



REPORT OF THE RESOLUTIONS COMMITTEE

27th ANNUAL CONVENTION
NOVEMBER 13-14, 2009

RESOLUTION 1

RESOLUTION RATIFYING ACTION ADOPTING RESOLUTION 1 AT SPECIAL CONVENTION AND DECLARING NULL AND VOID CERTAIN PROVISIONS OF DIOCESAN CONSTITUTION AND CANONS AND RESOLUTIONS

WHEREAS, some of the former leadership of the Episcopal Diocese of Fort Worth embarked on a plan to leave the Episcopal Church and purportedly for the Diocese to dissolve its affiliation with the Episcopal Church; and

WHEREAS, in a series of Annual Diocesan Conventions steps were taken by diocesan leadership to modify the Diocesan Constitution and Canons in furtherance of that plan, and in 2007 and 2008 a majority of the delegates voted in favor of certain changes to the Diocesan Constitution and Canons and passed a Resolution, all in an attempt to effect their plan to leave the Episcopal Church; and

WHEREAS certain of those actions are null and void on their face because they are in contravention of the Constitution and/or Canons of the Episcopal Church and/or applicable law and thus are unenforceable, including but not limited to the attempted unilateral disassociation of the Diocese itself from the Episcopal Church, a continuing claim of former diocesan leadership to church property in the Diocese, and an attempted affiliation of the Diocese with the Anglican Province of the Southern Cone; and

WHEREAS, at the Special Meeting of the Convention on February 7, 2009 the Convention adopted Resolution 1 and acknowledged that the need existed to immediately declare those actions to be unenforceable until such time as those governing documents can be formally amended to bring them into conformity with the Constitution and Canons of the Episcopal Church, as provided in the Diocesan Constitution and Canons, beginning at the next Annual Diocesan Convention in 2009; and

WHEREAS, at this Annual Meeting of the Convention, which is the first annual meeting following the illegal actions taken at the November 15, 2008 Annual Meeting of the Convention and following the Special Meeting of the Convention on February 7, 2009, the Convention will be able to amend the canons under Diocesan Constitution Article 18 to delete the illegal provisions of the canons to be effective upon adjournment of this meeting but will only be able to cast the first of two votes required under Diocesan Constitution Article 19 to amend the provisions of the Constitution to delete the illegal provisions to be effective at the adjournment of the Convention's annual meeting in 2010; and

WHEREAS the Convention desires to reaffirm and ratify its action taken at the Special Meeting of Convention on February 7, 2009 in its adoption of Resolution 1 to declare certain provisions of the Constitution, Canons, and Resolutions purportedly adopted as of November 15, 2008 to be null and void and unenforceable from their inception; and

WHEREAS the Convention further desires to declare that the illegal provisions of the Constitution that cannot be formally amended until the Annual Meeting of the Convention in 2010 be declared null and void and unenforceable until they are formally amended.

BE IT THEREFORE RESOLVED, that the Convention reaffirms and ratifies its action taken at the Special Meeting of Convention on February 7, 2009 in its adoption of Resolution 1 to declare the following certain provisions of the Constitution, Canons, and Resolutions to be null and void and unenforceable from their inception; and

BE IT FURTHER RESOLVED, that the Convention further declares that during the time between this Annual Meeting of Convention in 2009 and the Annual Meeting of Convention in 2010, the following illegal provisions of the Constitution that cannot be formally amended until the Annual Meeting of the Convention in 2010 be and are hereby declared null and void and unenforceable until they are formally amended:

Reference	Unenforceable Provision	Reason
Constitution: Preamble (revised 2008)	Deletion of the phrase: “The Episcopal Church, resident in that portion of the State of Texas constituting what is known as . . .”	The Diocese needs geographic boundaries to determine jurisdiction, in conformity with historic understanding of the episcopacy. The provision also needs a reference to Lay and Clergy as being members of the Episcopal Church.
Constitution Article I— Anglican Identity (revised 2008)	Entire Article	The Article deletes all reference to the diocese as a constituent diocese in The Episcopal Church and the authority of its General Convention.
Constitution Article I— Authority of General Convention (revised 1997)	Inclusion of the phrase: “. . ., provided that no action of General Convention which is contrary to Holy Scripture and the Apostolic Teaching of the Church shall be of any force or effect in this Diocese.”	Episcopal Church Constitution Article V.1 requires the diocese to maintain an unqualified accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.
Constitution Article 18—	Deletion of the phrase: “. . .	Episcopal Church

