than $250,000 may conduct a financial review in a form~~ prescribed by the Treasurer of the Diocese for such purpose. ~~The financial review may be done by individuals within the Deanery or neighboring Episcopal congregations.~~

Explanation:

Under the current Title II Canon 10, Section 2, the Vestry or governing body of every Parish, Mission, or Worshipping Community shall annually cause to be audited the accounts of its Treasurer and all other custodians of funds or securities. A copy of this audit is sent to the Treasurer of the Diocese by July 1 of each year for the preceding year. Those congregations with annual revenues of less than $250,000 may conduct a financial review in a form prescribed by the Treasurer of the Diocese for such purpose. The financial review may be done by individuals within the Deanery or neighboring Episcopal congregations.

For congregations choosing to engage a Certified Public Accountant (CPA) or independent Licensed Public Accountant (LPA), these entities do not typically begin work on a financial review for organizations until May. With long work order lists, it is challenging for these businesses to guarantee the work will be finished by July 1. A six-month timetable is more reasonable, hence the suggested new deadline of Nov. 1. Congregations should be encouraged to do periodic financial reviews overseen by a CPA or LPA, and adding this language in suggests that without stipulating a specific interval. At the same time, the new language also allows for the form prescribed by the diocese in case congregations experience a sudden change in revenue, such as we have seen with the relocations of Head Start programs, or are too small to require professionally managed financial reviews.

Proposed Amendment II:

Proposed by: Diocesan Constitution & Canons Committee

Committee Members: Chancellor Adam Strider (chair), the Rev. Paul Castelli, the Rev. Scott Williams, Megan Kueck, Ira Richardson

An Amendment to alter Title II, Canon 2, Section 4, regarding the Disciplinary Board

WHEREAS, the Episcopal Diocese of West Virginia has been a signatory and participant in a Regional Disciplinary Board with the Dioceses of Pittsburgh, Northwest Pennsylvania, Ohio, Southern Ohio, and Western New York, for sharing resources associated with the clergy disciplinary process; since January 1, 2021; and

WHEREAS, Chancellor Adam Strider has been in communication with the chancellors of the other Dioceses for the past year to negotiate amendments to the previously approved Regional Disciplinary Board Compact; and

WHEREAS, the Bishop and Chancellor of this Diocese are in agreement with the amendments to the Regional Disciplinary Board Compact as negotiated by the Chancellor; and

WHEREAS, this 149th Diocesan Convention is asked to authorize Bishop Matthew Cowden to execute the Amended and Restated Compact on behalf of the Diocese of West Virginia; and

WHEREAS, joinder by this Diocese into the Regional Disciplinary Board necessitates amendment of certain provisions of the Canons of The Episcopal Church for the Diocese of West Virginia to be consistent with the structure and process set forth in the Amended and Restated Compact;

Therefore, be it resolved

(a) Bishop Matthew Cowden is hereby authorized to execute the Amended and Restated Regional Disciplinary Board Compact on behalf of the Diocese of West Virginia; and be it further resolved

(b) That the Canons of The Episcopal Church for the Diocese of West Virginia be amended as follows:

Title II: ORGANIZATION AND ADMINISTRATION

Canon 2: Appointment of Members of Boards, Committees, and Commissions, and Their Terms of Office

Section 4. Disciplinary Board

(a) Adherence to General Canons. The forms and methods of Ecclesiastical Discipline in the Diocese shall follow and comply with the provisions set forth in Title IV of the Canons of the General Convention of The Episcopal Church (the "General Canons"). To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

(b) Authority. Pursuant to Canon IV.5.3(i) the Diocese has elected to enter into a renewed and amended compact among the Dioceses of Ohio, Southern Ohio, Pittsburgh, Northwestern Pennsylvania, Western New York and West Virginia ("The Dioceses") to develop and share

resources necessary to implement Title IV and this Canon, including members of Disciplinary Boards, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under Title IV (hereinafter the "Disciplinary Board Compact"). The Bishop of the Diocese shall be authorized to execute and implement the Disciplinary Board Compact and any amendments or modifications thereto consistent with this Canon.

(c) Information. When any General Canon shall allow information concerning a charge or disciplinary proceeding be given to a Bishop, the only Bishop to whom such information may be given shall be the Bishop (or Bishops if so agreed) having jurisdiction over that charge or disciplinary proceeding under Canon IV.19.5 of the General Canons.

