



## **THE CANONS OF THE EPISCOPAL DIOCESE OF NORTHERN CALIFORNIA**

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**CANONS**  
*of the*  
**EPISCOPAL CHURCH**  
*in the*  
**DIOCESE OF NORTHERN CALIFORNIA**

**CANON 1**

**Clerical Members of Convention**

**Sec. 1.1.** One week prior to any meeting of the Convention of the Diocese, the Ecclesiastical Authority shall cause the preparation of a list of all the clergy of the Church who are actually and canonically resident in this Diocese.

Such list shall indicate

(a) the names of the respective Parishes, Missions, Chaplaincies, or institutions in which the clergy may be engaged,

(b) for those non attached to any such organization, the place of their residence, and

(c) those who are Deacons of the Church.

**Sec. 1.1.1.** This list shall be laid before the Convention immediately after it shall be called to order and be affixed to the Journal.

**Sec. 1.1.2.** This list shall be considered as presumptive evidence of a right to seat and vote in the Convention.

**Sec. 1.1.3.** Anyone not listed may be granted seat and vote only by action of the Convention.

**Sec. 1.2.** It shall be the duty of all clergy, entitled to seat and vote in the Convention, to attend.

**Sec. 1.3.** When the right of any member of the clergy to a seat and vote in Convention is claimed or disputed, the question shall be resolved by the Convention, in accordance with the Convention of this Diocese.

## CANON 2

### Lay Delegates to the Convention

**Sec. 2.1.** Lay Delegates, and an equal number of Alternate Delegates, to the Convention shall be elected in accordance with Article V of the Diocesan Constitution.

**Sec. 2.2.** The Cleric in charge of a Parish or Mission, or the Senior Warden, if there is no Clergy, shall designate one or more of the Alternates to fill any deficiency in the representation of the Parish or Mission. If full representation cannot be had from the elected Delegates and Alternates, another qualified person may be appointed to fill the vacancy, such person to have the power and authority of a duly elected Delegate.

**Sec. 2.3.** The appointment of Lay Delegates to the Convention shall be certified in writing by the Cleric in charge of a Parish or Mission or the Senior Warden or Parish Clerk, if there is no Clergy. Such Certification to be substantially in the following form:

#### CERTIFICATION OF LAY DELEGATES

To the Convention of the Diocese of Northern California:

We hereby certify that at a duly convened meeting of the congregation of ....Church or of the Vestry (or Mission Committee) thereof, in ....

(Here insert the names of Delegates)

were duly elected to act as Lay Delegates in the meeting of the Convention called for the ... day of ... A.D. 19.. and that

(Here insert the names of Alternates)

were duly elected to act as Alternate Delegates.

We further certify that all said persons are now and have been during the six calendar months next before their election communicant members and qualified voters of .... Parish (or Mission) and that they are not now under Ecclesiastical censure.

Witness our hands

this ... day of ...

A.D. ....

.....Rector

.....Warden

.....Clerk

**Sec. 2.4.** Certificates of election of Lay Delegates shall be forwarded to the Secretary of the Convention at least 90 days prior to the meeting of Convention. Such certificates to be the source of the Secretary's list of Lay Delegates.

**Sec. 2.5.** It is the duty of Lay Delegates to attend that meeting of the Convention to which they are elected or appointed and their acts shall be binding upon the Parish or Mission which they represent.

**Sec. 2.6.** If, for whatever cause, a Parish or Mission is not represented at any meeting of Convention, or session thereof, such Parish or Mission shall nevertheless be bound by all acts of the Convention.

**Sec. 2.7.** All duly elected or appointed Lay Delegates, during their term of office, shall be considered Lay Delegates to any special Convention which may be called to consider the nomination or election of a Bishop, Bishop Coadjutor, or Bishop Suffragan.

## CANON 3

### **The Secretary of Convention**

**Sec. 3.1.** In addition to the duties prescribed in the Constitution of the Diocese and elsewhere in these Canons, the Secretary of Convention shall have the following responsibilities:

**Sec. 3.1.1.** To record the minutes of the proceedings of the Convention and, when approved, to enter them in the proper book.

**Sec. 3.1.2.** To furnish a list of the members of every special committee appointed as interim to the chairman of such committee, with a copy of the resolution creating it.

**Sec. 3.1.3.** To send to the Secretary of the House of Deputies of the General Convention a proper certificate of the election of Clerical and Lay Deputies as representatives in the General Convention, and to perform such other duties as may be required by the authority of the General Convention.

**Sec. 3.1.4.** To preserve the Journals and Records.

**Sec. 3.1.5.** To attest the public acts of Convention.

**Sec. 3.1.6.** To faithfully deliver all books and papers to the next Secretary of Convention.

**Sec. 3.2.** The Secretary of Convention shall distribute the Journal of Convention as follows:

**Sec. 3.2.1.** One copy to every member of the clergy canonically resident and domiciled in the Diocese.

**Sec. 3.2.2.** One copy to every lay member of the Convention who shall request the Secretary in writing, within 30 days after adjournment, to send a copy.

