5. Minimum Requirements for ECC Regions/Dioceses Addressing Liability and Sustainability

*In the **Statutes**, under **Guidelines for the Selection of Bishops**, section **3.0 The Office, Role and Selection of Regional Bishops**, sub-section 3.2 is amended with the following text shown in red:*

> **3.2 Whenever a number of faith communities of the ECC begin to discern the need for the closer, more immediate spiritual leadership of a bishop, that assembly of communities is encouraged to gather together to form a Region (also known as a Diocese). These communities will further discern and prayerfully deliberate their needs and desires. The prior approval of the ECC Synod or of the Presiding Bishop is not required for a group of communities to engage in these initial steps.**

Then a new section 3.3 is proposed to be inserted. This section reads:

> **3.3 Requirements for an ECC Region:**
>
> **a. A Region (a/k/a Diocese) must be a not-for-profit corporation with Section 501(c) tax status. The Region must be financially self-sustaining to be admitted into the Communion and commit its faith communities to meeting both their financial obligations to the ECC and the Region. A Region must form a finance committee prior to admission and have commercially reasonable liability insurance. An Ordinary of a new Region after 2026 may work part time for the Region, but no less than one-third time, and shall be paid a commercially reasonable wage. The Communion holds no financial responsibility for a Region's property or operating expenses. The Communion holds no claim to the property and assets of a Region.**
>
> **b. A Region shall be considered fully received and in good standing provided they are acting in accord with the ECC Constitution and Statutes, its member faith communities have met their financial obligation to the Communion and have implemented healthy boundaries training and practices for their community. The Ordinary of a Region that is not in good standing shall not have voting privileges in the COB.**
>
> **c. A Region is the employer of record for its Ordinary and Regional staff, with the responsibility to practice pre-employment inquiries consistent with these Statutes.**
>
> **d. All the requirements for Pastors and other clergy staff members in the ECC Constitution and Statutes apply to Regions. Ordinaries may authorize exceptions that would allow validly ordained clergy from other denominations to serve faith communities in special circumstances. Such exceptions must be approved by the COB.**
>
> **e. The Communion carries no legal responsibility or liability for the conduct of Regions.**
>
> **f. A Region must comply with the Constitution and Statutes of the ECC. To the extent a Region adopts its own Constitution and Statutes, any provision that conflicts with the ECC Constitution and Statutes shall be null and void. In particular, a Region must have a functioning house of pastors and house of laity to be consistent with the ECC Constitution.**

g. The decision to join a Region is voluntary. An ECC parish or specialized ministry within the definition of a Region (geographic or otherwise) shall make its own decision to join the Region.

*In the **Statutes**, under **Guidelines for the Selection of Bishops**, the existing current sections 3.3 to 3.9 will be renumbered such that each subsection number is incremented by 1 (i.e. 3.3 becomes 3.4, 3.4 becomes 3.5, etc). The former section 3.10 will be deleted. Subsections 3.11 to 3.16 are unchanged.*

This proposal has not been modified significantly from versions sent out in previous legislation packets.

Discussion:

In the ECC governing documents, the terms "region" and "diocese" are used interchangeably to refer to a specific geographic district or territory under the pastoral care and authority of a bishop. Although neither the ECC Constitutions nor the Statutes stipulate a minimum number of faith communities required to form a region, the common assumption is that at least 3 member faith communities are necessary.

This amendment is intended to "plug a hole" in the current ECC governing documents. There is currently little information about the legal status and financial responsibilities and liabilities of a region. While the proposal is NOT an exhaustive definition of a region, it represents real progress in establishing good order for a region/diocese.

Questions & Pros & Cons:

+ The proposal adds substance to the definition of a region or diocese.
+ Good to spell out financial requirements of a region
+ Perfection is the enemy of good progress. Let's make some progress!
- What is "commercially reasonable" liability insurance?
- What is a "commercially reasonable" wage for a region's Ordinary? *(Answer: What other comparable folks are paid in the geographic area for similar services.)*
- Consider moving "**The Communion holds no financial responsibility for a Region's property or operating expenses. The Communion holds no claim to the property and assets of a Region."** from (a) to (e) to keep all the statements together about what the Communion does NOT own/have in respect to a region.
- If the decision to join a diocese is voluntary, can a faith community leave a diocese? Join another non-geographically contiguous diocese? Can a faith community join a diocese that shares its "values" more than its geography?
-

Further questions and discussion provided by Rev. Kate Lehman

In terms of regions (dioceses) the problems that must be included in these sections as we consider them are these:

- What happens if a previously approved region/diocese drops below the required 3 independent communities now required. Does it cease to be a region/diocese? If so, then no ordinary is required, and should an election of bishop go forward? (addresses what happened in Mid-America)
- Can there exist more than one region/diocese in a single large population state (such as California)? There is in most mainline Christian churches), yet this was determined to be

problematic in California, when there were 4 formed communities that did not want to be a part of the existing diocese of California for whatever reason.