(d) Composition. The Disciplinary Board shall consist of thirteen (13) persons, seven of whom are members of the Clergy and six of whom are members of the Laity, and shall constitute a Court for purposes of Article IX of the Constitution of The Episcopal Church. While the Disciplinary Board Compact is in effect, each of The Dioceses shall have one clerical and one lay member on the Disciplinary Board. One additional clergy member shall be nominated and approved unanimously by the Bishops (or the Ecclesiastical Authority) of The Dioceses. The Disciplinary Board shall elect a President from its membership pursuant to General Canon IV.5.1 and as set forth below in Canon II.2.4.(k).

(e) Terms. The members of the Disciplinary Board from this Diocese shall be elected by Convention, with terms beginning the following January 1. Beginning January 1, 2027, the two members of the Disciplinary Board from this Diocese shall be divided into the following classes and shall serve the following three-year terms: The Clerical member shall serve in Class 1, from January 1, 2027, to December 31, 2029; and the Lay member shall serve in Class 2, from January 1, 2028, to December 31, 2030. The Diocese shall then elect its Clerical member and its Lay member for subsequent terms on the same three-year cycle. Until the dates set forth herein, the members serving as of November 13, 2026, shall continue to serve on the RDB. The Diocese shall notify the President of the RDB at the time each member is elected. Members may serve no more than two successive terms nor be elected to serve again until one year has elapsed following the expiration of the second term. Any member appointed to fill a vacancy pursuant to subsection (h) below shall serve until the next annual convention of the Diocese. If at the time of the next annual Diocesan Convention, any remainder exists on the term for which the member was appointed, a successor shall then be elected to serve that remainder. If no remainder exists, a new member shall be elected to a full three-year term. If a RDB member's term expires while they are serving on a panel, they may continue to serve on the Disciplinary Board for all proceedings in that matter in which the Disciplinary Board is involved through final disposition. Their successor will be elected at the next Diocesan Convention.

(f) Residency requirements. The Clerical member of the Disciplinary Board from this Diocese must be canonically and geographically resident within the Diocese. The lay member of the Disciplinary Board from this Diocese shall be an adult communicant in good standing of a congregation in the Diocese and geographically resident within the Diocese.

(g) Vacancies. Vacancies on the Disciplinary Board shall be filled as follows:

i. Upon becoming aware that a vacancy exists, the President of the Disciplinary Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.

ii. The Bishop shall appoint a replacement Disciplinary Board member, who shall meet the same eligibility requirements as apply to elected Board members.

iii. Any person selected as a replacement Disciplinary Board member shall serve for the unexpired portion of the vacating member's term.

(h) President. The President shall be chosen pursuant to General Canon IV.5.1. On or before January 31 of each year, the President will convene an annual meeting of the RDB to elect by majority vote a President and Vice President from among its members, both of whom will serve one-year terms effective January 1 Beginning January 1, 2027, the Thirteenth Member will serve as the President for an initial one-year term. A President shall be eligible for re-election as President or election as Vice President. Each President and Vice President shall continue in office until their successors are elected at the annual meeting of the RDB.

(i) Vice President. There shall be a Vice President of the Disciplinary Board who shall be selected by the Disciplinary Board from the membership on the Disciplinary Board at the annual meeting of the RDB for a one-year term. The Vice President shall be eligible for re-election as Vice President or election as President. The duties of the Vice President are to attend meetings of the Reference Panel without vote, preside at meetings of the Disciplinary Board in the absence of the President, and perform such other responsibilities as requested by the President. In the event of a disability rendering the President unable to act, the Vice President shall discharge the powers and duties of the President during the disability. In the event of the President's death, resignation, or declination to serve, the Vice President shall become President.

(j) Other Offices.

The Diocese will make such provision for Church Attorney(s), Intake Officer(s), Advisor(s), Investigator(s), Conciliator(s), and other persons acting under Title IV as it may choose ("Procedural Participants") and as set forth below, and will notify the other Dioceses and President of the RDB of the names and contact information of the individuals appointed for those offices. The Diocese will also make available to the other Dioceses and the President of the RDB the names and terms of engagement of such of the Procedural Participants as may be available for those services. Procedural Participants shall serve with respect to matters arising in their diocese in which Procedural Participants have been appointed or elected, except in matters of a Complaint that involves more than one diocese, in which the affected bishops shall determine which Procedural Participants shall be involved.

i. Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

ii. Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may, but need not, be a Member of the Church.