**Sec. 3.2.3.** One copy to each Bishop of the Church in the United States who desires the same.

**Sec. 3.2.4.** One copy each to the Presiding Bishop, the Secretary of the House of Deputies, and to such other as required by General Convention or Ecclesiastical Authority.

**Sec. 3.2.5.** Six copies to the Registrar of the Diocese together with all Journals of other Diocesan Conventions and documents bearing upon the history of the Church at Large which were received during the year.

**Sec. 3.3.** The Secretary shall furnish to the Treasurer of the Diocese within one month after the adjournment sine die of the session of the Convention, a true statement of all special appropriations allowed by the Convention. The Secretary shall also examine and certify to the Treasurer of the Convention the bills for printing and other expenses of the Journal and for any other official work as appropriate.

**Sec. 3.4.** The Secretary's journals shall be open at all times to the inspection of the Bishop, of the Standing Committee, of the Board of Trustees, and of the Convention or any committee thereof.

**Sec. 3.5.** The Secretary shall receive such stated compensation as shall be fixed by Convention, to be paid out of the Diocesan Expense Fund.

**Sec. 3.6.** The Executive Secretary may be the Secretary of Convention.



## CANON 4

### **Transaction of Business**

**Sec. 4.1.** No business shall be transacted in any meeting of the Convention unless a quorum is present.

**Sec. 4.1.1.** The quorum shall be determined at the formal organization of the Convention by a roll call or by certification of the Secretary of Convention.

**Sec. 4.1.2.** At all times subsequent to the formal organization of any annual or special meeting of Convention, it shall be assumed that a quorum is present unless the point of no quorum is raised by any member, in which case the quorum shall be determined by a call of the Clergy and of the Parishes and Missions entitled to representation.

**Sec. 4.2.** No business shall be transacted by any standing or special committee of Convention, nor by the Board of Trustees, nor by any incorporated Board of the Diocese unless a quorum is present.

**Sec. 4.2.1.** A quorum shall consist of a majority of the members of such committee or Board or such incorporated Board unless otherwise provided in these Canons or in the Articles and By-laws of such incorporated Board.

**Sec. 4.3.** In all elections, a person shall be deemed elected if they receive a plurality of all votes cast. If more than the number of persons required for any Board, Committee, or other body receive a plurality of the votes cast, the person receiving the highest number of the votes cast, up to the number required, shall be deemed elected.

**Sec. 4.4.** The Convention shall provide regulations and methods for the making of nominations and the conduct of elections which shall remain in force until repealed or amended.

## CANON 5

### Committees of Convention

**Sec. 5.1.** The Regular Committees of Convention shall be as follows:

**Sec. 5.1.1.** On the Bishops Address: To consist of three members of the Clergy and two laypersons. It shall be the duty of this Committee to present to Convention items raised in the Bishop's Address to Convention that necessitate action by the Convention.

**Sec. 5.1.2.** On Constitutions and Canons: To consist of five members at least two of which shall be members of the Clergy. The Bishop shall appoint one of said five members Chair of the Committee. It shall be the duty of this Committee to consider prior to the Annual Convention all proposed additions to, amendments to and alterations of the Constitution and Canons of this Diocese and to report its recommendations to the Convention.

**Sec. 5.1.3.** Dispatch of Business: To consist of two members of the Clergy and one layperson. It shall be the duty of this Committee to prepare, prior to the Annual Convention, the Order of Business to be presented and considered and to report the same to the Convention for its consideration.

**Sec. 5.1.4.** On Admission of New Parishes and Missions: To consist of two members of the Clergy and three laypersons. It shall be the duty of this committee to consider all matters pertaining to the incorporation of Parishes and organized Missions and their admission into union with the Convention and to report its recommendations to the Convention.

**Sec. 5.1.5.** On Report of the Treasurer: To consist of the Finance Committee which shall consider all matters concerning revenue and finance referred to it by the Convention. It shall report its findings and recommendations to the Convention.

**Sec. 5.1.6.** On Resolutions and Memorials: To consist of two members of the Clergy and three laypersons. It shall be the duty of this Committee to consider all resolutions that shall be referred to it by the Convention and to make its report and recommendations to the Convention.

**Sec. 5.1.7.** On News Reports: To consist of two members from the Promotion and Stewardship Committee. It shall be the duty of this Committee to secure the widest press coverage of events of general interest in the Convention.

**Sec. 5.1.8.** On the State of the Church: to report each succeeding year: To consist of three members of the Clergy and three laypersons who will advise the Convention of statistical and general accomplishments of the Church in the past year and draw any conclusion that might be indicated from such report.

**Sec. 5.1.9.** On Credentials: To consist of the Secretary of Convention and two laypersons. It shall be the duty of this Committee to consider all claims and disputes affecting the right to a seat or representative privilege in the Convention and to report its recommendation to the Convention and to perform such other like duties as may be assigned to it by the Canons or the Convention.

**Sec. 5.2.** All resolutions to Convention, except those resulting from the Bishop's Address to Convention and courtesy resolutions, shall be filed with the Secretary of Convention at least sixty days before the meeting of Convention.