Canons (revised 2008)	and the Constitution and Canons of the Episcopal Church,” in the first sentence.	Constitution Article V.1 requires the diocese to maintain an unqualified accession to the Constitution and Canons of the Episcopal Church. See July 25, 2007 Resolution of the Executive Council of the Episcopal Church.
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Submitted by: The Constitution and Canons Committee

EXPLANATION:

Under Constitution Article 18 the illegal provisions of the canons can be amended effective the adjournment of the Convention. However, it takes votes in two consecutive Annual Conventions to amend the Constitution. This resolution continues the February 7, 2009 declaration of Resolution 1 to declare the illegal provisions of the Constitution to be null and void and unenforceable as we await the second vote at the Annual Convention in 2010 to formally remove that illegal language from the Constitution that is inconsistent with the Church Constitution and canons.

RESOLUTION 2

RESOLUTION RATIFYING RETROACTIVELY ACTIONS OF FEBRUARY 7, 2009 SPECIAL MEETING OF CONVENTION

WHEREAS, as a result of the actions taken at the November 15, 2008 Annual Convention of the Diocese, a significant number of diocesan leaders, both lay and clergy, left the Episcopal Church and its Episcopal Diocese of Fort Worth and claim to have become members of the Anglican Province of the Southern Cone; and

WHEREAS, on December 5, 2008 the Presiding Bishop of the Episcopal Church accepted the renunciation by the former bishop, The Rt. Rev. Jack L. Iker, of his ministry in the Episcopal Church; and

WHEREAS, on December 15, 2008 the Presiding Bishop declared that the members of the Standing Committee of the Diocese were no longer qualified to serve on the Diocesan Standing Committee as they had left the Episcopal Church; and

WHEREAS, because of the actions of former diocesan leaders the Diocese was without a bishop, a standing committee, or other critical diocesan officials to continue the work of the Diocese and the mission of the Episcopal Church; and

WHEREAS, the Presiding Bishop called a special meeting of the Convention of the Episcopal Diocese of Fort Worth for February 7, 2009 to elect a provisional bishop and fill other vacancies in Diocesan offices and take other actions necessary to reorganize the Diocese; and

WHEREAS, at this Annual Meeting the Convention desires to ratify and confirm the calling of that Special Meeting, seating of delegates from the various congregations, and its actions taken at that Special Meeting, including but not limited to each of the resolutions adopted by the Convention and each election and appointment to fill vacant Diocesan offices; and

WHEREAS, despite extensive notice and publicity before and after the February 7, 2009 Special Meeting of Convention regarding the reorganization of the Diocese, including the filling of vacant Diocesan offices, and the continued mission of The Episcopal Church through its reorganized Episcopal Diocese of Fort Worth under the leadership of Bishop Edwin F. Gulick, Jr. and further despite numerous opportunities after February 7, 2009, none of the former Diocesan officials, whose positions were declared to be vacant and which positions were filled on or after February 7, 2009, have made known to Bishop Edwin F. Gulick, Jr. or any other Diocesan or Church officials that the official was qualified to exercise and desired to exercise the duties of that office in the continuing, reorganized Diocese because the official had not left The Episcopal Church and still was a member of the clergy or a lay member in good standing in The Episcopal Church and would conform to his or her ordination vows and/or meet the fiduciary duties required by Church canons in the continued work of the reorganized Diocese; and

WHEREAS, the procedures provided by the Diocesan Constitution and Canons to call the Special Meeting of Convention, select delegates from the various congregations in the

