

Diocese of New Jersey
Report of the Standing Committee on Constitution and Canons 2024

Introduction

The Committee reviewed requests received from members of the diocese for possible changes in the constitution and canons of the diocese. As provided in Canon 75, Section 1, proposals for amendments must be sent to the Committee by December 1 of the prior year for consideration and report. The following proposals were received prior to such deadline.

Part I
Changes to Diocesan Canons Resulting from
Episcopal Church Canon Amendments at the 80th General Convention

Section 4 of Diocesan Canon 75 provides: "Following each meeting of the General Convention, the Standing Committee on Constitution and Canons must (a) review any changes to Canons of The Episcopal Church approved by such meeting and (b) propose to the next diocesan Convention amendments to Diocesan Canons so as to conform them to such changes in Canons of The Episcopal Church."

The Committee had reviewed the Resolutions passed by the General Convention in 2022 and had concluded last year that none require conforming amendments to the Constitution or Canons of the Diocese of New Jersey. However, the Committee's attention has been brought to Resolution 2022-D072:

Resolved, That the 80th General Convention address the urgent need for gender and sexuality training in our church on all levels; and be it further

Resolved, That the 80th General Convention authorize the use of, and adopt as an official training resource, the Safe Zone Project no-cost 2-hour foundational curriculum; and be it further

Resolved, That The Episcopal Church will provide virtual training for at least one representative from each of the Dioceses in the adopted program to train-the-trainers on a diocesan level; and be it further

Resolved, That each participating Diocese will oversee and document the training of all clergy, Bishops, ordinands, and lay leaders and will issue certificates to participants who successfully complete this training, with training to begin by the 81st General Convention; and be it further

Resolved, That the reporting of gender and sexuality training by participating dioceses to The Episcopal Church be included on the Diocesan Parochial Report as is the practice for other trainings such as Safe Church and Anti-Racism; and be it further

Resolved, That the 80th General Convention request that the Joint Standing Committee on Program, Budget, and Finance consider a budget allocation of \$35,000 to fund the virtual training of the diocesan trainers.

It was suggested that for the sake of transparency such training could be incorporated into our diocesan canons, perhaps along with requirements for Antiracism and Safe Church training. The Committee after discussion concluded that all such training programs are sufficiently in flux such that canonical treatment would be premature. This conclusion may be revised in the future.

Part II
Canon 9 – Episcopal Elections — Procedure for Independent Nominations

Part V of the Committee's Report to the 2023 Annual Convention addressed one of the proposals from the Bishop Search and Nomination Committee and the Transition Committee to limit the Canon 9, Section 7, possibility of independent nominations for Bishops beyond those which are proposed by the Bishop Search and Nomination Committee. That Section currently provides:

SECTION 7. Independent Nominations. When the Bishop Search and Nomination Committee has announced its list of nominees, there shall be a period of 30 days after the date when its report is issued during which Independent Nominations to the electing Convention may be made. No independent nominations shall be received after that date. The Committee shall provide, upon request, a Nomination Petition Form on which the deadline for submitting independent nominations and the method of submitting them is clearly stated. The Nomination Petition shall require the signatures of at least two persons from at least five Convocations.

The Bishop Search and Nomination Committee and the Transition Committee proposed to limit this option by (a) transferring responsibility for this process from the 22-member Bishop Search and Nomination Committee to the 8-member Standing Committee, (b) reducing the period to put together independent nominations from 30 days to 14, (c) increasing the number of signatures from two from each of five Convocations to two from each of six Convocations, with the specification that there be one clergy and one lay from each one, and that one of the clergy signators be a Deacon and five be Priests, and (d) disqualifying any person signing the petition from serving as a reference for the nominee. In addition, the committees proposed to change the deadline in Section 6(c) for "announcing its list of nominees" (which opens the independent-nomination period) from "not be less than three months nor more than five months" before the date set for the electing convention to "not be less than 90 days nor more than five months" before such date.

The 2023 Annual Convention referred this proposal back to the Standing Committee on Constitution and Canons for its further consideration. Within the Diocese New Jersey, the Independent Nomination process generated three candidates in the 2003 election for the Bishop Diocesan and also three in the 2013 election. For the 2023 election there were none. Speculation arises as to whether this may have been the result of the restrictions on the process implemented by the two current episcopal election committees, or what the result might be of the further restrictions they now propose. The Committee is aware that freely allowing nominations by petition may represent an unstated criticism of the results of the previous work of an electing committee, and that problems can be presented by a shortened period of time to conduct background and reference checking. On the other hand, it is aware that this can be an appropriate way of bringing in previously unconsidered candidates for church leadership. As an example, the current Bishop of New York, the Right Reverend Andrew Dietsche, was elected in 2011 as a nominee by petition following a committee's presentation of a slate of five other candidates. On balance, we feel that the proposed restrictions would be counterproductive going forward.

While the Committee will propose these changes in this Report, it is recommending that they be rejected.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution II: *Resolved*, That Section 6(c) of Canon 9 of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

(c) Not later than one year after it is constituted, the Committee shall report to the members of the Electing Convention and to the Diocese as a whole, the names of the persons to be nominated by it at the Electing Convention, together with a brief biography of each nominee. The committee shall include notice of the Electing Convention with its report. The date of the electing Convention shall not be less than ~~three months~~ ninety days nor more than five months after the date the report is issued.

And be it further

Resolved, That Section 7 of Canon 9 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 7. Independent Nominations. The independent nomination process shall be handled by the Standing Committee. When the Bishop Search and Nomination Committee has announced its list of nominees, there shall be a period of ~~30~~ fourteen days after the date when its report is issued during which Independent Nominations to the electing Convention may be made. No independent nominations shall be received after that date. The Standing Committee shall provide, ~~upon request~~, a Nomination Petition Form on which the deadline for submitting independent nominations and the method of submitting them is clearly stated. The Nomination Petition shall require the signatures of at least twelve persons, two persons from at least ~~five~~ six Convocations, one Member of the Clergy and one Lay Person from each Convocation. The clergy signatures should include five priests and one deacon. Persons signing the petition may not subsequently serve as references for the nominee. The Standing Committee shall screen all petition candidates and share with the Bishop Search and Nomination Committee any qualified petition nominees for inclusion in the Election Booklet.

*The Standing Committee on Constitution and Canons recommends that this implementing resolution be **rejected**.*

Part III
Canon 6
Committee on Validation of the Minutes of the Convention

Canon 6 provides:

CANON 6

Committee on Validation of the Minutes

SECTION 1. There shall be a Committee on Validation of the Minutes of the Convention, consisting of three persons, who shall not be officers of the Convention or of the Diocese, to be appointed by the president of the Convention.

SECTION 2. It shall be the duty of the Committee to review the minutes of the Convention as prepared by the Secretary, prior to printing. They shall, to the extent practical, submit galley proofs to the proponents of each action reported, and to all members of the Convention who shall in writing so request. All such persons shall be afforded 14 days for comment before final validation.

SECTION 3. If, subsequent to the printing of the minutes, errors shall be established, the Committee, in consultation with the Secretary, shall so report to the next succeeding Convention, and such report, if accepted by the Convention, shall be incorporated in the minutes thereof.

The printing of the minutes is now done electronically rather than being typeset into galley proofs and a final printing. Moreover, no member of the Convention has recently requested to review draft minutes. Accordingly, Canon Paul Ambos as Secretary of Convention has asked for an update of Section 2 for terminology and procedure. The Committee agrees with this update.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution III: *Resolved*, That Section 2 of Canon 6 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 2. It shall be the duty of the Committee to review the minutes of the Convention as prepared by the Secretary, prior to printing. They shall, to the extent practical, submit ~~galley draft copies of~~ minutes to the chairs of diocesan bodies submitting resolutions and to any individual proponents of resolutions ~~each action reported~~, and to all other members of the Convention who shall in writing so request. All such persons shall be afforded 14 days for comment before final validation.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part IV
Canon 54
Associated Parishes and Affiliated Parishes

Canon 54 provides:

CANON 54

Associated Parishes

SECTION 1. When two or more Independent Parishes wish to share the services of a priest as Rector of both Parishes, they may make application to the Bishop. The application shall include resolutions passed by each Vestry, two-thirds of the members thereof concurring, stating:

- (a) That they wish to be associated with another Parish in sharing the services of a Rector,
- (b) The name of the priest whom they propose to elect as Rector,
- (c) An agreement specifying each Parish's share in the support of the Rector, and
- (d) An agreement specifying how the Rector's services are to be shared.