**Sec. 5.2.1.** Copies of all proposed resolutions filed with the Secretary of Convention, as above provided, shall be delivered immediately by the Secretary to the chairperson of the Committee on Resolutions and Memorials.

**Sec. 5.2.2.** At least thirty days prior to convening of Convention, the Secretary of Convention shall mail to every Regional Dean copies of all proposed resolutions approved by the Committee on Resolutions and Memorials for consideration by the Deanery Convocation prior to Convention. The Secretary shall return to the person submitting them, all proposed resolutions which are in violation of the Canons or which duplicate existing resolutions.

**Sec. 5.2.3.** Proposed resolutions which are not submitted in accordance with the above provisions may be received with approval of a majority two-thirds vote of Convention on the first day of Convention. Any proposed resolutions so received shall be referred to the Committee on Resolutions and Memorials with instructions to report thereon to Convention before adjournment.

**Sec. 5.2.4.** The Committee on Resolutions and Memorials shall meet as necessary throughout the year to accomplish its duties.

**Sec. 5.2.5.** The Committee on Resolutions and Memorials shall report to subsequent Conventions on the status of resolutions approved by prior Conventions as is appropriate in light of the resolution.

## CANON 6

### **Order of Business and Rules of Order**

**Sec. 6.1.** The Convention shall have the power to adopt an Order of Business and Rules of Order, additional to and not in conflict with the provisions of the Constitutions and Canons of the Diocese.

**Sec. 6.1.1.** When once adopted, Order and Rules shall remain in force until they have been amended or repealed in whole or in part.

**Sec. 6.2.** Nominations for Standing Committee, when appropriate, Deputies for General Convention, and members of the Board of Trustees of the Diocesan Corporation shall be open as the first order of business after the organization of Convention on the first full day of business.

**Sec. 6.2.1.** Such elections shall be completed before the close of business on the first full day of Convention business.

## CANON 7

### Deputies to General Convention

**Sec. 7.1.** Each deputy to the General Convention, elected in accordance with Article XIII of the Constitution of this Diocese, shall notify the Ecclesiastical Authority, in writing at least six weeks before the General Convention, of his or her acceptance of the election and intention to perform its duties. In default of such notice the Ecclesiastical Authority shall designate one of the Alternate Deputies. The Ecclesiastical Authority shall likewise designate one or more of the Alternate Delegates to supply any other deficiency which may occur in the representation of the Diocese.

**Sec. 7.2.** If full representation cannot be had from the Deputies and Alternates chosen by the Diocesan Convention, the Ecclesiastical Authority may appoint other qualified persons to fill any vacancies. Persons so designated shall be provided with a certificate thereof, by the Ecclesiastical Authority, and shall have all the power and authority of Deputies elected by the Diocesan Convention.

## CANON 11

### The Treasurer of the Diocese

**Sec. 11.1.** In addition to the duties prescribed elsewhere in the Canons and those assigned by Board of Trustees, the Treasurer of the Diocese shall have the following responsibilities:

**Sec. 11.1.1.** To act as the financial agent of the Diocese for the receipt and disbursement of funds collected under the authority of the Convention, the receipt and disbursement whereof is not otherwise regulated.

**Sec. 11.1.2.** Disbursement of such funds shall be in accordance with an approved budget.

**Sec. 11.1.3.** To present the Board of Trustees, a report at each of its stated meetings, as to the financial condition of the Diocese as of the last day of the month preceding.

**Sec. 11.1.4.** To present annually to the Convention a written report of the several funds in the custody of the Treasurer for the calendar year.

**Sec. 11.1.5.** To deliver to a duly elected successor all funds, credit accounts, papers and books belonging to the Diocese and held in custody and to take a proper receipt therefore.

**Sec. 11.2.** The Treasurer shall give security satisfactory to the Board of Trustees for the faithful discharge of duties.

**Sec. 11.2.1.** The Corporation is authorized and empowered to:

(a) make such rules and regulations for the Treasurer of the Diocese as in their judgment shall seem just and necessary.

(b) to designate the depositories and control investment of all funds in the hands of the Treasurer of the Diocese.

**Sec. 11.3.** The accounts and records of the treasurer shall be audited annually by an independent certified public accountant approved by the Board of Trustees.

**Sec. 11.3.1.** The certificate of such audit, stating that all accounts of the Treasurer have been examined and the results of such examination, shall be appended to the Treasurer's report of Convention.

**Sec. 11.4.** The books of the Treasurer shall be open at all times to the inspection of the Bishop(s), the Standing Committee, the Board of Trustees, and the Convention or any duly appointed committee thereof.

**Sec. 11.5.** The Treasurer shall receive such stated compensation as shall be fixed by Convention, to be paid out of the Diocesan Expense Fund.

**Sec. 11.6.** The Treasurer may be removed from office any time by the Bishop or Ecclesiastical Authority, acting by and with the advice and consent of the Board of Trustees, for any

neglect, misconduct or incapacity.

**Sec. 11.7.** The Treasurer shall perform such other duties as may be assigned by Convention or the Board.

**Sec.11.8.** With proper oversight by the Treasurer, any part of these responsibilities, with approval of the Bishop, may be delegated to the Financial Officer of the Diocese.