- Must a diocese consist of adjacent, contiguous boundaries? Or, can there exist communities in various countries also, if a community sends out priests to found communities? If not, what is the rationale for that position?

These are just starting points for amending the section on regions/dioceses. Until we agree upon what it is and when (or if) it must cease existence, I don't think worrying about paying a bishop and staff should even be an issue.

I agree that there should be an immediate clarification of the obligation for all communities to pay the tithe to the ECC first, and then, if the constitution of the region/diocese stipulates, they may decide whether or not a bishop will receive a stipend, or whether there will be paid staff. Remember that many priests of communities work essentially for free and have no benefits outside their regular employment or retirement. This has been an issue that we were not, in the past, able to reach consensus on. Added to that, another question should be that when voting to form an official diocese/region, should the larger parishes be able to outweigh the decision of small parishes, or should each parish get the same number of votes?

I submit these thoughts for each delegate to ponder. There are undoubtedly thoughts that others may have, and these are only suggested in the spirit of arriving at the best solution for the current status of our beloved communion.

6. Legislation regarding the Leadership Council

*The amendment pertains to **Section II.2.e** of the **Constitution** which currently reads:*

> **The Leadership Council is chaired by the Presiding Bishop and includes the executives/vice-executives of the House of Pastors and the House of Laity and serves as a consultative and coordinating body on matters pertaining to the administration of the Communion that are not expressly reserved to the Presiding Bishop, the Council of Bishops, the House of Laity and/or the House of Pastors. In the event that a decision of the Leadership Council significantly impacts one or all of the regional churches, that decision shall require the advice and consent of the COB.**
>
> **The Leadership Council receives proposed legislation and other business for synod.**

*The proposal **replaces** Section II.2.e with the following new text. This proposal has been altered by the LC since it was distributed previously in the first version of the legislation packet.*

> **The Leadership Council ("LC") operationalizes the ECC's synodal vision of leadership between Synods. The LC consists of the Presiding Bishop and two (2) elected leaders from the House of Laity ("HOL") and two (2) elected leaders from the House of Pastors ("HOP").**
>
> **The Presiding Bishop is the Chair of the LC and represents both the executive function of the Office of Presiding Bishop and of the Council of Bishops.**
>
> **The four (4) elected leaders from the HOL and HOP represent the legislative function and the specific roles reserved for each House in the Constitution. These four (4) leaders are to consult with and advise each other on fulfilling their constitutional responsibilities.**
>
> **The four (4) elected leaders from the HOL and HOP act in a consultative and advisory capacity to the Presiding Bishop pertaining to matters of the Communion.**
>
> **Participation in the LC by the four (4) elected leaders from the HOL and HOP does not delegate any constitutional authority beyond those of their respective Houses.**
>
> **The LC is responsible for planning the Synod or convening a planning group to which they have delegated this task. This work is done in consultation with the Presiding Bishop. The LC is responsible for facilitating the development of legislation for the Synod to consider.**
>
> **The LC shall meet monthly and publish the minutes of its meeting for the leadership bodies and parishes in the ECC.**

Discussion

Questions and Pros & Cons:

+ The proposal allows changes to the leadership structure of HOP or HOL while ensuring balanced representation and vote. In other words, this rewording allows a House to elect an arbitrary number of leaders but only 2 can represent the House on the LC.
+ Appreciate that HOL and HOP should consult and advise each other – represents an improvement over current practice where the HOP seems to "dominate" on the LC.
- Is the LC the executive body of the ECC? *(Answer: No, the Presiding Bishop (PB) is the Executive*).
- Consultation is not the same as collaboration. Working in collaboration or consultation with COB?