If the Bishop approves the application the Bishop shall obtain the written consent of the priest named in the application to serve as Rector under the conditions set forth in the application, and shall then forward the application together with the consent of the proposed Rector to the Standing Committee of the Diocese for its approval. If the Standing Committee approve the application, the Parishes in question shall be designated Associated Parishes and the election of the Rector may proceed without further notice.

SECTION 2. Each Associated Parish shall be entitled to representation in Convention by three Deputies and three Alternate Deputies, and in Convocation by six Representatives.

SECTION 3. If any Parish wishes to withdraw from an Associated Parish relationship, it shall first obtain the written consent of the Bishop and Standing Committee of the Diocese. Such consent may be conditioned upon the reclassification of one or more of the Parishes involved to Mission status.

SECTION 4. A Mission may enter into an Associated Parish relationship pursuant to the procedures of Section 1 of this Canon if it otherwise qualifies for Parish status and completes all procedures necessary for reclassification prior to the election of the rector of the Associated Parishes.

There are currently no Associated Parishes in the Diocese, and there have not been for a number of years. Since one of the hallmarks of Parish status for a Congregation is "its ability to support a minister" (Const Art. VI), (a) Parishes do not generally have a financial need to share a Rector with another Parish, (b) a Mission seeking such an association would have to be reclassified as a Parish first, and (c) at least one of the Congregations involved would have to go through the formal Rector search process in order to enter such a relationship.

Recently, however, the Diocese has sponsored "Affiliation Agreements" between Congregations — not necessarily Parishes — that can provide for sharing of clergy and for joint cooperation in other aspects of their mission. Because each Congregation is unique, there is no set form of agreement, but they have involved negotiations between Vestries through a "steering committee" composed of members from each, and formal ratification by the Vestries and usually also the members of the Congregation who will be carrying out the shared mission. This has been accomplished without a canonical structure, but it was felt that it would be useful to replace the unused "Associated Parishes" canon by one outlining a formal process for such affiliations. In consultation with diocesan staff, the Standing Committee on Constitution and Canons has drafted such a replacement that can serve other Congregations in exploring such relationships.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution IV: *Resolved*, That Canon 54 of the Canons of the Diocese of New Jersey be deleted and its text replaced by the following:

CANON 54
Congregational Affiliation Agreements

SECTION 1. Affiliation Agreements. Two or more Congregations may enter into an agreement providing for the affiliation of their ministries in accordance with the provisions of this Canon 54 (an "Affiliation Agreement"). An Affiliation Agreement may provide for sharing the services of one or more Members of the Clergy, outreach ministries, youth work, Christian education, stewardship, shared administrative services, or other aspects of the common life of the congregations involved. An Affiliation Agreement is not an agreement to consolidate or merge, and each of the congregations that is a party to such an agreement will remain a separate Congregation for purposes of Canon 46. The Congregations involved may be Parishes or Missions. A Presbyterian serving both Congregations may function as a Rector or Priest-in-Charge in either, depending on their status prior to the affiliation.

SECTION 2. Initial Process of Affiliation. The process of affiliation may begin at the request of the clergy or wardens of the congregations involved, presented to the Bishop or at the invitation of the Bishop. Each of the congregations will then follow a discernment process designated by the Bishop in which the clergy, vestries, and congregations will explore the possibility of an affiliation and shared ministry in conversations with the Bishop and diocesan staff.

SECTION 3. Steering Committee and Proposed Affiliation Agreement. Following the discernment process referred to in Section 2 above, if there appears to be a strong interest in continuing to explore an affiliation, each of the vestries of the congregations contemplating affiliation will appoint four

members each to a Steering Committee of the two Congregations. The purpose of the Steering Committee is to develop an Affiliation Agreement. The Steering Committee will meet independently and with diocesan staff to consider such matters of common ministry as seem appropriate to the Steering Committee, the vestries involved and the Bishop. The Steering Committee will report on its progress from time to time to the respective vestries of the congregations involved and the Bishop or diocesan staff designated by the Bishop. If a member of the Steering Committee resigns or is otherwise unable to serve, the vacancy shall be promptly filled by the vestry which originally appointed such member.

SECTION 4. Approval by Vestries and Bishop. When the work of the Steering Committee appears to be complete, the proposed Affiliation Agreement will be submitted to the Bishop and the vestries of the Congregations involved for review, revision, and approval. Following approval by the Bishop, the proposed Affiliation Agreement will be submitted to each vestry at a regular or special meeting called (i) to consider its approval, (ii) if approved, to submit that approval for ratification by a congregational meeting, and (iii) subject to such ratification to authorize the officers of the Congregation to carry out the terms of the Affiliation Agreement. A simple majority of the members of the vestry is required for approvals and authorization. If either vestry calls for amendment to the Agreement, it must be referred back to the Steering Committee for reconsideration and resubmission. When the actions described above are completed, the wardens of each of the congregations will give notice of that fact to their counterparts for the other congregation and to the Bishop.

SECTION 5. Ratification by Congregations. Once approved by the respective vestries and the Bishop, the Affiliation Agreement will be submitted for ratification to each of the Congregations at a regular or special congregational meeting called for the purpose according to statute and the bylaws, if any, of the Congregation. Copies of the proposed Affiliation Agreement shall be distributed by e-mail, posted on the website of the congregation and made available in printed form for those who request a copy. At the meeting, the Affiliation Agreement may be debated but not amended. Ratification shall require a majority vote of eligible voters present and voting. Voting by proxy will not be allowed. If the Affiliation Agreement is ratified by the Congregations involved, notice shall be given to the Bishop, and the agreement will then be implemented in accordance with its terms. If the Affiliation Agreement is not ratified by either of the Congregations, it will be referred back to the vestries for further consideration in consultation with the Bishop or diocesan staff designated by the Bishop.

SECTION 6. Amendment and Termination. An Affiliation Agreement may be amended or terminated (a) in accordance with its terms or (b) by the Bishop acting with the advice and consent of the Standing Committee, or (c) by a two-thirds vote of either of the vestries involved. If the terms of the Affiliation Agreement do not provide for a process of disaffiliation, such process shall be as directed by the Bishop.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part V

Canon 68, Section 9(c)

Clergy Discipline — Diocesan Payment for Respondent's Attorneys

Canon 68 governs the implementation of Title IV of the Canons of The Episcopal Church on disciplining misconduct by Priests and Deacons in the Diocese. Episcopal Church Canon IV.19.23 provides in pertinent part:

Sec. 23. Except as expressly provided in this Title, applicable Diocesan Canon, or in any Accord or Order, all costs, expenses and fees, if any, shall be the obligation of the party, person or entity incurring them.

. . . .

d. Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by any other party or person, including a Diocese.

In our Diocese, what is now Canon 68, Section 9(c) was added to implement the suggestion in the denominational canon:

(c) The reasonable and necessary expenses of the Respondent and the Respondent's counsel shall be a charge upon the Diocese and shall be paid by the Treasurer of the Diocese from the Diocesan Budget Account. Counsel for the Respondent shall be compensated by the Diocese for his or her services at a rate not to exceed the customary prevailing rate for legal services of comparable attorneys in the State of New Jersey, and further shall not exceed the sum of \$30,000, inclusive of disbursements, for each matter.