## CANON 12

### **The Registrar and the Historiographer**

**Sec. 12.1.** The Registrar of the Diocese shall be custodian of all Journals of the Diocese and all files, papers and documents that shall become the property of the Diocese. The Registrar shall keep them in a suitable and accessible place of deposit subject to the directions of Convention.

**Sec. 12.2.** The Registrar shall also keep, in a suitable book, a record of:

- (a) the consecration of all the Bishops of the Diocese,
- (b) the ordination of all Priests and Deacons in or for this Diocese,
- (c) all clergy canonically received by the Bishop into the Diocese with particulars of their ordinations and of the Dioceses or Missionary districts from which they are received, and
- (d) all clergy transferred to other Diocese or Missionary Districts with dates of such ordinations and of acceptance of granting Letters Dimissory.

**Sec. 12.2.1.** The registrar's Certificate thereof shall be competent evidence of the fact of the ordinations referred to in Sec. 0 (a) & (b).

**Sec. 12.3.** The Registrar shall annually present a full and accurate report showing the performance of the official duties of the office.

**Sec. 12.4.** It shall be the duty of the Historiographer of the Diocese to collect and preserve as property of the Diocese such materials as can be obtained relative to the History of the Diocese, its Bishops, Parishes, Missions, institutions and undertakings and so to arrange, catalog, and classify all such books, documents, photographs and papers in his custody as to make their content accessible for reference and research.

**Sec. 12.5.** The Historiographer shall be appointed by the Bishop or Ecclesiastical Authority of the Diocese and shall hold office at the pleasure of such.

**Sec. 12.6.** The Historiographer shall submit an annual report to Convention.



## CANON 13

### **The Chancellor and the Vice Chancellor**

**Sec. 13.1.** In addition to the duties elsewhere prescribed in the Constitution and Canons of this Diocese and these Canons, it shall be the duty of the Chancellor and Vice Chancellor:

**Sec. 13.1.1.** To serve as parliamentarian to the meetings of the Convention and the Board of Trustees.

**Sec. 13.1.2.** On request of the Ecclesiastical Authority of the Diocese to render opinions as to legal construction of the General Constitution and Canons and of the Diocesan Constitution and Canons.

**Sec. 13.1.3.** To be the legal advisor, when requested by each, confidential or otherwise, of the Bishop, the Convention, the Board of Trustees, and the Corporation.

**Sec. 13.1.4.** Upon request, to give advice and assistance to the Parishes and Missions of the Diocese.

**Sec. 13.2.** In fulfilling the duties enumerated above, the Chancellor may call on the services of the Vice Chancellor and Deputy Vice Chancellor, if any.

**Sec. 13.3.** In the event of a vacancy in the office of the Chancellor or Vice Chancellor, the Bishop, with advice and consent of the Board of Trustees, may appoint a successor until the next annual meeting of Convention.

## CANON 16

### **Diocesan Council, also known as Board of Trustees**

**16.1. Creation.** There shall be a Board of Trustees (“Trustees”) which shall be composed of the Bishop, who shall serve as President, seven elected deanery members, three appointed members, five elected at large members, the Chancellor, and the Treasurer of the Diocese. Unless serving as elected members, the Deans of the Deaneries shall be associate members without vote.

**16.1.1. Selection.** Elected and appointed members shall be selected as follows:

**16.1.1.1. Elected Deanery Members.** The elected deanery members shall be elected by Deanery Spring Convocations, one deanery member by each Deanery Convocation. Upon election of a deanery member, the Dean shall certify the election to the Secretary of Convention and specify whether the person is of the clergy or lay order. Deans may be elected members of the Board of Trustees.

**16.1.1.2. Appointed Members.** The appointed members shall be appointed by the Bishop or the Ecclesiastical Authority if there is no Diocesan Bishop. The appointments shall be made before the election of elected members by Convention.

**16.1.1.3. Elected At Large Members.** The elected at large members shall be elected by Convention.

**16.1.1.4 Clergy and Lay Members.** Of the elected and appointed members it is a goal that five shall be members of the clergy and that ten shall be members of the laity. Recognizing that Spring Convocation elections may not match that goal, the Bishop shall not make an appointment and Convention shall not hold an election to increase the number of clergy above five. Convention shall elect the number of clergy necessary to raise that number to five. Deans may be elected members of the Board of Trustees.

**16.1.2. Terms.** Each elected or appointed member shall serve a three-year term, each term to begin on the December 1 following election or appointment, except for those elected or appointed in 2012 Diocesan Convention whose terms will be according to Sections 16.5.1, 16.5.2, and 16.5.3. No elected or appointed member may serve more than two successive three year terms without an intervening lapse of at least one year.

**16.1.3. Qualifications.** Subject to the provisions of Canon 23, a member of the Trustees shall be a confirmed member of The Episcopal Church, resident in the Episcopal Diocese of Northern California, and a communicant in good standing of a congregation of the Episcopal Diocese of Northern California..