Diocese, or to fill those Diocesan positions so vacated by former diocesan leaders were impossible to comply with as a direct result of the actions of former Diocesan leaders; and

WHEREAS, the Diocese was and remains otherwise burdened by the extraordinary circumstances created by the decisions made at the 26th Diocesan Convention in 2008 and consequent abandonment of the Episcopal Church and its Episcopal Diocese of Fort Worth by Diocesan leaders; and

WHEREAS, under these extraordinary circumstances strict application of the provisions of the Diocesan Constitution and Canons regarding filling vacant Diocesan offices would have paralyzed the Diocese and worked an injustice, contrary to the intention and purpose of the Constitution and Canons; and

WHEREAS, it was and is in the best interest of the Episcopal Church and its continuing Episcopal Diocese of Fort Worth for the Convention of the Diocese to have met in February 7, 2009 and to have declared certain offices to be vacant and to have expeditiously selected and installed qualified officials to fill the offices vacated by those who have left the Episcopal Church so that the work and mission of the Diocese may have proceeded in the months proceeding this Annual Meeting of the Convention, which it has done.

BE IT THEREFORE RESOLVED that the Convention hereby declares that, in addition to those offices previously declared vacant by the Presiding Bishop, the offices filled by election or appointment on and after February 7, 2009 were in fact vacant on February 7, 2009 and the procedures for filling those vacancies are hereby ratified and regularized even if there were not technical compliance with the applicable governance provision in doing so.

IT IS FURTHER RESOLVED that the Convention hereby declares that each of the resolutions, elections, appointments, and other actions taken at the Special Meeting of the Convention, including but not limited to the call of the Special Meeting of Convention, the selection and qualification of deputies from the various congregations in the Diocese, and the filling of those Diocesan positions so vacated by former diocesan leaders, be and are hereby declared to be ratified retroactively to February 7, 2009.

IT IS FURTHER RESOLVED that, to the extent it was impossible to comply with the procedures established by the Constitution or Canons or other applicable authority to fill the vacancies in these offices, the Convention finds that the procedures used to fill those vacancies at and after that Special Meeting of the Convention be and are hereby declared to be valid.

Submitted by: The Resolutions Committee

EXPLANATION

The actions of former diocesan leaders made it impossible to comply with certain canonical and constitutional provisions related to the Special Convention. By this resolution the Convention at its Annual Meeting ratifies and acknowledges that those actions are valid.

RESOLUTION 3

CHURCH PROPERTY AND LITIGATION

WHEREAS Church Canon I.7.4 documents the existing trust interest of The Episcopal Church and its Episcopal Diocese of Fort Worth in all parish and mission property, real and personal, in the Diocese; and

WHEREAS Canon I.7.4 conditionally grants limited authority and power to local parish and mission officials to use and control the property only “so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons;” and

WHEREAS since at least November 15, 2008 the real and personal property, including dedicated and consecrated churches and chapels, funds, and records, of certain parishes and missions which, though they are still part of The Episcopal Church and this Diocese, have been adversely held, used and controlled by those who claim not to be subject to The Episcopal Church and its Constitution and Canons and have permitted unauthorized use of the parish or mission property in violation of Church and Diocesan Constitution and Canons, including the conditional authority granted under Church Canon I.7.4; and

WHEREAS such actions constitute a violation of the fiduciary duties imposed on church officials under Church Canon I.17.8, and/or a violation of oaths of ordination to “conform to the Doctrine, Discipline, and Worship of The Episcopal Church” under Church Constitution Article VIII; and

WHEREAS, despite ample opportunity since November 15, 2008, those persons have failed to acknowledge the authority of the Provisional Bishop and other officials of the Diocese or of The Episcopal Church and failed to acknowledge the interest of the Church and the Diocese in the property.