In at least two Title IV proceedings in the Diocese where the Respondent was represented by counsel, the cases were settled by an Accord only after the attorneys' fees reached the \$30,000 cap. Bishop French noted to the Committee that this provision is evidently unique to the Diocese of New Jersey and asked if it could be modified, since it seemed to influence against resolution of disputes, as well as costing the Diocese unnecessary expenditures. The Committee initially considered an amendment that would only allow for fee reimbursement if the Respondent were to be cleared of all charges, but again, that would influence against resolution of the dispute by any kind of discipline at all. (If a case is not dismissed, possible clergy discipline can range from admonishment, to suspension, to deposition from ecclesiastical office.) Accordingly, the Committee approved a middle ground, which included reimbursement of counsel fees in whole or in part at the discretion of the Bishop acting as Ecclesiastical Authority.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution V: *Resolved*, That Section 9(c) of Canon 68 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

(c) The reasonable and necessary personal expenses of the Respondent ~~and the Respondent's counsel for attendance at hearings~~ shall be a charge upon the Diocese and shall be paid by the Treasurer of the Diocese from the Diocesan Budget Account. Counsel for the Respondent ~~shall~~ may be compensated by the Diocese for his or her services at a rate not to exceed the customary prevailing rate for legal services of comparable attorneys in the State of New Jersey, ~~and further shall not exceed the sum of \$30,000, inclusive of disbursements, for each matter~~ provided that a copy of a written retainer agreement is provided prior to the request being considered and either (i) a final Order is entered dismissing all alleged Offenses or (ii) if any other Order is entered or an Accord is executed, in which case all or part of such Counsel's fees and disbursements may, in the absolute discretion of the Ecclesiastical Authority, be paid by the Treasurer to the Respondent or such Counsel.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part VI

Canon 74, Sections 1, 3, & 4

Clerical Compensation— Minimum Compensation for Full- and Part-Time Clergy

Canon 74 sets forth minimum compensation requirements for clergy. Section 1 deals with full-time clergy salary, Section 2 with full-time clergy serving more than one congregation, Section 3 with part-time clergy salary, and Section 4 with certain adjustments to compensation. Under the existing provisions of Canon 74 the Standing Commission on Clerical Compensation sets a mandatory minimum cash salary for each position category, subject to Convention approval. A separate amount is fixed as a housing allowance where congregations do not provide a rectory or the equivalent. This approach has been perceived as confusing and is inconsistent with that taken by other dioceses. To simplify matters, the Commission proposed to revise Canon 74, to be effective in 2025, in order to have the Commission set two minimum cash salaries for each position— one where a rectory or the equivalent is provided and one where it is not.

The effect of this change would also to permit both the clergyperson's salary, including, if applicable, the housing component, to be adjusted annually by the Convention based on changes in the cost of living COLA for years 2025 and thereafter. Historically, for clergy for whom church owned housing was not provided, the housing subsidy has been treated as a static amount, reviewed every three years by the commission for adequacy. For several decades, the cost of housing has increased dramatically, and the irregular adjustments have been substantial and as such difficult for congregations to budget. These changes will not affect the unrelated allocation of a portion of cash compensation as housing expense for income-tax purposes.

The Standing Committee on Constitution and Canons reviewed the proposal from the Commission and offers some simplifications and clarifications, which the Commission has accepted. Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution VI: *Resolved*, That Section 1 and subsections (a) through (b) of Canon 74 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 1. Each Parish and Mission in the Diocese shall provide compensation for its full-time rector, vicar, assistant, interim, or priest-in-charge in accordance with the provisions of this section. Terms of compensation shall be set forth in a letter of agreement, subject to the approval of the ~~Bishop~~ Ecclesiastical Authority. Compensation shall include cash salary, housing, professional expense reimbursement, Social Security offset, and continuing education allowance, in accordance with the following subsections:

- (a) Cash salary shall not be less than the applicable mandatory minimum for position category established in the Clergy Compensation Chart adopted by Diocesan Convention.

(1) For each category there shall be two alternative mandatory minimums, depending on whether the Parish or Mission provides housing pursuant to Canon 74.1.b.1 ("Minimum Salary without a Rectory") or pursuant to Canon 74.1.b.2 ("Minimum Salary with a Rectory").

(2) The clergyperson may agree with the Parish or Mission to designate a portion of such cash salary as a housing allowance for income-tax purposes under Section 107 of the Internal Revenue Code in an amount specified by the clergyperson.

(3) The clergyperson may agree with the Parish or Mission to pay a specified portion of such cash salary into a tax deferred savings plan.

(4) All churches in the Diocese shall set the compensation for all clergy employees according to a fiscal year that begins on January 1. The employment year for salary schedule purposes will be considered to begin on the 1st of January closest to the date the clergyperson's employment begins; provided, however, that all dates in July shall be considered closest to January 1st of the following year.

(5) In special circumstances the clergyperson may make a written agreement with the Parish or Mission to accept a lesser amount for a given period of time, but all such agreements must be reviewed and approved in writing by the Standing Commission on Clerical Compensation.

(6) The requirements of subsection (b) for housing and salary shall not apply to priests who are employed full-time as interim rectors or interim vicars or as assistant or associate clergy. The Congregation and such priest shall negotiate a mutually acceptable written agreement as to compensation, including housing, if any, subject to the approval of the Ecclesiastical Authority. A copy of the agreement, signed by both parties and the Ecclesiastical Authority, shall be filed with the Commission on Clerical Compensation.

- (b) Housing and salary shall be provided in accordance with one of the following ~~three~~ two alternatives:

(1) The Parish or Mission shall pay the clergyperson no less than the Minimum Salary without a Rectory, a housing subsidy, not less than the minimum amount established by Diocesan Convention. This provision is intended to apply to situations in which the clergyperson owns or rents a home as a primary residence. In special circumstances the clergyperson may make a written agreement with the Parish or Mission to accept

~~a lesser amount for a given period of time, but all such agreements must be reviewed and approved in writing by the Standing Commission on Clerical Compensation.~~

(2) The Parish or Mission shall (i) pay the clergyperson no less than the Minimum Salary with a Rectory, (ii) provide the clergyperson with housing, paying provide a rectory, pay the cost of utilities, repairs, and maintenance, and rent if applicable, and (iii) provide a housing equity plan for the clergyperson. As its share of the housing equity plan the Parish or Mission shall pay a sum not less than the amount set forth in the Clergy Compensation Chart per year into a tax deferred savings plan or other account specified by the clergyperson; ~~however, in special circumstances the clergyperson may make a written agreement with the Parish or Mission to accept a lesser amount for a given period of time, but all such agreements must be reviewed and approved in writing by the Standing Commission on Clerical Compensation.~~

(3) The Parish or Mission shall rent suitable living quarters for the clergyperson and pay the cost of utilities. It may also provide a housing equity plan. When rented housing is provided in accordance with the provisions of this paragraph, the Parish or Mission shall, at the time when the member of the clergy is employed, make an agreement in writing with the member of the clergy stipulating the amount of the rent or rental allowance. A copy of the agreement shall be filed with the Commission on Clerical Compensation. This amount shall not be decreased by the Parish or Mission during the time that the member of the clergy remains employed by the church.

If alternative (1) of this subsection (b) is selected, the clergyperson may require the Parish or Mission to designate a portion of the cash salary as additional housing allowance in an amount specified by the clergyperson, but this additional housing allowance shall be applied to the requirement for cash salary provided for in subsection (a) of this section.

If alternative (2) or (3) of this subsection (b) is selected, the clergyperson may require the Parish or Mission to designate a portion of the cash salary as cash housing allowance in an amount specified by the clergyperson, but this cash housing allowance shall be applied to the requirement for cash salary provided for in subsection (a) of this section.

The foregoing requirements of this subsection (b) for housing or a housing allowance shall not apply to priests who are employed full-time as interim rectors or interim vicars or as assistant or associate clergy. The Congregation and such priest shall negotiate a mutually acceptable written agreement as to compensation, including any agreed upon housing and/or housing allowance. A copy of the agreement, signed by both parties, shall be filed with the Commission on Clerical Compensation.

And be it further

Resolved, That Sections 3 and 4 of such Canon be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 3. The standards of compensation for members of the clergy serving part-time for a Congregation in the Diocese shall be not be less than the mandatory minimum level established in the Clergy Compensation Chart for part-time clergy adopted by Diocesan Convention, based upon the clergyperson's Work Units. (A "Work Unit" is a block of time on the schedule of morning, afternoon, or evening blocks, consisting of two and a half to four hours per block. The assumption is that twelve Work Units is the standard for full-time employment.) The Congregation must pay a Social Security offset and, if the clergy person is not retired, a pension assessment. The amount of professional expense reimbursement and a continuing education allowance shall be prorated for the number of Work Units. The Parish or Mission shall pay medical, dental, and life insurance premiums to the extent provided in

Canon 36 unless waived by the clergyperson due to other coverage. Provision of a rectory or other arrangements for housing a housing allowance, medical, dental, and life insurance coverage, and continuing education leave are not mandatory though strongly recommended to be negotiated between the clergyperson and the Congregation. The Congregation shall enter into a written agreement with the clergyperson setting forth the number of Work Units required and other components of compensation, and a copy of the agreement shall be filed with the Commission on Clerical Compensation. Any proposed compensation below the mandatory minimums must have the written approval of the Standing Commission on Clerical Compensation.