- Does not clarify the authority and responsibilities of the LC in addressing ECC issues between Synods. Sections VI (HOL) and VII (HOP) also does not clarify these roles. Is the LC supposed to solve ECC problems? What are the restrictions and limits on their ability to do so? What should they bring to Synod for resolution? What should they resolve themselves? *(Answer: No, the PB, as the Executive, is responsible for resolving issues. The LC can act in an advisory capacity. The Constitution and Statutes currently define the "lanes of responsibility" for the PB, the COB, the HOP and HOL.)*
- Is the LC accountable to anyone?

7. Local Bishop's Term of Office:

*This amendment pertains to section **3.9** under **Guidelines for Selection of Bishops** in the **Statutes** which currently reads:*

> **3.9 A bishop's term of office, when serving a Region, is to be six years, renewable by official re-election by the people of the region and subject to confirmation by the ECC Synod. A bishop's tenure in office will not exceed two consecutive terms. A bishop may be re-elected to a Regional Episcopal office following a period out of office for at least two years.**

This proposal amends 3.9 to read (current text in black, new text in red). This proposal has NOT been altered significantly since it was distributed previously in the first version of the legislation packet.

> **3.9 A bishop's first term of office, when serving a Region, is to be six years. A bishop can be re-elected by the people of the region, subject to confirmation by the ECC Synod, for subsequent terms. Subsequent terms cannot exceed six years but shorter terms can be negotiated prior to re-election with the regional governing body, or with the HOP and HOL delegates if the region lacks such a governing body. A bishop's tenure in office will not exceed two consecutive terms. A bishop may be re-elected to a Regional Episcopal office following a period out of office for at least two years.**

Discussion:

The request is to change this so that the first term is for 6 years and a second term is negotiated. A reading of the current text raises the following observations/questions:

A. It appears that a bishop can only serve 2 terms consecutively. However, it also seems possible that a bishop might serve 3 or more terms as long as the bishop is NOT functioning as the local Ordinary for at least two years after serving one or two terms. Thus, a bishop might serve 2 terms, take 2 years off, then could be re-elected for a 3rd term. Or, a bishop could be elected, serve one term, take 2 years off, then could be re-elected for 2 more consecutive terms. Again, a bishop could be elected and re-elected to 2 terms, take 2 years off, and then be (re)elected to 2 more consecutive terms.
B. If (A) is correct, the intention is that a bishop agreeing to run for re-election can negotiate the term of office of *any subsequent terms* after serving a full 6-year first term and can negotiate the duration of any subsequent term.
C. Should we include a **minimum duration term of office that can be negotiated** (e.g. 2 years) or is it better to leave this open-ended depending on the circumstances and needs of the region or diocese?
D. Should we say the negotiated subsequent term cannot be longer than 6 years?
E. If a bishop is running for re-election against someone who has not served as the local Ordinary in the past, could the bishop negotiate a second term of 2 years, for example, and be running against someone who will serve for 6 years (first term)? Does that complicate things for the regional membership?
F. Who does the bishop negotiate duration of a subsequent term with? If the region/diocese has a governing body that acts as the bishop's employer of record, the negotiation would be with that body. If the region does not have a governing body, should the negotiation be conducted with the regional clergy (bishop is shepherd to the shepherds) only or both the HOP and HOL delegates (clergy and laity alike have a say)?
G. When does the negotiation happen?
H. The current wording implies that the total consecutive years as Ordinary cannot exceed 12 years (2 terms at 6 years each). If a bishop negotiates a shorter second term, can the bishop be re-elected to additional shorter consecutive terms to fill out that second 6 years? In other words, is the limit 2 terms (regardless of length) or 12 years (regardless of number of consecutive negotiated shorter terms?

Pros & Cons:

+ This change could be a temporary "fix" for a region that is facing difficulties identifying candidates when calling for a new bishop.
- Feels unsettling or complicating to have someone running for election that doesn't want to serve a full term. For example, does it complicate an election to have a bishop running for a 2-year second term run against someone running for 6 years?
- Are shorter terms less fruitful?
- Drain on region/dioceses to have a lengthy call process for a short term and then do it again a few years later.
- Why do the ECC's governing documents even address bishop term limits? Shouldn't that be a regional decision?