**16.1.4. Vacancies.** The Trustees shall have the power to fill vacancies in the elected membership until the election of a member to serve for the remaining unexpired term. Convention shall fill a vacancy in an office elected by it at the next annual Convention following the vacancy. A Deanery Convocation shall fill a vacancy in an office elected by it at the next Convocation. The Bishop shall fill vacancies in the appointed membership by appointment for the remainder of the unexpired term.

**16.1.5. Quorum.** A majority of the members serving shall constitute a quorum.

**16.2. Duties.** The duties of the Trustees are as follow.

**16.2.1. Policy and Strategy.** The Trustees shall develop Diocesan policy and strategy in support of mission priorities and operations priorities established by Convention.

**16.2.2. Strategic Planning.** The Trustees shall act as strategic planner, looking ahead and developing policy options to meet changing circumstances.

**16.2.3. Finance and Administration.** The Trustees shall oversee finance and administration in support of mission priorities.

**16.2.3.1. Department of Finance.** The Trustees shall serve as the Department of Finance of the Diocese, as provided by the Canons of The Episcopal Church.

**16.2.4. Property.** The Trustees shall oversee property and development in support of mission priorities.

**16.2.4.2. Assets.** The Diocesan Corporation shall be the owner of all of the assets of the Diocese, including all real property, funds and other assets of the Missions in the Diocese, with rights and responsibilities of such ownership.

**16.2.4.3. Endowments.** The Trustees shall use diligence to increase the principal funds of the endowments of the Diocese.

**16.2.5. Diocesan Corporation.** The Trustees shall serve as the Board of Directors of the Diocesan Corporation, and their duties shall be those set forth in state law for directors of such a corporation, in the Articles of Incorporation and the Bylaws of the Corporation, or in acts of Convention. Any reference to the “Corporation” in the Constitution, Canons, Resolutions, or policies of the Diocese shall be deemed to refer to the Trustees.

**16.3. Authority.** Authority, whether delegated to the Trustees by Canons or by resolution of the Convention, or otherwise, shall belong to the Board of Trustees as a whole. The Trustees may create organizational substructures from their membership and others and may assign to its organizational substructures, by resolution or bylaw, such powers and responsibilities as it is able, and sees fit to assign. A permanent or irrevocable grant of powers to any such substructure

is not authorized. Duties imposed upon and authority delegated to the former Board of Directors shall be deemed to be delegated to the Trustees.

**16.4. Effective Date.** Except as provided in 16.5 the operative date of the provisions 16.1, 16.2, and 16.3 shall be December 1, 2012.

**16.5. Transition Provisions.** Transition provisions are as follow.

**16.5.1. Initial Elected Deanery Members.** Initial elected Deanery members will be elected at the 2012 Spring Deanery Convocations. To support the goal of staggered terms, the initial terms, by Deanery, will be:

- a. Semper Virens – three years
- b. Southeast – two years
- c. Southwest – one year
- d. Superior – three years
- e. West – two years
- f. Sierra – one year
- g. Central – three years

**16.5.2. Initial Appointed Members.** Prior to the 2012 Diocesan Convention, the Bishop will appoint one member for three years, one for two years, and one for one year.

**16.5.3. Initial Elected At-Large Members.** 2012 Diocesan Convention will elect one member for a three-year term, two members for two year terms, and two members for one year terms. The Secretary of Convention will certify the election of the clergy and lay candidates with the highest vote totals necessary to attain the goal of five clergy and ten lay appointed and elected members

## CANON 18

### Diocesan Commission on Ministry

**Sec. 18.1.** The membership of the Commission on Ministry shall consist of six clerical members and eight lay members canonically and actually resident in this Diocese, appointed by the Bishop and confirmed by a majority vote of the Convention at the annual meeting for terms of one year.

**Sec. 18.1.1.** The Bishop, Bishop Coadjutor and/or Bishop Suffragan, if there be such, shall be ex officio members of the Commission.

**Sec. 18.1.2.** Should a vacancy occur between annual meetings of the Convention, it may be filled by appointment of the Bishop.

**Sec. 18.2.** The Commission on Ministry may adopt rules for its work, subject to the approval of the Bishop providing they conform to the Constitutions and Canons of this Diocese and the Episcopal Church.

**Sec. 18.3.** The Duties of the Commission on Ministry shall be those prescribed in the Canons of the Episcopal Church and such other duties as shall be assigned by the Bishop.

**Sec. 18.4.** The Bishop shall appoint from among the membership of the commission the Chairman, Vice Chairman, and Secretary.

**Sec. 18.5.** The Commission on Ministry shall annually report in full to the Convention of the Diocese.

## CANON 19

### Executive Assistants

**Sec. 19.1.** An Executive Assistant may be appointed by the Ecclesiastical Authority with the consent of the Board of Trustees. Such an assistant may be known as Canon to the Ordinary, Archdeacon, Executive Assistant or other title, and shall perform such duties as the Ecclesiastical Authority may direct.

**Sec. 19.2.** An Executive Secretary may be appointed by the Ecclesiastical Authority with the consent of the Board of Trustees. The Executive Secretary shall be the principal secretary to the Ecclesiastical Authority and shall perform such duties as Canon or Ecclesiastical Authority may direct.