SECTION 4. Upon request and with the written consent of the member of the clergy concerned, the Commission on Clerical Compensation may approve adjustments in the cash salary, housing allowance (if any), and professional expense reimbursement required by Sections 1 through 3 of this Canon if the total of these three items meets the appropriate minimum requirements in these three areas.

And be it further

Resolved, That the foregoing amendments to this Canon be effective starting for calendar year 2025 compensation determinations.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part VII Various Canons Changing the Date of the Annual Diocesan Convention

Article III, Section 1 of the Constitution of the Diocese provides; "SECTION 1. The Convention shall meet annually at such time and place as may be provided by Canon." Ever since the CUBE (Committee for a Unified Budget Exploration) revisions several decades ago, Canon 1, Section 1 set the date of "the first Friday following the first Sunday in March . . . unless another time or place of meeting is appointed by the Ecclesiastical Authority." Prior to this, the Convention had met in November. Since a principal task of the Convention was to establish the diocesan budget, the change to March allowed for an income-driven budget to be set for that current year, following its receipt of all congregational pledges. The Convention also then set an "aspirational" budget for the following year that set forth expenses, including new missional ventures, if the next year's pledges could support them. This scheme also had the effect that diocesan expenditures for the first three months of every fiscal year had to be authorized based on the prior year's budget amounts, since no current budget was actually in place.

In recent years, however, the regularization of congregational support through the Marks of Mission Giving Pledges has resulted in the subsequent-year's budget to be largely a carbon-copy of the current year's. Newly-ordained Bishop Sally French has observed that this regularization would enable the Diocese to be able to develop and pass a budget in November or December to go into effect the following January. Accordingly, she tasked the Committee to propose canonical changes to implement this change of date, at the same time eliminating the need for a two-year budget cycle.

The Committee has reviewed the Constitution and Canons and concluded that no constitutional amendments would be needed, although numerous canonical changes would be needed in order to schedule various diocesan bodies to complete their tasks in order to prepare for a Convention date of late November. Primarily these impacted the budgeting tasks of the Finance and Budget Committee and Diocesan Council, although many other bodies were also impacted. At the same time, the Committee is including some editing changes to reduce the number of unnumbered paragraphs within Canons and Sections thereof and otherwise to simplify the Canons.

Assuming that the proposed revisions are adopted at the 240th Annual Convention in March 2024, they would go into effect upon adjournment, and the 241st Annual Convention would take place in November 2024 (or some

other date to be set by the Ecclesiastical Authority), with future Annual Conventions going forward also taking place in November.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution VII: *Resolved*, That the first sentence of Section 1 of Canon 1 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 1. The Convention shall meet on the ~~first Friday following the first Sunday in March~~ third Saturday in November at Trinity Cathedral in the City of Trenton unless another time or place of meeting is appointed by the Ecclesiastical Authority.

and be it

Further resolved, That Canon 2 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 1. (a) The Ecclesiastical Authority, one week before the date set for any meeting of the Convention, shall certify to the Secretary the names of all clergy canonically resident in the Diocese, annexing the names of their respective cures or stations or engagements or their status as retired clergy of the Diocese, specifying those who have been ordained, or received in the Diocese, ~~within the year immediately preceding since the last Annual Convention~~, with the dates of their ordination or reception; from which list the Secretary shall prepare, in conformity with the constitution, a roll of all the clergy entitled to votes or seats in the Convention.

(b) The Ecclesiastical Authority shall at the same time also certify the names of all members of the clergy ordained by bishops of churches in communion with The Episcopal Church who are serving as vicars within the Diocese under certificate issued pursuant to Episcopal Church Canon III.10.2(a)(i), who shall also be entitled to have seat and vote at the Convention, annexing the names of their respective congregations and the date of their certification to serve in the Diocese.

(c) The Ecclesiastical Authority shall at the same time also certify the names of all members of the clergy ordained by The Episcopal Church or by bishops of churches in communion with it, not canonically resident in this Diocese but licensed to officiate in this Diocese, who shall also be entitled to have seat and voice but not vote at the Convention, annexing the names of their respective congregations, if any, and the date of their license to serve in the Diocese.

(d) Any Bishops other than the Bishop Diocesan serving in the Diocese, and any retired Bishop canonically resident in the Diocese, shall be entitled to a seat, voice, and vote at the Convention.

(e) Should any dispute arise as to the status of any member of the clergy, it shall be referred to a special committee appointed by the President, which shall report on each case immediately, and the action of the Convention thereon shall not be called in question during the same session.

SECTION 2. The certificates of the election of Lay Deputies shall be in a form approved by Convention and shall be forwarded to Diocesan Congregations during the month of ~~November~~ April in each year. The completed certificate shall be signed by the Rector or Vicar or clerk of the vestry, or by the wardens or any two trustees of the Congregation. The signed certificate shall be returned to the Secretary of Convention care of the diocesan offices by the later of (a) ~~January~~ August 15 or (b) three days following the annual meeting of the Congregation.

SECTION 3. In case any Deputy shall not be able to attend a meeting of the Convention an alternate shall be admitted to represent the Parish at the meeting. The Alternate shall be designated by the Rector, or in case there be no such Rector, by the Wardens.

SECTION 4. There shall be a Committee on the Credentials of Lay Deputies appointed by the President of the Convention at the annual meeting thereof to serve until the adjournment of the next annual Convention. The Committee shall consist of not fewer than two persons who shall be members of the Convention at the time of appointment.

SECTION 5. On or after ~~August~~ April 1, but not later than ~~October~~ June 1, the Committee on the Credentials of Lay Deputies shall notify any Diocesan Congregation entitled to representation in the

Convention, of any deficiencies for which such representation may be denied pursuant to the provisions of Article II, Section 6 of the Constitution. Such Congregation shall have a period of thirty days within which to supply the deficiencies. The Committee shall report to the Convention any Diocesan Congregation failing to meet the requirements for representation after such period. No Diocesan Congregation whose deputies were seated at the preceding annual meeting of the Convention shall be denied a seat for failure to comply with the requirements of Article II, Section 6 of the Constitution in the absence of such notice.

and be it

Further resolved, That Sections 3 and following of Canon 5 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 3. There shall be a Nominating Committee composed of one clerical and one lay member from each Convocation. The members shall be elected by Convocation at the Fall meeting thereof to serve for two-year terms beginning at the conclusion of the next following Diocesan Convention ~~the following~~ March. Vacancies shall be filled by the Dean of the Convocation. The President of Convention shall, before the first day of ~~April~~ January, appoint from among the elected members a Chair and, in addition, may appoint a Chancellor or a Vice Chancellor as a liaison to the committee, to serve with seat and voice but not vote. The committee shall make suitable nominations for all elective offices. It shall report in writing to the Secretary its nominations. It shall in no way affect the right of any member of the Convention to place names in nomination in accordance with the provisions of these Canons and the Rules of Order of the Convention.

SECTION 4. The Chair shall convene the first meeting of the Nominating Committee no later than ~~June~~ March 1. No later than ~~September~~ May 1, the committee shall mail to all clergy and churches in the Diocese a list of the offices to be filled at the next Convention and a form on which names may be submitted to the committee recommending persons for nomination. Meetings of the Nominating Committee shall be open to all clergy and church members in the Diocese. Opportunity shall be given at each meeting of the committee for such visitors to offer advice to the committee.

SECTION 5. The Convocational Members of the Nominating Committee may elect up to four additional members-at-large. This election, if there be one, shall be by majority vote of all Convocational Members at a scheduled meeting of the Nominating Committee. In electing the members-at-large, the Convocational Members shall be as inclusive as possible to insure that the committee is representative of the entire membership of the Diocese. Members-at-large shall serve for a term of one year from their date of election and until a successor is elected, and they may be reelected.

