

Title: Converting the Chancellor into a Non-Voting Member of
Diocesan Convention

Proposer: Constitution & Canons Committee

1. Be it resolved that Canon IX, Sections 1 through 3 of the Canons of the Diocese of West Missouri be amended to read as follows:

2. CANON IX - DIOCESAN COUNCIL

3. MEMBERSHIP

4. SECTION 1. The Diocesan Council shall be composed of the following members,
5. all with seat, voice, and vote, unless otherwise noted:

6. (a) The Bishop;
7. (b) The Bishop Coadjutor, if any;
8. (c) The Bishop Suffragan, if any;
9. (d) The Secretary of the Diocese;
10. (e) The Treasurer of the Diocese;
11. (f) The Chancellor of the Diocese (seat and voice, but not vote);
12. (g) Eight (8) laypersons elected by the Annual Convention;
13. (h) Four (4) clergy elected by the Annual Convention;
14. (i) Four (4) laypersons appointed by the Bishop;
15. (j) The President of the Episcopal Churchwomen, ex-officio;
16. (k) The President of the Standing Committee, ex-officio;
17. (l) The Deans of the Deaneries, ex-officio; and
18. (m) Any other Officers of the Diocese, if any (seat and voice, but not vote).

19. Each Annual Convention shall elect four (4) laypersons and two (2) clergy to serve as
20. members of the Diocesan Council for a two-year period, and the Bishop shall appoint
21. two (2) laypersons to serve for a two-year period. No member of the Diocesan Council
22. may be elected to serve for more than three (3) consecutive two-year terms.

23. SECTION 2. No person shall be appointed or elected a member of the Diocesan
24. Council who is not an adult communicant of the Church in good standing, and a
25. member of a Parish or Congregation in union with the Diocese.

26. VACANCIES

27. SECTION 3. The Bishop shall have the power to fill all vacancies caused by death,
28. resignation, or removal from the Diocese or otherwise, of any members of the Diocesan
29. Council appointed by the Bishop, and the Diocesan Council shall have the power to fill
30. all vacancies caused by death, resignation, or removal from the Diocese or otherwise, of
31. any member elected by the Convention, except for the ex-officio members identified in

32. Section 1 above. Members appointed or elected to fill vacancies shall hold office for the
33. unexpired term of the vacant office to which they were appointed or elected. The office
34. of any member of the Diocesan Council who shall be absent from three consecutive
35. meetings of the Diocesan Council may be declared vacant by the vote of a majority of
36. those present at any meeting of the Diocesan Council.

37. Be it resolved that the Convention amend Article VIII, Section 1 of the
38. Constitution of the Diocese of West Missouri to read as follows:

39. ARTICLE VIII - MEMBERS OF THE DIOCESAN CONVENTION

40. SECTION 1. The members of the Diocesan Convention shall be the following, all
41. with seat, voice, and vote, unless otherwise noted:

- 42. (a) The Bishop;
- 43. (b) The Bishop Coadjutor, if any;
- 44. (c) The Bishop Suffragan, if any;
- 45. (d) The Archdeacon, if any;
- 46. (e) Every cleric in good standing in the Church who is canonically
47. resident in this Diocese;
- 48. (f) The Secretary of the Diocese;
- 49. (g) The Treasurer of the Diocese;
- 50. (h) The Chancellor of the Diocese (seat and voice, but no vote);
- 51. (i) Any other Officers of the Diocese, if any (seat and voice, but no vote);
- 52. (j) Lay delegates from every Parish and Congregation in union with
53. the Diocese duly chosen and entitled to seats, as hereinafter provided.

The text to be changed, with deleted language struck through and added language *italicized* is below.

54. CANON IX - DIOCESAN COUNCIL

55. MEMBERSHIP

56. SECTION 1. ~~The Diocesan Council shall be composed of the following members:~~
57. ~~The Bishop of the Diocese, The Bishop Coadjutor, and the Suffragan Bishop, if there be~~
58. ~~such; the Secretary and the Treasurer and other officers of the Diocese; eight~~
59. ~~laypersons and four clergy elected by the Annual Convention, and four laypersons~~
60. ~~appointed by the Bishop of the Diocese.~~ *The Diocesan Council shall be composed of*
61. *the following members, all with seat, voice, and vote, unless otherwise noted:*

- 62. (a) *The Bishop;*
- 63. (b) *The Bishop Coadjutor, if any;*
- 64. (c) *The Bishop Suffragan, if any;*
- 65. (d) *The Secretary of the Diocese;*

- 66. (e) *The Treasurer of the Diocese;*
- 67. (f) *The Chancellor of the Diocese (seat and voice, but not vote);*
- 68. (g) *Eight (8) laypersons elected by the Annual Convention;*
- 69. (h) *Four (4) clergy elected by the Annual Convention;*
- 70. (i) *Four (4) laypersons appointed by the Bishop;*
- 71. (j) *The President of the Episcopal Churchwomen, ex-officio;*
- 72. (k) *The President of the Standing Committee, ex-officio;*
- 73. (l) *The Deans of the Deaneries, ex-officio; and*
- 74. (m) *Any other Officers of the Diocese, if any (seat and voice, but not vote).*

75. ~~The~~ Each Annual Convention shall elect four (4) laypersons and two (2) clergy to serve as members of *the Diocesan Council* for a two-year period, and the Bishop shall appoint two (2) laypersons to serve for a two-year period. No member of the Diocesan Council may be elected to serve for more than three (3) consecutive two-year terms.

76. ~~The President of the Episcopal Churchwomen of the Diocese of West Missouri, the President of the Standing Committee, and the Deans of the Deaneries shall be ex-officio members of the Diocesan Council and shall have seat, voice, and vote.~~

77. SECTION 2. No person shall be appointed or elected a member of the Diocesan Council who is not an adult communicant of the Church in good standing, and a member of a Parish or Congregation in union with the Diocese.

78. VACANCIES

79. SECTION 3. The Bishop shall have *the* power to fill all vacancies caused by death,
80. resignation, or removal from the Diocese or otherwise, of any members of the Diocesan
81. Council appointed by the Bishop, and the Diocesan Council shall have *the* power to fill
82. all vacancies caused by death, resignation, or removal from the Diocese or otherwise, of
83. any member elected by the Convention, ~~except as noted above in~~ *except for the ex-*
84. *officio members identified in Section 1 above.* Members appointed or elected to fill
85. vacancies shall hold office for the unexpired term of the vacant office to which they
86. were appointed or elected. The office of any member of the Diocesan Council who shall
87. be absent from three consecutive meetings of the *Diocesan Council* may be declared
88. vacant by the vote of a majority of those present at any meeting of the *Diocesan*
89. Council.

Explanation:

This amendment would convert the Chancellor into a non-voting member of the Convention. The Chancellor is the chief legal officer of the Diocese. As such, the Chancellor provides legal advice and counsel to the Diocese and its components, including the Convention. As a voting

member of the Convention, the Chancellor could cast a vote on a matter on which they also provided legal advice. By doing so, the attorney-client privilege and attorney work product doctrine that attach to legal advice could be jeopardized, thus potentially putting the Diocese in a bad position. While perhaps remote, having a non-voting Chancellor would be a best practice and would conform with how a majority of dioceses treat this issue.

This amendment would also convert the Registrar and Vice Chancellor into non-voting positions, as well as make the Associate Treasurer a non-voting member of the Convention.

This is the first reading of an amendment to the Constitution. A second reading will be necessary at the next Diocesan Convention, with a vote by orders necessary to adopt the change at that Convention.

Adopted 11-05-2022