iii. Church Attorney. Within sixty (60) days following each annual Convention, the Bishop in consultation with the Standing Committee shall appoint an attorney to serve as Church Attorney to serve for the following calendar year. The person so selected must be a duly licensed attorney in the State of West Virginia, but need not reside within the Diocese.

iv. Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

v. Advisors. In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Title, and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness in the proceeding. The role of the Advisor is defined in General Canon IV.2 and is not intended to act necessarily as attorney. The complaining party and the Respondent are each free to engage an attorney at their own costs.

vi. Legal Advisor to President and Vice President of RDB. The Bishop shall appoint a Chancellor or Vice-Chancellor to serve a renewable one-year term as an informal advisor to the President and Vice President of the RDB for any matters for which the Diocese exercises jurisdiction.

(k) Conduct of Cases.

i. For any proceeding referred to a Reference Panel, the President will promptly select from the RDB a Conference Panel and a Hearing Panel, and shall designate a president of each Panel, as appropriate.

ii. All RDB participants assigned to a panel are responsible for reporting promptly to the President on actions in the cases assigned to them.

iii. For each proceeding, the Reference Panel will consist of the Intake Officer for the diocese of canonical residence of the Respondent, the President of the RDB, and the bishop of that diocese.

iv. In addition to the provisions of Canon IV.19.14 of Title IV, the integrity of the RDB shall be maintained by permitting the Church Attorney or a Respondent to challenge a member of the RDB or Panel appointed for a proceeding on grounds of conflict of interest or undue bias. The remaining members of the RDB shall determine whether a challenge is relevant and factually supported in accordance with Canon IV.19.15 of Title IV. Members of the RDB are otherwise eligible to serve on panels for matters brought from within their Diocese.

(l) Costs and Expenses Associated with Proceedings. The RDB shall use reasonable efforts to conduct its business using electronic means, including video conferences. When it is necessary to incur expense for RDB business, members of the RDB shall make every effort to minimize such expense. Expenses incurred by the Procedural Participants for a particular disciplinary

matter shall be borne by the diocese exercising jurisdiction. Any legal fees incurred by the Respondent shall be borne by the Respondent. In situations involving more than one diocesan member of the Compact, the bishops of the affected dioceses shall agree on venue and expense allocation, subject to Canon IV.19.5. Administrative expenses of the RDB shall be shared equally by the Dioceses. In accordance with Canon IV.19.30, all administrative requirements following the conclusion of a matter shall be the responsibility of the diocese exercising jurisdiction. As they apply to this Diocese, these costs are subject to budgetary constraints as may be established by the Council.

(m) Training. All RDB members shall receive regular training in Title IV as determined by the President, but in no event not less than once during their current term.

Explanation:

Please refer to the recitations for additional information on the background for this amendment.

Proposed Amendment III:

Proposed by: Diocesan Constitution & Canons Committee
Committee Members: Chancellor Adam Strider (chair), the Rev. Paul Castelli, the Rev. Scott Williams, Megan Kueck, Ira Richardson

A Resolution to Replace Article VI, Section 2, of the Constitution of the Episcopal Diocese of West Virginia, regarding the appointment of the Secretary of Convention.

Be it resolved that this 149th Annual Convention of the Episcopal Diocese of West Virginia Amend Article VI, Section 2 of the Constitution of this Diocese by deleting the aforementioned Section and replace it in its entirety with the following:
A Secretary of the Convention shall be appointed by the Ecclesiastical Authority. The Secretary's duty shall be to oversee the business of the Convention, to develop the agenda for the Convention, to collect resolutions and amendments by their canonical deadlines for consideration by the Convention, to receive nominations for elected positions in the Diocese, to prepare the Convention materials for delegates and ensure their timely distribution before the start of business, to receive and record the Official Acts of the Bishop and the minutes of the Diocesan Council for publication, to ensure that the minutes of the Convention are accurately recorded, to publish the Journal of the Convention following each Convention, and to perform other duties as established by the Convention, by Canon, or by request of the Ecclesiastical Authority. The Secretary shall serve until a successor is appointed.

Explanation:

This amendment to the Constitution reimagines the role of Convention Secretary. Moving forward, the Convention Secretary would be the individual responsible for collecting and organizing the information and materials required for Diocesan business at Convention as well as maintaining, along with the Diocesan Historiographer, the records of the Convention. This is in line with the best practices established in other Dioceses and would streamline the work of managing convention business. The Convention Secretary would not necessarily be the individual recording the minutes of Convention, but would be responsible for ensuring that accurate minutes are taken.