SECTION 4 ~~6~~. Nominations for elective offices to be filled by the Convention shall be submitted in writing to the Secretary by the Nominating Committee no later than ~~January~~ September 1. Additional nominations, if any, may be submitted after this date to the Secretary of Convention care of the diocesan office by any member of Convention, but no later than ~~45 days before the meeting of the~~ Convention October 15 in the form prescribed by the Convention.

SECTION 7. The Secretary shall distribute a list of all nominees so received to all members of Convention no later than 30 days before the meeting of the Convention. A ballot shall be prepared on which shall be printed the names of the nominees submitted in the above manner. The ballot shall indicate which names have been submitted by the Nominating Committee. Provision shall also be made on the ballot that write-in votes may be cast for those nominated from the floor of Convention.

SECTION 8. All terms of office designated by the Constitution or Canons to be in years shall, unless otherwise specified in these Canons, be measured from the adjournment of the Annual Convention in which elected or appointed to the adjournment of a subsequent Annual Convention.

and be it

Further resolved, That Section 11 of Canon 13 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 11. (a) The Trustees of the Venture in Mission Endowment Fund shall receive and invest or reinvest the funds of this trust according to the standards of fiduciary management and in accordance with such requirements as may be set forth in the Constitution and Canons of the Episcopal Church and the Diocese of New Jersey.

(b) After the final allocation of Venture in Mission Funds by the Convention in November 1984, the Principal of this Fund shall be inviolate and shall constitute a permanent endowment of this Diocese.

(c) The income of this Fund shall be delivered periodically to the members of the Diocesan Council to be administered by them in a manner approved and directed by the Convention in support of ~~the programs set forth in the Final Report of the Commission on Planning and Development and approved by the Convention on November 8, 1980, or~~ such programs as may hereafter be authorized by the Convention for purposes consistent with the objectives set forth therein. Each year the Diocesan Council shall present to the Convention for approval a Venture in Mission Endowment Fund Budget for the ~~current~~ next year to support the said programs.

(d) The Trustees shall retain the right to receive additional funds on account of principal at any time, and may, with the concurrence of the members of the Diocesan Council, convert to principal any portion of income not currently required for purposes of the Trust.

and be it

Further resolved, That Sections 2 and 3 of Canon 14 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 2. At each annual meeting, the Convention shall adopt a ~~Preliminary~~ Diocesan Budget for the ensuing calendar year. In ~~January~~ of that ensuing year, the Diocesan Council may ~~change~~ modify the ~~Preliminary~~ Diocesan Budget and will adopt a ~~Revised Preliminary~~ Diocesan Budget. ~~The Convention in March of that ensuing year may further modify the Revised Preliminary Diocesan Budget and shall adopt such Budget as the Affirmed Diocesan Budget for the then current calendar year.~~ as necessary.

SECTION 3. Each Diocesan Congregation's Marks of Mission Giving Asking shall be shown in and be a part of the ~~Preliminary~~ Diocesan Budget. The actual Marks of Mission Giving Pledges for each Diocesan Congregation shall be shown in and be a part of the ~~Revised Preliminary Diocesan Budget and the Affirmed Diocesan Budget~~ as modified throughout the year by the Diocesan Council and reported to the next Annual Diocesan Convention.

and be it

Further resolved, That Section 4 of Canon 15 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 4. The ~~Preliminary~~ Diocesan Budget shall be established pursuant to the rules in subsections (a) through (d) below:

(a) Each ~~January~~ September, the Finance and Budget Committee shall prepare and present to the Council a draft of the ~~Preliminary~~ Diocesan Budget for the ensuing year. The ~~Preliminary~~ Diocesan Budget shall include the Marks of Mission Giving Asking established under Canon 16, Section 1(a) and (b) for each Congregation.

(b) The Diocesan Council, taking into consideration all information then available, shall adopt a proposed ~~Preliminary~~ Diocesan Budget for the ensuing year in which the appropriations are equal to the anticipated Marks of Mission Giving Pledges and other sources of revenue which may be applied to appropriations. A copy of the proposed ~~Preliminary~~ Diocesan Budget for the ensuing year shall be mailed to each member of the Convention. In the materials provided to the members of Convention the Diocese shall provide a balance sheet, which shows the assets and liabilities of the Diocese as of both the beginning and the end of the most recent calendar year. The amount of cash and investment type assets and the fair market value of investments or reinvestments held by each fund, trust or account shall be disclosed.

(c) The Convention shall consider the proposed ~~Preliminary~~ Diocesan Budget, make whatever changes it deems appropriate, and adopt a ~~Preliminary~~ Diocesan Budget for the ensuing year. A copy of

the ~~Preliminary~~ Diocesan Budget for the ensuing year adopted by the Convention shall be mailed to each Identified Representative.

(d) A copy of the audited diocesan financial statements for the calendar year ended prior to the Convention and the related management letter prepared by the independent public accountant engaged by the Diocese shall be sent to any member of the Convention when available upon that member's request.

and be it

Further resolved, That Section 5 of Canon 15 be deleted and Section 6 be renumbered to 5 and amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION ~~5-6~~. (a) The Diocesan Council shall direct the Chief Financial Officer and the Treasurer of the Diocese to make necessary expenditures in each calendar year ~~until the Diocesan Budget for that year has been affirmed. The rest of the year, funds appropriated~~ in accordance with the Affirmed Diocesan Budget for that year shall be expended through the Chief Financial Officer subject to the supervision of the Diocesan Council. The Diocesan Council shall monitor the finances of the Diocese throughout the course of the year to maintain a balanced budget. The total amount expended through the Affirmed Diocesan Budget in any year shall not exceed the total amount of the receipts, unless a deficit either has been approved by a majority vote of all members of the Diocesan Council to permit the Diocese to timely prepare its financial statements or has been authorized by the Convention.

(b) The Chief Financial Officer or the Treasurer shall have the authority to use funds appropriated for one purpose for another purpose specified in a different line item of the Diocesan Budget so long as the aggregate of all expenditures does not exceed the total expenditures provided in such Budget. The exercise of such authority shall be subject to the review and affirmation or disapproval of the Diocesan Council. This provision shall apply to all funds available for paying expenses contemplated in the Budget, including surplus funds, balances carried forward from previous years, reserves carried forward from previous years in support of line items, all funds received during the course of the year from sources enumerated in the Diocesan Budget and all funds received from other sources. The Diocesan Council must approve in advance any expenditure of funds for new ventures or initiatives not contemplated in the Diocesan Budget construction and approval process.

~~(c) On a date in January set by the Diocesan Council, the Diocesan Council shall adopt and promptly mail to each member of the Convention a Revised Preliminary Diocesan Budget for the current year.~~

and be it

Further resolved, That the first sentence of Section 3 of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

By ~~October~~ September 1 of each year, the Chief Financial Officer of the Diocese shall mail to Identified Representatives a report on the Income Base and Marks of Mission Giving Askings of all Diocesan Congregations for the ensuing year, and will include in that mailing a pledge commitment form to be used by each Diocesan Congregation in submitting its Marks of Mission Giving Pledge for the following year.

and be it

Further resolved, That the first sentence of Section 3, subsection (d) of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

For each year, Diocesan Council and the Finance and Budget Committee will recommend to the delegates at the annual convention an amount not less than \$500 and not more than \$2,000 as an "Outreach Credit" to be treated as a reduction of the subsequent year's Marks of Mission Giving Asking to each Congregation and to be included in the ~~Preliminary~~ Diocesan Budget for the subsequent year pursuant to Canon 14, Section 3.

and be it

Further resolved, That the first sentence of Section 4 of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

No later than December ~~31~~, each Diocesan Congregation shall advise the Chief Financial Officer or the Treasurer whether it will pay the full amount of its Marks of Mission Giving Asking for the following year, in which case it shall submit a Marks of Mission Giving Pledge for such following year.

and be it

Further resolved, That the first sentence of Section 5, subsection (b) of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

On or before December ~~31~~ in each year, any Congregation not pledging payment of its full Marks of Mission Giving Asking for the following year must make written application to the Board of Consultation for a reduction in the Marks of Mission Giving amount, supplying such information and engaging in such consultation and oversight as the Board may require.

and be it

Further resolved, That Section 3 of Canon 27 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 3. (a) No later than ~~June 15~~ May 15 of each year, the Board shall distribute information about and application forms for financial assistance for the ensuing calendar year to all Mission churches of the Diocese that receive such aid and to any other church that requests such information. Applications from the churches shall be submitted by ~~October~~ August 1.