8. External Relations (Proposal 1)

This is the first of 2 proposals to replace Section V of the Statutes which currently reads:

> **1.0 Where the relationship of the Ecumenical Catholic Communion with other jurisdictions or denominations includes 1) the integration of a jurisdiction into the Communion; or 2) shared ministry or involvement in the governance of the other, an intercommunion agreement is required pursuant to the procedures in the Constitution to describe the relationship. (*Amended 10-26-2007*)**

The proposed replacement wording is:

> **It is the fervent belief and standing policy of the Ecumenical Catholic Communion that all ordained Catholic bishops, priests, and deacons along with the laypersons in their associated faith communities are members of one holy catholic and apostolic church.**
>
> **We therefore welcome them to speak with us in a single voice to the world, to participate in the sacramental life of the ECC, and to participate in shared ministry and serve in pastoral roles in communities that select them for these roles, including joining with us in shared governance, with mutual agreement of the respective ordinaries.**
>
> **We desire to make this unity a greater reality by forming intercommunion agreements, statements of common theological belief, and mutual recognition of clergy with other Catholic jurisdictions. We actively welcome applications from Catholic jurisdictions and faith communities to integrate into the Communion as dioceses/regions and faith communities respectively. Nothing in this article should be construed to imply that intercommunion agreements, statements of common theological belief, or mutual recognition of clergy between the Communion and other Catholic jurisdictions exist unless explicitly agreed to by those jurisdictions.**

Discussion:

> *This is a revised version of the same proposal reviewed on Sep 15. The changes are found in the 2nd and 3rd paragraphs. Below follows a discussion of this proposal by the authors and cosigners. (NOTE: During the legislative review meeting on Sep 15, members of the Ecumenical Advisory Commission asked about another proposal that was submitted by the Commission but was not included in the first legislative packet. That other proposal is now included immediately following this one.)*
>
> "Unity will not come about as a miracle at the very end. Rather unity comes about in journeying. If we do not walk together, if we do not pray for one another, if we do not collaborate in the many ways that we can in this world for the people of God then unity will not come about." – Francis, Bishop of Rome, 1/25/2014
>
> Fellow delegates,
> We, the undersigned members and associates of the ECC, propose the below amendment to the ECC statutes. The purpose of this amendment is to make unity, cooperation, collaboration, shared ministry, and mutual recognition between different Catholic jurisdictions the norm rather than an extenuating circumstance (paragraphs 1 & 2).
> We also hope to make greater unity between the ECC and other jurisdictions whether through direct merger or strong agreements of association easier and to shift the narrative around such relationships from "maybe, if they meet strict criteria" to "yes, let's work to get there" (paragraph 3), all

while recognizing that there may be good practical reasons to wait or to require an extra layer of approval on such things as mutual recognition of and sharing of clergy but that such practical considerations do not restrict our explicit unity as one church (paragraph 4).

We share the ecumenical philosophy of the late bishop of Rome, Francis, who believed ecumenism comes first from praying, working, and journeying together and then only later through negotiation toward structural and theological agreement and believe the ECC should aspire to live out this philosophy in its ecumenical relationships, especially with other independent Catholic jurisdictions.

Many of our pastors straddle multiple jurisdictions and many of our communities employ or would benefit from employing pastoral staff from other jurisdictions and even denominations. As it stands, these are irregular and tenuous arrangements requiring centralized approval rather than one in accord with the principle of subsidiarity. This proposal would localize the approval process, while maintaining the need for the approval of the local ordinary to protect the communities and the communion from those who might victimize them.

Furthermore, greater cooperation between jurisdictions involves multi-year negotiations to form intercommunion agreements. And yet this highly structured, long, and often unsuccessful process occurs between jurisdictions that are ostensibly part of one church. These circumstances hamper cooperation, collaboration, shared ministry and prayer, and unity in general.

Both circumstances place undue burdens on our communities in seeking and retaining ministers as well as in growing their congregations through cooperation with other communities. Our communities are generally small and spread out. Sharing pastoral staff with other communities is increasingly a pastoral necessity, but the distance to other ECC churches makes this impractical with other communities in the ECC. By streamlining and localizing the process of sharing pastoral staff and the process of mutual recognition, this amendment will place our communities in a better position to hire part-time pastoral staff and to open the way to a greater community growth by tearing down some of the walls that stand in the way. It will also more closely align us with the prayer and fervent hope of Jesus, that “All May be One” (John 17:21)

We also believe that the structure of the ECC rooted in decentralization, democracy, and clear separation of powers makes it the ideal vehicle for leading the effort toward greater unity among the many independent Catholic jurisdictions. Many jurisdictions fear unifying with others because it often means having their identity and freedom subsumed by another group. But the ECC’s structure makes possible a unity that maintains diversity and freedom, in which smaller jurisdictions could become dioceses, regions, or orders within the ECC and independent congregations could join existing dioceses and regions without ceasing to be themselves or losing their voice or freedom.