## CANON 20

### Missionary System

**Sec. 20.1.** The Missionary system of the Diocese shall include:

- a. The Bishop
- b. The Bishop Coadjutor, if there is one
- c. The Board of Trustees
- d. Deaneries and their Regional Deans
- e. Missions and Missionaries (Vicars)

**Sec. 20.2.** The Bishop shall supervise and control all Missionary work within the Diocese. The Bishop shall have the authority with the advice of the Board of Trustees to establish and organize Missions, appoint all Missionaries, and suspend or remove such Missionaries when not consistent with the provisions of the General Canons of the Church; provided, that no Missionary may be suspended or removed from a cure, without ninety days notice, except for reasons affecting moral character.

## CANON 21

### Diocesan Institutions

**Sec. 21.1.** No institution, organization, society, activity, or other entity or person shall be, or be represented to be, affiliated or associated with the Episcopal Church of the Diocese of Northern California, for the purpose of soliciting, receiving, handling or holding of money, or property, or for any other purpose, unless it has qualified "as a tax exempt organization" in the State of California, and "as a tax exempt organization" as defined by the Internal Revenue Code of the United States of America and may receive tax deductible gifts, and is established as a Diocesan Institution as provided herein; or is a canonically established church institution.

**Sec. 21.2.** In order to qualify as a Diocesan Institution other than an organized church, each such entity shall be incorporated as a charitable non-profit corporation under the provisions of this Canon and the Corporation Code of the State of California as a "tax exempt corporation" as defined by Revenue and Taxation Code, Section 23701, and shall maintain such status.

**Sec. 21.3.** In addition to the requirements of the State of California, the United States of America, the Constitution and Canons of the Diocese of Northern California and the Constitution and Canons of the Episcopal Church in the United States of America; the Articles of Incorporation and/or Bylaws of corporations established under this Canon shall contain the Following provisions:

**Sec. 21.3.1.** The Bishop shall be, ex officio, a member of the Board of Trustees and Chairman thereof. Chairmanship shall ordinarily be exercised by the elected President of the Corporation, who shall be the Acting Chairperson of the Board.

**Sec. 21.3.2.** At least three-fifths of the elected members of the Board of Trustees shall be "Communicants in Good Standing," whose names are duly recorded as Communicants on the records of Parishes and/or Missions of the Diocese of Northern California or "Presbyters, in good standing," canonically resident in this Diocese. All members of the Board of Trustees shall be elected, by the Annual Convention of the Diocese, from a list of nominees submitted to and approved by the Ecclesiastical Authority of this Diocese.

**Sec. 21.3.3.** Written consent of the Ecclesiastical Authority and of the Standing Committee of the Diocese shall be secured by such Corporation in all cases before alienating or encumbering real property owned or being acquired and before amending Articles of Incorporation and/or Bylaws.

**Sec. 21.3.4.** The Bylaws of such corporations shall contain nothing in conflict with the provisions of the Constitution and Canons of the Diocese of Northern California and of the Episcopal Church in the United States.

**Sec. 21.4.** Proposed Articles of Incorporation and Bylaws of an entity seeking establishment under this Canon must be approved by the Ecclesiastical Authority and the Diocesan Corporation. Entities seeking approval shall submit such to the Chancellor of the Diocese not less than ninety days prior to the meeting of the Diocesan Corporation from which approval is to be sought. The Chancellor shall examine and approve them for legal correctness after which he or she



shall pass them, together with recommendations, to the Ecclesiastical Authority, who upon approving them shall then present them to the Diocesan Corporation for final approval.

**Sec. 21.5.** Copies of the Articles of Incorporation and all amendments thereto, duly certified by the Secretary of State of the State of California, when filed, and copies of the Bylaws and of all amendments thereto, duly certified by the Secretary of each such Corporation when adopted, shall immediately thereafter be forwarded to the Ecclesiastical Authority of the Diocese of Northern California and to the Secretary of the Diocesan Corporation.

**Sec. 21.6.** Each such Diocesan Institution shall make a written annual report to the Diocesan Finance Committee, Department of Finance or other appropriate diocesan authority setting forth its financial transactions and other activities, during the previous calendar year. The report shall be submitted to the Treasurer of the Diocese within thirty days after the end of the year; and a "Summary Report" of the same shall be made annually to Convention. Its books shall be audited annually by a Certified Public Accountant if gross annual revenue exceeds \$500,000. If gross annual revenue is equal to or less than \$500,000 books shall be audited using a method permitted by the Diocesan Finance Committee, Department of Finance, or other appropriate diocesan authority.

**Sec. 21.7.** The Secretary of Convention shall publish the names of all institutions established under this Canon, with their "Summary Report," in the JOURNAL each year.

**Sec. 21.8.** Any Diocesan Institution existing prior to the adoption of this Canon shall take all steps necessary to bring itself into conformity with the provisions contained herein.

**Sec. 21.9.** Institutions established under this Canon shall, upon request of the Ecclesiastical Authority, make available for examination by him or his delegate any or all property, books, records, activities and affairs. If such examination reveals that acceptable standards are not being maintained, the Ecclesiastical Authority may so report to the Diocesan Corporation and/or Convention, with appropriate recommendations, and reasons, therefore, to include, if warranted, recommendation for altering or terminating the Corporation.