BE IT THEREFORE RESOLVED that the Convention does hereby declare that as of on or about November 15, 2008 the real and personal property, including dedicated and consecrated churches and chapels, funds, and records, of the following parishes and missions of the Diocese have not been held in compliance with the conditional grant of authority to parish and mission leaders to use and control the property under Church Canon I.7.4:

City	Non Compliant
Alvarado	<i>St. Anthony M</i>
Arlington	St. Alban**
Arlington	St. Mark
Arlington	St. Peter/Paul
Arlington	<i>St. Philip M</i>
Bedford	St. Vincent
Bowie	<i>St. Patrick M</i>
Breckenridge	St. Andrew
Brownwood	Good Shepherd

Brownwood	St. John
Burkburnett	<i>St. John the Divine M</i>
Cleburne	Holy Comforter
Comanche	<i>St. Matthew M</i>
Dublin	<i>Trinity M</i>
Eastland	<i>Holy Trinity M</i>
Fort Worth	Christ the King**
Fort Worth	Holy Apostles**
Fort Worth	<i>San Juan Apostol M</i>
Fort Worth	St. Andrew
Fort Worth	St. Anne**
Fort Worth	<i>St. Barnabas M</i>
Fort Worth	St. John
Fort Worth	St. Michael
Fort Worth	<i>San Miguel</i>
Fort Worth	St. Simon Cyrene**
Fort Worth	<i>St. Timothy M</i>
Gainesville	St. Paul
Graford	<i>St. Peter by the Lake M</i>
Graham	<i>Holy Spirit M</i>
Granbury	Good Shepherd**
Grand Prairie	St. Andrew
Grand Prairie	<i>St. Joseph M</i>
Grapevine	St. Laurence
Hamilton	<i>St. Mary M**</i>
Henrietta	<i>Trinity M</i>
Hillsboro	<i>St. Mary M**</i>
Hubbard	<i>St. Alban M</i>
Hurst	St. Stephen**
Jacksboro	<i>St. Thomas the Apostle M</i>
Laguna Park	<i>Our Lady of the Lake M</i>
Mansfield	St. Gregory
Mineral Wells	<i>St. Luke</i>
Weatherford	All Saints**
Wichita Falls	All Saints**
Wichita Falls	Good Shepherd**
Willow Park	St. Francis of Assisi**
Wise County	<i>Ascension/St. Mark M</i>

[** For these congregations the vestry or bishop’s committees have reorganized but are not in possession or control of the real and personal property of the parish or mission that existed as of November 15, 2008.]

BE IT FURTHER RESOLVED that the Convention declares that the persons who are adversely occupying, possessing, and controlling the above-referenced parish and mission property have no authority to do so.

BE IT FURTHER RESOLVED that the Convention ratifies and supports the efforts of Presiding Bishop Katharine Jefforts-Schori and Bishop Edwin F. Gulick, Jr. and other Church and Diocesan leaders for their stewardship and strong leadership to protect and enforce the interest of The Episcopal Church and the Episcopal Diocese of Fort Worth in, and to protect and

recover possession of, the diocesan, parish and mission property for the mission, use, and benefit of The Church and its Diocese.

EXPLANATION:

Canon I.7.4 (the “Dennis Canon”) was adopted by General Convention in 1979 before the formation of the Diocese. The Diocese made an unqualified accession as a condition of its formation, with consent of General Convention in 1982, from the Diocese of Dallas in 1983. The Dennis Canon recognizes the long-standing trust interest of The Episcopal Church and its Episcopal Diocese of Fort Worth in parish and mission property in the Diocese. It provides a condition, however, that the various congregations may exercise authority over the property “so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.”

The reality is that since November 15, 2008 in some of the congregations of the Diocese the persons who are currently in possession and control of the property now claim to not to be subject to the Episcopal Church or its Constitution and Canons and instead claim to be subject to the Anglican Province of the Southern Cone. Since November 15, 2008 these persons have also permitted the property to be used for the use and benefit of a church which is not The Episcopal Church, a use not authorized by The Episcopal Church or the Diocese, in violation of the Church and Diocesan Constitution and Canons.

Despite this misuse of the property, these Episcopal congregations and their property are still a part of this Church and the Diocese. In some congregations the loyal Episcopalians who remain have reorganized their vestries and called clergy as they actively continue the mission of the congregation; in others the loyal Episcopalians have not yet reorganized.