For the sake living out the unity called for by the Gospel, for the sake of growth, for the sake of our pastors and our communities, and for the sake of preserving and evolving the shining light that is the ECC into the future, we would ask the House of Pastors and the House of Laity to pass this amendment to the statutes and ask Bishop Pablo to sign it.

Thank you,
Rev. Brian Ashmankas
Rev. Celie Katovitch
Rev. Michael Bober
Rev. Michele “Mimi” Maki
Rev. Besem Etchi
Rev. Terese Fandel
Judy Mugerauer
MaryBeth Petesch

Pros & Cons:

+ Appreciate the emphasis and desire to move towards a unified catholic church.

- Not all Catholic jurisdictions ordain women or welcome members of the LGBTQ+ community so it is not clear that these really “speak with us in a single voice to the whole world”. If we don’t encompass catholic jurisdictions that are not inclusive, this proposal does not say how we do that.
- Does this include Roman Catholic Church (RCC)? Many of us are still wounded by experiences in the RCC and don’t want that jurisdiction speaking for us! (I think that edit addresses at least some of the concerns raised the other night. For example, although I would say the RCC is part of wider Catholic Church referred to and this amendment would make it easier to collaborate with them, it would prevent them from muscling their way in to say remove our affirming, egalitarian, and democratic commitments. Rather it would serve as an invitation for them to join us in embracing these values (even while we know they are a long way from doing so and we aren't going to hold our collective breath)
- Why should non-ECC catholic jurisdictions attend our Synods?
- Seems to reduce the PB’s and COB’s roles in establishing intercommunion agreements. We cannot have just anyone making binding agreements with other jurisdictions.
- This collaboration with other Catholic and even non-Catholic jurisdictions (e.g. Episcopalians, ELCA Lutherans) is already happening organically and nothing in our governing documents prevents this. In fact, within the Rocky Mountain region, Bp Frank Krebs signed an inter-communion agreement with the ELCA regional bishop. So is this a needed change?
- This is more a philosophical proposal, than legislative.

9. External Relations (Proposal 2)

This proposal was submitted by the Ecumenical Advisory Commission but was not included in the first legislative packet. It is also intended as a replacement for Statutes, Section V, which currently reads:

> **1.0 Where the relationship of the Ecumenical Catholic Communion with other jurisdictions or denominations includes 1) the integration of a jurisdiction into the Communion; or 2) shared ministry or involvement in the governance of the other, an intercommunion agreement is required pursuant to the procedures in the Constitution to describe the relationship. (*Amended 10-26-2007*)**

The proposed replacement text is:

> **1.0 Where the relationship of the Ecumenical Catholic Communion with other jurisdictions or denominations includes the integration of a jurisdiction into the Communion, an intercommunion agreement is required pursuant to the procedures in the Constitution to describe the relationship.**
>
> **2.0 Where the relationship of the Ecumenical Catholic Communion with other jurisdictions or denominations includes shared ministry or involvement in the governance of the other, an intercommunion agreement is required pursuant to the procedures in the Constitution. This requirement can also be satisfied by interjurisdictional permissions as granted by the respective Ordinaries.**

Discussion:

Our being church together in our ever-changing world faces various challenges. One present reality is a shortage of ECC clergy, particularly in geographically isolated communities. One solution may be calling a clergy member of another Catholic jurisdiction to serve a particular community—which requires flexibility, but good ecclesial order should be maintained. Including an alternative requirement of interjurisdictional permissions of the respective Ordinaries involved brings such decisions down to the local rather than Synodal level.

This proposal was not included in all earlier Legislative packets and was not reviewed in the Zoom Legislative review meeting on Sep 15 but was discussed in the second Zoom meeting on Sep 21.

Pros & Cons:

+ Proposal provides a remedy to address pastoral needs in ECC communities that are geographically isolated. Acknowledges the norm that pastors should be ECC ordained or incardinated but allows an exception.
+ The ECC Ordinary of the remote community owns oversight of working collaboratively with the Ordinary of a pastor candidate who is not ECC. The Ordinary must ensure other pastoral guidelines (e.g. healthy boundaries training, MDiv of equivalent education, psych evals, espouses ECC values, etc) are met.
- Why would someone be a pastor of an ECC community but hesitate about being an ECC member?
- While the Ordinary has a role in vetting a potential non-ECC pastor before hiring, is there an ongoing responsibility for oversight of a hired non-ECC pastor?