

Introduction to the MCEC 2019 Bylaw Revision

Reasons for Changing the Bylaw

The Executive Council brings a [proposed Bylaw revision](#) for delegate approval at the 2019 Annual Church Gathering. The reasons for an update are as follows:

1. The province of Ontario is planning to change the legislation under which not-for-profit organizations are governed. The revised bylaw will bring MCEC into compliance with the proposed legislation and its legal requirements for not-for-profit organizations.
2. The updated bylaw reflects the changing ways that MCEC does ministry. One important example is the new relationship that we have with Mennonite Church Canada. The new bylaw reflects these changing patterns and specifically names the new covenant with MC Canada.
3. The new bylaw will be easier to follow, provide clearer protocols, and provide greater flexibility to adapt to changing ministry circumstances.
4. The bylaw revision creates a stronger faith-based framework, particularly in terms of framing membership as a covenant relationship between congregations.
5. Bylaws ought to be updated about every five years; it has been 13 years since we last updated our bylaw.

Adoption Process

1. Anyone who is interested is invited to attend electronically hosted meetings in advance of the Annual Church Gathering to ask questions and offer their feedback on the new bylaw. These advance meetings will help ensure that there is enough time at the Annual Church Gathering to deal with other agenda. To that end, the advance meetings will be the primary forum to offer feedback on the bylaw.
2. In addition, the **Executive Council is requesting that any suggestions or motions related to the bylaw revision are submitted to it in writing (electronic or paper) in advance of the Annual Church Gathering.** Please send any suggestions or motions to Joan Schooley at jschooley@mcec.ca. Up to half an hour is allotted in the agenda to process the bylaw motion at the Annual Church Gathering.

Commentary on the Bylaw Revision

While much of the content of the [current bylaw](#) is carried over into the revised bylaw, the structure of the proposed revision is significantly different. A “track changes” approach to comparing the two bylaws is too confusing to be helpful. As an alternative, this bylaw commentary will highlight some of the important differences. If you are interested, the current bylaw is available online for comparison.

Philosophically, an organization’s bylaw is a description of how the organization is legally structured. It describes the basic way that members enter and leave the organization, how the organization is

governed, and what powers are delegated to elected leaders. Although bylaws can be long documents, at their best, they only speak to the essentials required to effectively and fairly operate the organization and ensure that all member voices are heard and respected. Bylaws are not theological statements or day-to-day operational procedures. For instance, this bylaw will point to the *Confession of Faith in a Mennonite Perspective* and a statement on church polity but does not contain the details of those statements. Likewise, bylaws are written to provide maximum flexibility so that the organization can adapt to changing needs without having to constantly revise its bylaw.

The Executive Council developed the proposed bylaw by reviewing the current bylaw and making changes to bring it up to date. Those changes were then reviewed by MCEC legal counsel, who then made additions required by provincial legislation and ensured that the bylaw was legally sound.

Summary of Changes

In general, the formatting of the bylaw has been revised so that sections flow in a natural order and a table of contents has been added to make it easier to find specific items. In addition, numbered lists have been used wherever possible so that content is more quickly accessible and readability improved.

Section 1. Definition of Terms

The revised Bylaw includes a list of definitions, which describes the meaning of terms that are used throughout the bylaw. The definitions add clarity to the bylaw and avoids the need for repetition. Note that a capitalized word in the bylaw typically indicates that a definition is being referenced.

Section 2. Confession of Faith

Like the current bylaw, the Confession of Faith is referenced as being the common understandings that guide the faith and practice of the Mennonite church

Section 3. Church Polity

This section was added to highlight the polity understandings contained in *A Shared Understanding: A Polity Manual for Mennonite Church Canada and Mennonite Church USA*. This is a complementary document/booklet to the *Confession of Faith in a Mennonite Perspective*. Taken together, these are two foundational documents for our denominational understandings.