(b) The Board shall consider the applications, together with recommendations received from the Bishop and diocesan staff, and information received from the Finance and Budget Committee about the availability of funds for the ensuing calendar year.

(c) No later than ~~December~~ October 1 of each year the Board shall prepare and distribute a report consisting of a list showing the assistance approved for churches for the current year, the amount of assistance distributed to each church to date in the current year, a list of recommended allocations for assistance for the ensuing calendar year, and information explaining the Board's recommendations. Copies of the report shall be distributed to each member of the Council, the Bishop, the Treasurer, the Chief Financial Officer, the Finance and Budget Committee, and to each church that has applied for assistance.

(d) The Council shall take into consideration the report and recommendations of the Board of Missions, the recommendations of the Bishop and the staff, information received from the Finance and Budget Committee about the availability of funds, and any additional information submitted by the applicants, and no later than ~~December 31~~ October 15 shall adopt a budget for the allocation of assistance to Mission churches for the ensuing calendar year. A copy of this budget shall be sent to the Bishop, the Treasurer, the Chief Financial Officer, the Finance and Budget Committee, and to each church that has applied for assistance.

(e) The Finance and Budget Committee and the Council shall prepare the ~~Revised Preliminary~~ Diocesan Budget so that it provides sufficient funding in the line item for Missions to cover all of the appropriations in the budget for the allocation of assistance.

and be it

Further resolved, That Section 4 of Canon 30 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 4. There shall be an annual meeting of each Convocation which shall be held at a date in the month of September or October ~~or November~~ in each year as may be determined by each Convocation but the Convocation may meet at such other times for the conduct of business and the presentation of programs.

and be it

Further resolved, That Section 2 of Canon 35 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 2. The Bishop of this Diocese shall appoint, annually, ~~upon the opening of the Convention,~~ a Committee of The Church Pension Fund to consist of two presbyters and two lay persons, for a term of one year and until their successors shall have been appointed or qualified, and the Bishop may from time to time fill by appointment any vacancies in said Committee caused by resignation, death or inability to act.

and be it

Further resolved, That Section 2 of Canon 36 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 2. (a) The Benefits Committee shall review annually the coverage terms and premium costs of the benefit programs established in Sections 3 and 4 of this Canon. It shall report annually to the Diocesan Convention its findings and recommendations on pertinent matters affecting these programs. The overall level of benefits of these programs shall not be changed without the approval of the Convention. Between meetings of the Convention, in the case of urgent need, or when specifically authorized by Convention to act in its stead, the Benefits Committee may approve changes in the benefit programs as it deems necessary.

(b) The Benefits Committee may, with the consent of the Diocesan Council, engage professional consultants to assist it with its work. Provision for the expense of such consultants shall be made in the Diocesan Budget.

(c) The Benefits Committee shall advise the Chief Financial Officer of the Diocese in matters pertaining to the administration of the benefits programs, including standards of eligibility for participation in the plans. Eligibility shall be defined under Section 3 of this Canon for Active Clergy and Lay Employees, and under Section 4 of this Canon for Retired Clergy and Retired Lay Diocesan Employees, as well as under the Retired Clergy and Lay Diocesan Employees Health Insurance Benefits Policies established by the Benefits Committee and reviewed annually as set forth in the first paragraph of this Section.

(d) The Benefits Committee, with the help of Diocesan staff, shall provide an educational program, offered on an annual basis, to provide information on the eligibility and coverage provisions of the benefits programs.

and be it

Further resolved, That Sections 6 through 17 of Canon 37 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 6. The "Diocesan Investment Trust" shall present to each annual meeting of the Convention a financial report of its affairs.

SECTION 7. The Diocesan Council of the Diocese of New Jersey, the Trustees of Church Property of the Diocese of New Jersey, the Trustees of the Aged and Infirm Clergy Fund of the Diocese of New Jersey, the Trustees of the Widows, Widowers and Orphans of Clergy Fund of the Diocese of New Jersey, the Trustees of the Missionary Fund of the Diocese of New Jersey, the Trustees of the Episcopal Fund of the Diocese of New Jersey, the Trustees of the Venture in Mission Endowment of

the Diocese of New Jersey and the Trustees of the Episcopal Evergreens Fellowship Fund of the Diocese of New Jersey, are hereby authorized to invest or reinvest any or all funds held by them in trust in shares or interests in the "Diocesan Investment Trust", hereinafter described, and to assign, transfer and set over to it cash and securities in which the trust funds of each of said corporations are invested or reinvested, and any Diocesan Congregation or other diocesan or congregational organization may likewise, with the consent of the Board of Trustees of the "Diocesan Investment Trusts", deposit with it, funds for investment or reinvestment held either as fiduciary or otherwise, the same to be invested or reinvested by the "Diocesan Investment Trust" and the income from the same to be paid in the manner hereinafter set forth; provided that, in the case of funds held as fiduciary, such investment or reinvestment is not prohibited by the wording of the will, deed or other instrument creating such fiduciary relationship.

SECTION 8. The "Diocesan Investment Trust" is in its absolute discretion, authorized to retain or change any investments and securities and invest or reinvest all or any part of the funds entrusted to it in such securities, investments and other property as the Board of Trustees shall deem advisable, without being restricted to those classes of securities which are lawful for the investment of trust funds under the laws of this State.

SECTION 9. All securities received and accepted by the "Diocesan Investment Trust" shall be taken at a value to be agreed upon between the depositor thereof and the "Diocesan Investment Trust". New Accounts may be opened with a minimum of \$1,000 or such higher initial investment as the Board of Trustees in its discretion may establish. Additional incremental investment may be made with amounts of \$500 or more, provided, however, that investment of a dividend of any amount in additional shares shall be permitted; and, provided, further that the Board of Trustees in its discretion may establish that a dividend payment amount between \$0.01 and \$50 to an individual shareholder shall instead automatically be invested in additional shares. Acceptance of any securities, except cash, may be refused by the "Diocesan Investment Trust". The Board of Trustees in its discretion may establish a minimum share balance, below which a shareholder's shares and interest shall be redeemed.

SECTION 10. Upon receipt on or before the 20th of each calendar month, by the "Diocesan Investment Trust" of an offer in writing in a form acceptable to the Board of Trustees to subscribe to shares in the "Diocesan Investment Trust", the Board of Trustees may accept such offer and a Custodian Bank may issue a statement of share or shares as hereinafter provided with the dollar value fixed by the Board of Trustees, and based upon the net asset value of each outstanding share of the "Diocesan Investment Trust" as of the last business day of the previous calendar month.

SECTION 11. The net asset value of each share shall be determined by ascertaining the fair value of the entire fund, as of the first business day of each calendar month in which said statement shall be issued as aforesaid, including income accrued on bonds and dividends theretofore declared on stock held in the common fund, but not then received by the Trustees, and payable to holders of record on a date prior to the said last business day of the previous calendar month, and dividing said value by the number of shares then outstanding on the date of such determination; from this value there shall be deducted the proportionate part of any unpaid expenses then accrued; and the results so determined shall be the net asset value of each share then outstanding. In determining the fair market value of the fund, the "Diocesan Investment Trust" shall use market values wherever such values are available, but where they are not available, it, in the discretion of its Board of Trustees, may determine fair value on any other basis, which to the Board seems fair and reasonable.

SECTION 12. The shares aforesaid shall not be transferable, provided, however, that in its discretion the Board of Trustees may approve the transfer of shares to a successor of the shareholder.

SECTION 13. The ownership of shares shall not entitle the shareholder to any title in, or to the whole or any part of, the trust property, or right to call for a partition or division of the same, nor shall the ownership of shares constitute the holders thereof partners; nor shall the shareholder be called upon for the payment of any sum of money or assessment whatever except as provided in Section 9.