**Sec. 21.10.** Schools, claiming or implying any connection with Episcopal Church in any manner, and providing secular education equivalent of that provided by any Pre-school, Kindergarten, or first twelve grades of public schools shall be established and maintained only with the written approval of the Bishop and Board of Trustees.

**Sec. 21.10.1.** The Bishop and Board of Trustees are authorized to make and provide minimum standards and requirements for the establishment, approval, and the accreditation of schools including reasonable probationary periods. Any school failing to meet such minimum standards may be closed by the Bishop.

**Sec. 21.10.2.** The Bishop may require reports from all schools and specify the information to be disclosed by such reports and shall have the right to inspect, or cause to be

inspected, such schools at any time.

**Sec. 21.11.** A private school using Church-owned property may not use the word Episcopal, nor the name of the Church in its official title, nor may it imply that it is a church-sponsored school, without the written approval of the Bishop and Board of Trustees.

## CANON 22

### The Deaneries

**Sec. 22.1.** The number of Deaneries and their boundaries shall be such as the Convention may from time to time determine.

**Sec. 22.1.1.** The Convention shall have power to increase or decrease the number of Deaneries, and to alter their boundaries;

**Sec. 22.1.2.** There shall never be fewer than two deaneries.

**Sec. 22.2.** The members of the Deanery Convocation shall be the Bishop or Bishop Coadjutor, if there be one, ex-officio, all clergy entitled to seat, voice, and vote in the Convention of the Diocese and canonically resident (but not regularly serving a congregation in another Deanery) in the Deanery, all clergy entitled to seat, voice, and vote in the Diocesan Convention regularly serving a congregation in the Deanery, and all Communicants in Good standing in any Parish or Mission in the Deanery.

**Sec. 22.3.** Each Deanery's Convocation shall be encouraged to meet at least twice between Diocesan Conventions. One of those meetings shall be in the Spring and shall include the election of any officers specified by the Constitution or Canons. One may be required in the forty-five day period immediately preceding the Diocesan Convention.

**Sec. 22.3.1** For the purpose of the election of any officers specified by the Constitution or Canons, the membership of the Convocation shall be the electors, except that each congregation shall be entitled to the same number of lay electors as it has delegates to Diocesan Convention. If the number of lay members of a congregation present is greater than the number of lay electors to which it is entitled, then the lay electors shall be the delegates, alternates, or others chosen by the method specified in Article V, section 5 of the Constitution of the Diocese.

**Sec. 22.3.2** Any Deanery Convocation may, on the day of the election and by unanimous consent, define the electors as all members present on that day.

**Sec. 22.4.** In each Deanery there shall be a Regional Dean.

**Sec. 22.4.1.** The Regional Dean is to be a priest in good standing in the diocese.

**Sec. 22.4.2.** The Regional Dean shall be appointed by the Bishop.

**Sec. 22.4.3.** The term of service shall be three years.

**Sec. 22.4.4.** The Regional Dean shall preside at the meetings of the Convocation, at all meetings of the Deanery clergy, which shall meet regularly, and at other Deanery meetings.

**Sec. 22.4.5.** The Regional Dean shall report to the Bishop after each meeting concerning the Deanery.

**Sec. 22.4.6.** The Regional Dean shall make an annual report to the Convention, in writing, on Deanery activities of the preceding year.

**Sec. 22.4.7.** The Regional Dean shall serve as an associate member of the Board of Trustees, having voice, but without vote.

**Sec. 22.4.8.** The Regional Dean shall meet with the Bishop at stated intervals to consider the reports of missionary clergy and to make plans for the furtherance of the work of the Church.

**Sec. 22.5.** It shall be the duty of each Deanery to

(a) ascertain and serve the needs of its own region as the primary communications and operations resource beyond individual Parishes and Missions,

(b) advise the Board of Trustees in regard to the claims of any spiritual, education or social work that would further the cause of the Church,

(c) ascertain the population and condition of the communities within its region, the results of missionary and other work carried on by the Church, and so far as is practicable by other religious bodies; and

(d) in general, promote the cause of religion.

## CANON 23

### **Requirement of Canonical and Physical Residence for Office**

No one shall be nominated for, elected to, or appointed to any Diocesan position including any office or board membership, including the Board of Trustees, the Standing Committee, Ecclesiastical Court, Social Ethics and Witness Commission, Deputy to General Convention or Alternate Deputy, unless that individual is both canonically and physically resident within The Diocese of Northern California. Should anyone who holds any diocesan office move his or her physical residence outside The Diocese of Northern California, that move shall constitute a resignation from that position as if in writing. This Canon does not apply to the election of a Bishop, nor to a member of the clergy serving in, or a layperson who is a Communicant in Good Standing in, a parish or organized mission in union with the Convention of the Diocese of Northern California.