Section 4. Purposes

The purposes section replicates the purposes of the current bylaw, which reflect the original articles of incorporation for MCEC. While this section might benefit from some additions or refreshing of the language, changing the wording in any way would require a lengthy and costly legal process of reapplying for incorporation. Legal counsel has advised MCEC to leave the purposes unchanged.

Section 5. Membership

This section is mostly new. Section 5.2, for instance, offers a somewhat more rounded description of a congregation. It frames membership more clearly as a covenant relationship between congregations and adds a section on managing conflict among the members or between members and MCEC. The revised bylaw also provides greater clarity on the process for applying for membership and how one is either removed from Membership or withdraws from Membership. Further, this section names what we have been practicing for some time in terms of receiving new members. The term “Emerging Church” has

often been used for new members but the broader term, "Provisional Membership" is being used instead, along with a description of this initial membership status.

Section 6. Affiliation with MCEC

This section is new and describes what has been the longstanding practice in MCEC as reflected in the work of the Mission Council. This early, exploratory level of relationship is referred to in the new bylaw as "Affiliated Faith Community."

Section 7. Delegate Gatherings

This section is reformatted and has some improved readability but for the most part retains, with some editing, the essence of the existing Bylaw. Changes include the option for attending a meeting electronically, the ability for a delegate to appoint a proxy, which is required by law, greater clarity on providing notice, and a simpler approach to defining quorum.

Section 8. Representation and Participation at Delegate Gatherings

This section is very close to the existing bylaw, with a note added on non-delegate participation at delegate gatherings.

Sections 9 to 16. MCEC Governance Procedures

These sections are detailed legal descriptions of how MCEC as an organization is governed. While order and formatting is different than the current bylaw, the principles of the existing bylaw are effectively carried forward, with an eye to greater clarity and flexibility. As required by law, a section has been added on the legal qualifications necessary to be a member of the Executive Council as well as a section describing conflict of interest.

Section 17. Protection of Directors and Others

This is new to the bylaw and is required by law. It describes how directors (members of the Executive Council) and others in the organization are protected by MCEC when they are acting on its behalf.

Section 18. MCEC Records

This section is essentially the same as the current bylaw, with the addition of electronic records.

Section 19. Finances

This section on finances is essentially the same as the existing bylaw but in some items uses more precise language for greater clarity of meaning or uses generic terms so as to avoid naming specific institutions.

Section 20. Amendments

This article is essentially the same as the current bylaw, except a clearer definition of notice is provided.

Section 21. Dissolution of MCEC

This is a new section and is considered a best practice in drafting bylaws. If a decision was ever taken to dissolve MCEC, this article provides clarity on how the remaining assets of the corporation would be dispersed.

Section 22. Coming into Force

This section is both new and old. It includes material that is at the beginning of the current Bylaw and provides a history of the various versions of MCEC's bylaw and states when the bylaw comes into force.

Adoption

This is effectively the same as the current bylaw and is a formal declaration by the Moderator and Secretary that the above bylaw was duly adopted by the delegates.

Electronic Access to MCEC Bylaws

1. [Access the current Bylaw online](#)
2. [Access the revised Bylaw online](#)

Motion for Delegates at the Annual Church Gathering

WHEREAS Mennonite Church Eastern Canada desires to have a Bylaw that serves the mission of MCEC, which is dedicated to actively support God's mission in the world and the congregations of MCEC; and

WHEREAS MCEC for the purposes of greater clarity and due to the numerous amendments to the existing General Operating Bylaw, being By-law No. 3; and

WHEREAS the revised Bylaw No. 4 has been reviewed in its entirety, and with opportunity for amendment, by Delegates to the 2019 MCEC Annual Church Gathering;

BE IT RESOLVED that the Corporation of MCEC shall now adopt a new General Operating Bylaw, being Bylaw No. 4, which replaces in entirety the existing General Operating Bylaw No. 3.

*Submitted by Arli Klassen, Moderator
On behalf of Executive Council*