SECTION 14. Upon the deposit with and acceptance by the "Diocesan Investment Trust", of cash, or checks made payable to the DIOCESAN INVESTMENT TRUST, or securities as aforesaid, a

Custodian Bank for the "Diocesan Investment Trust", shall issue to the respective depositors statements representing the share or interest of each depositor in the common trust fund.

SECTION 15. Upon delivery by any depositor of trust funds in cash or securities and acceptance thereof as provided in Section 7 hereof, such depositor shall be relieved of any and all liability whatsoever of or respecting the funds so deposited, except liability which may have accrued before delivery to the "Diocesan Investment Trust."

SECTION 16. The income from the common trust fund held by the "Diocesan Investment Trust" shall be paid in the manner provided by law and by the ~~by laws~~ bylaws of the "Diocesan Investment Trust". All gains or losses in said common trust fund shall be shared proportionately by holders of shares or interest in said fund. Dividends shall be declared and paid at times and in amounts determined in the discretion of the Board of Trustees. Subject to the provisions of Section 9 above, any shareholder may elect to receive a dividend check or may reinvest a dividend with a purchase of additional shares.

SECTION 17. The books of account, securities and other records of the "Diocesan Investment Trust" shall at all times be available for inspection by the Audit Committee of the Diocese or its duly authorized agent.

and be it

Further resolved, That Section 1 of Canon 75 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 1. All proposed amendments of the Constitution or Canons shall be submitted electronically or by mail to the Standing Committee on Constitution and Canons for its study, report and recommendation, if any, on or before the ~~December~~ September 1 prior to the Convention at which it is to be considered. No proposed amendment of the Constitution or Canons shall be considered by the Convention unless such proposed amendment shall have been referred to the Standing Committee on Constitution and Canons.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part VIII

Various Canons

Replacing the Chief Financial Officer with a Different Administrative Assistant

Among the changes implemented by Bishop French was the termination of the former Chief Financial Officer of the Diocese and a redesignation of several positions among diocesan staff. Canon 23 now provides, in pertinent part:

CANON 23

Administrative Assistance for the Bishop

SECTION 1. The Bishop, with the concurrence of a majority of the Standing Committee, may appoint a suitable person or persons to assist with the administration and ministry of the Diocese. They may be given the titles Archdeacon, Canon to the Ordinary, Administrative Assistant or some other title designated by the Bishop.

SECTION 2. Their responsibilities shall be defined in writing by the Bishop. They shall be directly responsible to the Bishop and shall serve under the Bishop's direction and control. Their tenure of office may be ended upon six months' notice by the Bishop.

....

SECTION 4. The salary, housing, and expense allowance of the Administrative Assistants shall be provided for by the Diocesan Council in the Diocesan Budget.

In contrast to Section 2 of Canon 23, Canon 22 sets different termination provisions for the Chief Financial Officer (along with the Treasurer):

SECTION 1. The Treasurer, elected annually by the Convention, as provided by the Constitution of the Diocese of New Jersey, shall serve as the executive financial overseer of trust funds and other funds for which the Convention is responsible. The Bishop with the concurrence of the Standing Committee may appoint a Chief Financial Officer of the Diocese who shall provide financial services to the Diocesan Council and the Trustees of Diocesan Trust Funds. . . .

SECTION 2. The tenure of office of the Treasurer or of the Chief Financial Officer may be ended by action of the Convention. In the interim between meetings of the Convention the tenure of office of the Treasurer or of the Chief Financial Officer may be terminated, by a two-thirds vote of the Standing Committee, the Bishop recommending or concurring.

As set forth in the budget materials for the passage of the Preliminary Budget for 2024 presented to the Special Convention of the Diocese held December 9, 2023, the responsibilities of the former Chief Financial Officer will going forward be carried out by the Canon to the Ordinary for Administration and Finance (although the title may change in the future), one of the Administrative Assistants covered by Canon 23. This reflects a determination by the new Bishop that the staff member who carries out these duties need not be equivalent to the Treasurer elected by the Convention but should be treated as another member of the diocesan office staff.

Existing Canons contain numerous references to the Chief Financial Officer, often working with or alternative to the Treasurer. The Bishop has asked the Committee to propose changes to eliminate such references, rather than going forward with assigning a staff member a title of "acting Chief Financial Officer". The Committee takes this opportunity to utilize the title to "Bishop Diocesan" as implemented in Episcopal Church Canons.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution VIII: *Resolved*, That the first sentence of Section 4 of Canon 14 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

Diocesan funds shall be expended through the ~~Chief Financial Officer~~ Treasurer and the Administrative Assistant designated under Canon 22, subject to the supervision of the Diocesan Council.

and be it

Further resolved, That Sections 2 and 3 of Canon 15 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 2. The duty of the Finance and Budget Committee shall be to assist the Diocesan Council in all phases of the preparation of the Diocesan Budget. The Committee may also consult with the Audit Committee of the Diocese, the Trustees of the Diocesan Trust Funds, other committees of the Diocese, and such others as it deems appropriate. The duty of the Finance and Budget Committee shall further be to maintain general supervision over the financial affairs of the Diocese in the following ways:

- (a) To designate the security to be given by the ~~Chief Financial Officer of the Diocese, and the Treasurers of the Convention~~ Treasurer of the Convention, the Administrative Assistant designated under Canon 22, and of all Boards, Trusts, Funds and Committees over which the Convention has authority;
- (b) To designate or approve the depositories of the funds, securities, and valuable property in the custody of such ~~Treasurers~~ fiduciaries;
- (c) To secure simplicity, accuracy, and uniformity in the collection, distribution and accounting of all funds and accounts of any diocesan or congregational entities including discretionary accounts and funds;
- (d) To advise the Bishop, officers of the Diocese and the Diocesan Council in financial and business matters;
- (e) To designate the persons who are authorized to sign checks or otherwise make withdrawals from all diocesan accounts.

The Finance and Budget Committee shall at all times comply with the provisions of Title I, Canon 7, Sections 1 and 2 of the Canons of the Episcopal Church.

SECTION 3. Each Diocesan Congregation shall identify its rector or vicar and the treasurer of that Congregation ("Identified Representatives") to the Administrative Assistant designated under Canon 22 ~~the Chief Financial Officer of the Diocese~~. Whenever required under the Canons, or by operating procedures, mailings shall be sent to each Identified Representative.

and be it

Further resolved, That subsection (a) of Section 5 of Canon 15 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

(a) In January of each year, the the Administrative Assistant designated under Canon 22 ~~Chief Financial Officer of the Diocese~~ shall provide the Finance and Budget Committee an accounting of the Marks of Mission Giving Pledges which have been paid by the Diocesan Congregations for the year just completed and the amount of Marks of Mission Giving Pledges to which Diocesan Congregations have committed for the current year.

and be it

Further resolved, That subsections (a) and (b) of Section 6 of Canon 15 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 6. (a) The Diocesan Council shall direct the Treasurer and the Administrative Assistant designated under Canon 22 ~~Chief Financial Officer of the Diocese~~ to make necessary expenditures in each calendar year until the Diocesan Budget for that year has been affirmed. The rest of the year, funds appropriated in accordance with the Affirmed Diocesan Budget for that year shall be expended through the Treasurer and the Administrative Assistant designated under Canon 22 ~~Chief Financial Officer~~ subject to the supervision of the Diocesan Council. The Diocesan Council shall monitor the finances of the Diocese throughout the course of the year to maintain a balanced budget. The total amount expended through the Affirmed Diocesan Budget in any year shall not exceed the total amount of the receipts, unless a deficit either has been approved by a majority vote of all members of the Diocesan Council to permit the Diocese to timely prepare its financial statements or has been authorized by the Convention.