This resolution declares that the real and personal property of those congregations, as it existed on November 15, 2008, is not being administered by the persons in control in compliance with the Dennis Canon and thus those persons have and have had no authority to control the property since November 15, 2008. The resolution also ratifies the actions of the Church and Diocese to protect and recover possession and use of this property.

Below are excerpts (emphasis added) of some of the canons related to this resolution:

EPISCOPAL CHURCH CANON I.7.4 (DENNIS CANON)

Sec.4. All real and personal property held by or for the benefit of any Parish, Mission, or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission or Congregation otherwise existing over such property so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.

EPISCOPAL CHURCH CANON II.6.4

Sec. 4. Any dedicated and consecrated Church or Chapel shall be subject to the trust declared with respect to real and personal property held by any Parish, Mission, or Congregation as set forth in Canon I.7.4.

**DIOCESAN CANON 30
USE OF DEDICATED AND CONSECRATED CHURCHES**

Sec. 30.1 The dedicated and consecrated Churches and Chapels of the several Parishes and Missions of the Diocese may be opened only for the services, rites and ceremonies, or other purposes, either authorized or approved by this Church, and for no other use.

Submitted by The Resolutions Committee

RESOLUTION 4

PROVISIONAL BISHOP

WHEREAS, the Rt. Rev. Edwin F. Gulick, Jr. has given notice of his intention to resign as Provisional Bishop of the Episcopal Diocese of Fort Worth (the “Diocese”); and

WHEREAS the Standing Committee of the Diocese has consulted pursuant to Canon III.13.1 of the General Convention of the Episcopal Church, with the Presiding Bishop Katharine Jefferts Schori regarding continued placement of the Diocese under the provisional charge and authority of a Bishop of another Diocese or of a resigned Bishop, and recommends The Rt. Rev. _____ to serve as the second Provisional Bishop of the Diocese and calls for his election.

BE IT THEREFORE RESOLVED that this Convention, regretfully but with gratitude for his exemplary service to the Diocese and the Church, accepts the resignation of the Rt. Rev. Edwin F. Gulick, Jr. as Provisional Bishop of the Diocese, effective the date of his resignation.

BE IT FURTHER RESOLVED that, pursuant to Canon III.13.1 of the General Convention of the Episcopal Church, this Convention, in consultation with the Presiding Bishop Katharine Jefferts Schori, places the Diocese under the provisional charge and authority of the Rt. Rev. _____ (the “Provisional Bishop”), a resigned bishop in good standing with the Episcopal Church to serve beginning the effective date of Bishop Gulick’s resignation.

BE IT FURTHER RESOLVED that the Provisional Bishop, who shall serve with jurisdiction, shall be authorized to exercise all the duties and offices of Bishop of the Diocese until such time a bishop is elected and ordained for the Diocese or until this action is revoked by this Convention.

BE IT FURTHER RESOLVED that the Standing Committee of the Diocese shall be authorized to enter into an agreement with the Provisional Bishop providing for the compensation and benefits of the Provisional Bishop.

EXPLANATION:

A Provisional Bishop has the same authority, duties and responsibilities as a Diocesan Bishop. It is critical that a Provisional Bishop be utilized to successfully meet the current pastoral, governance, and legal challenges facing the Diocese. The utilization of a Provisional Bishop with the authority of a Diocesan Bishop will ensure that the necessary tools and authority be available and utilized to ensure a successful continued reorganization of the Diocese and the protection of the Diocese and its assets.

Below is an excerpt of the relevant Church Canon regarding provisional bishops:

TITLE III, CANON 13, Sec. 1. A Diocese without a Bishop may, by an act of its Convention, and in consultation with the Presiding

Bishop, be placed under the provisional charge and authority of a Bishop of another Diocese or of a resigned Bishop, who shall by that act be authorized to exercise all the duties and offices of the Bishop of the Diocese until a Bishop is elected and ordained for that Diocese or until the act of the Convention is revoked.

Submitted by the Resolutions Committee.