(b) The ~~Chief Financial Officer or the~~ Treasurer or the Administrative Assistant designated under Canon 22 shall have the authority to use funds appropriated for one purpose for another purpose specified in a different line item of the Diocesan Budget so long as the aggregate of all expenditures does not exceed the total expenditures provided in such Budget. The exercise of such authority shall be subject to the review and affirmation or disapproval of the Diocesan Council. This provision shall apply to all funds available for paying expenses contemplated in the Budget, including surplus funds, balances carried forward from previous years, reserves carried forward from previous years in support of line items, all funds received during the course of the year from sources enumerated in the Diocesan Budget and all funds received from other sources. The Diocesan Council must approve in advance any expenditure of funds for new ventures or initiatives not contemplated in the Diocesan Budget construction and approval process.

and be it

Further resolved, That the first sentence of Section 3 of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

By October 1 of each year, the ~~Chief Financial Officer of the Diocese~~ Administrative Assistant designated under Canon 22 shall mail to Identified Representatives a report on the Income Base and Marks of Mission Giving Askings of all Diocesan Congregations for the ensuing year, and will include in that mailing a pledge commitment form to be used by each Diocesan Congregation in submitting its Marks of Mission Giving Pledge for the following year.

and be it

Further resolved, That the first sentence of Section 4 of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

No later than December 31, each Diocesan Congregation shall advise the ~~Chief Financial Officer or the Treasurer~~ or the Administrative Assistant designated under Canon 22 whether it will pay the full amount of its Marks of Mission Giving Asking for the following year, in which case it shall submit a Marks of Mission Giving Pledge for such following year.

and be it

Further resolved, That Section 6 of Canon 16 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 6. Payment of the Marks of Mission Giving Pledge submitted pursuant to Section 4 or Section 5(b) of this Canon shall be mandatory for all Congregations starting January 1, 2020. Each Diocesan Congregation shall pay its Marks of Mission Giving Pledge in accordance with the billing procedure established by the ~~Chief Financial Officer~~ Administrative Assistant designated under Canon 22 and approved by the Diocesan Council.

and be it

Further resolved, That the last sentence of Section 1 of Canon 18 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

The ~~Chief Financial Officer of the Diocese~~ Administrative Assistant designated under Canon 22 and other officers of the Diocese may be designated by the Bishop to assist the Audit Committee.

and be it

Further resolved, That subsection (b) of Section 2 of Canon 19 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

- (b) The following members who shall have a seat and voice, but shall not be entitled to a vote:
- (1) The Dean of Trinity Cathedral if not an elected member;
 - (2) The ~~Chief Financial Officer of the Diocese~~ Administrative Assistant designated under Canon 22;
 - (3) A Secretary who shall be elected annually by the voting members;
 - (4) The diocesan executive staff as designated by the Bishop and Diocesan Council;
 - (5) The President of the Episcopal Church Women of the Diocese of New Jersey, if not an elected member;
 - (6) The Treasurer of the Diocese, who shall also be Treasurer of the Diocesan Council.

and be it

Further resolved, That Canon 22 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

CANON 22

Treasurer of Convention and Chief Financial Officer of the Diocese

SECTION 1. The Treasurer, elected annually by the Convention, as provided by the Constitution of the Diocese of New Jersey, shall serve as the executive financial overseer of trust funds and other funds for which the Convention is responsible. The Bishop with the concurrence of the Standing Committee may appoint a ~~Chief Financial Officer of the Diocese~~ an Administrative Assistant who shall provide financial services to the Diocesan Council and the Trustees of Diocesan Trust Funds. ~~The Chief Financial Officer's~~

~~salary and all allowances for expenses shall be provided for in the Diocesan Budget.~~ The Treasurer and ~~such Administrative Assistant~~ the Chief Financial Officer shall give security as designated by the Finance and Budget Committee for the faithful discharge of their duties.

SECTION 2. The tenure of office of the Treasurer ~~or of the Chief Financial Officer~~ may be ended by action of the Convention. In the interim between meetings of the Convention the tenure of office of the Treasurer ~~or of the Chief Financial Officer~~ may be terminated, by a two-thirds vote of the Standing Committee, the Bishop recommending or concurring.

SECTION 3. ~~The Chief Financial Officer and the Treasurer~~ and such Administrative Assistant shall have the authority to invest or reinvest cash balances of diocesan funds for which either of them has responsibility in one or more interest-bearing bank accounts, fully insured by the federal government, or direct obligations of the federal government, or in any recognized money market funds approved by the Finance and Budget Committee of the Diocese.

and be it

Further resolved, That Section 1 of Canon 23 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 1. The Bishop Diocesan, with the concurrence of a majority of the Standing Committee, may appoint a suitable person or persons to assist with the administration and ministry of the Diocese. They may be given the titles Archdeacon, Canon to the Ordinary, Missioner, Administrative Assistant, Office Manager, or some other title designated by the Bishop.

and be it

Further resolved, That Section 3 of Canon 23 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 3. The tenure of office of the Administrative Assistants will not extend beyond the termination of the jurisdiction of the appointing Bishop; provided that: (1) When a vacancy occurs in the office of ~~Diocesan~~ Bishop Diocesan created by the resignation of the Bishop, the Administrative Assistants shall be entitled to at least six months' compensation after the date when the resignation is ~~submitted~~ effective. (2) When a vacancy occurs in the office of ~~Diocesan~~ Bishop Diocesan created in any way other than resignation of the Bishop, the Administrative Assistants shall be entitled to six months' compensation after the date when the vacancy occurs. (3) During a vacancy in the office of ~~Diocesan~~ Bishop Diocesan, the Ecclesiastical Authority with the concurrence of the Standing Committee may continue the services of the Administrative Assistants for all or part of the vacancy. They shall work under the direction and control of the Ecclesiastical Authority.

and be it

Further resolved, That the third and fourth unnumbered subparagraphs of Section 3 of Canon 27 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

No later than December 1 of each year the Board shall prepare and distribute a report consisting of a list showing the assistance approved for churches for the current year, the amount of assistance distributed to each church to date in the current year, a list of recommended allocations for assistance for the ensuing calendar year, and information explaining the Board's recommendations. Copies of the report shall be distributed to each member of the Council, the Bishop, the Treasurer, the Administrative Assistant designated under Canon 22 ~~the Chief Financial Officer~~, the Finance and Budget Committee, and to each church that has applied for assistance.

The Council shall take into consideration the report and recommendations of the Board of Missions, the recommendations of the Bishop and the staff, information received from the Finance and Budget Committee about the availability of funds, and any additional information submitted by the applicants, and no later than December 31 shall adopt a budget for the allocation of assistance to Mission churches

for the ensuing calendar year. A copy of this budget shall be sent to the Bishop, the Treasurer, the Administrative Assistant designated under Canon 22 ~~Chief Financial Officer~~, the Finance and Budget Committee, and to each church that has applied for assistance.

and be it

Further resolved, That the third subparagraph of Section 1 of Canon 28 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

The receipts and expenditures from this Special Account shall be reported annually to the Convention in a manner determined by the Treasurer of the Diocese in consultation with the ~~Chief Financial Officer of the Diocese~~ Administrative Assistant designated under Canon 22 and approved by the Finance and Budget Committee and shall be subject to audit.

and be it

Further resolved, That the second sentence of subsection (b) of Section 2 of Canon 28 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

The Trustees of the Episcopal Fund shall work with the Ecclesiastical Authority, the Treasurer of the Diocese, the ~~Chief Financial Officer~~ Administrative Assistant designated under Canon 22, and the Diocesan Council to develop recommendations regarding the appropriate use of the money, and the Trustees of the Episcopal Fund shall present these recommendations to the Convention.

and be it

Further resolved, That the first sentence of the third unnumbered paragraph of Section 2 of Canon 36 be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

The Benefits Committee shall advise the ~~Chief Financial Officer of the Diocese~~ Administrative Assistant designated under Canon 22 in matters pertaining to the administration of the benefits programs, including standards of eligibility for participation in the plans.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Conclusion

The Committee has received no further timely proposals for consideration for this year. The Committee reminds members of Convention that proposals for amendments to the constitution or canons must be submitted to the Committee by December 1, 2024 for consideration at the 2025 Diocesan Convention. If the above proposals for changing the date of the Annual Convention are enacted, however, the deadline would be for September 1, 2024 for consideration at the 241st Annual Convention to be held on or about November 16, 2024.

The Committee appreciates the input it receives from other diocesan officers and bodies within the areas of their expertise. The Committee also notes that Paul De Sarno, Esq., is completing his current term on the Committee. We thank him for his service to the Committee.

Respectfully submitted,

The Reverend Canon Dr. John P. Mitchell, Chair
Canon Donna L. Freidel, Esq., Vice Chair
Paul De Sarno, Esq.
The Reverend Dr. Jeffrey M. Kirk
Canon Paul Ambos, Esq., Secretary