## CANON 30

### **Formation and Organization of Missions**

#### **A. Formation of Missions**

**Sec. 30.1.** Twenty or more adult baptized persons, communicants, resident in the Diocese, desiring to have the ministries of this Church, may on their own initiative, or in consequence of the initiative taken by the Bishop and Board of Trustees, petition the Bishop for recognition as a Mission of this church as follows:

**Sec. 30.1.1.** They shall set forth their desire to become a mission, together with their reasons;

**Sec. 30.1.2.** They shall declare their adherence to the doctrine, discipline, and worship of the Episcopal Church in the United States of America, and to the Constitution and Canons of this Church, General and Diocesan, and their willingness to conform to rules which are or may hereafter be established for Missions of the Diocese by duly constituted authority; and

**Sec. 30.1.3.** They shall affix their signatures and indicate in each case the congregation of their present religious affiliation.

#### **B. Organization of Missions**

**Sec. 30.2.** The Bishop's written authority for the organization of the Mission which shall include a definition of the bounds therein.

**Sec. 30.3.** A meeting shall be called by those desiring the organization of the Mission and held within the boundaries defined by the Bishop.

**Sec. 30.3.1.** The Bishop, or the Regional Dean on behalf of the Bishop, or any member of the clergy as the Bishop may appoint to act on his behalf, shall preside as organizer.

**Sec. 30.3.2.** The organizer shall give the Mission a name and appoint a Senior Warden, Junior Warden, a clerk, and a Treasurer of the mission to serve until the annual meeting.

**Sec. 30.3.3.** The organizer shall prepare and sign a Certificate showing that the required procedure has been taken and the Mission duly organized. The Certificate and a copy, except when the Bishop is present as organizer, shall be forwarded to the Bishop with the papers required in Sec. 0 and placed on file in the Diocesan Office.

**Sec. 30.4.** A mission Committee consisting of the Missionary, who shall be ex-officio chair and as such may authorize the Senior Warden or Junior Warden to preside in his or her place, and not fewer than four or more than twelve lay members shall have charge of the secular affairs of the Mission.

**Sec. 30.4.1.** All lay members of the Mission Committee shall be elected for terms

not to exceed three years by the Annual Meeting by secret, written ballot, unless the number of persons nominated matches the number of vacant positions. Insofar as possible, the principle of rotation shall be observed in the election of Mission Committee members, the manner of such rotation to be determined by the Bylaws of the Mission.

**Sec. 30.4.2.** As soon as possible after the election of a Mission Committee, the Missionary shall call a meeting at which the Missionary shall appoint a Senior Warden from among the members of the Mission Committee, and the Mission Committee shall elect a Junior Warden from among its number and a Clerk and Treasurer, who may or may not be members of the Mission Committee.

**Sec. 30.4.3.** The Mission Committee may fill vacancies in its membership until the next Annual Meeting of the Mission.

**Sec. 30.4.4.** In the event of a failure to elect or fill any vacancy in the offices of the Mission Committee member, Senior Warden, Junior Warden, Clerk, or Treasurer, the Bishop shall fill the same by appointment, and those so appointed shall remain in office until replaced by canonically elected successors.

**Sec. 30.4.5.** Qualifications for voting members of the Mission Committee and serving as officers of the Mission shall be the same as those prescribed by Canon for the election of the Vestry of a Parish and for service as an officer of a Parish.

**Sec. 30.5.** In addition to the duties of the Wardens prescribed in these canons, it shall be the duty of the Wardens, under the direction of the Missionary to procure a proper place to be used as a place of worship. The Wardens shall also have the charge of all property of the Mission, except real property. The Wardens shall cooperate with the Bishop and the Regional Dean in maintaining services in the absence of a Missionary.

**Sec. 30.5.1.** It shall be the duty of the Treasurer to collect or receive all moneys contributed by the Mission, and to remit or disburse them according to the direction of the Board of Trustees.

**Sec. 30.5.2.** In addition to the duties of Clerk outlined in these Canons, the Clerk shall keep a record of events of importance to the Mission and a list of its families and members.

**(Sec. 30.6 – Repealed by action of Convention 2008.)**

**Sec. 30.7.** Every Mission in which a Missionary of the Diocese ministers shall pledge and pay monthly to said Missionary such an amount as may be agreed upon, from time to time, by the Mission and Board of Trustees. The refusal or failure of any Mission to make and continue such pledge and payment shall be sufficient ground for the withdrawal of the Missionary.

**Sec. 30.8.** Every Missionary of the Diocese, or member of the clergy doing missionary work in the Diocese, shall transmit to the Bishop and the Regional Dean of the Deanery in which the Mission is situated, a separate report for each Mission in his charge, written in the form provided by the Board of Trustees.

**Sec. 30.9.** An organized Mission may be admitted into union with the Convention on motion by a majority of votes.

**Sec. 30.9.1.** Provided that the Mission shall have presented to the Convention the Certificate described in Sec. 30.3.3. from the Ecclesiastical Authority and demonstrated the financial ability to pay its full apportionment for three (3) consecutive years, as well as comply with Sec. 30.7 and all other demonstration of fiscal responsibility with continuity.

### **C. Unorganized Missions**

**Sec. 30.10.** Sunday Schools and services of the Church may be established within the boundaries of existing Parishes and Missions and not nearer than one mile in a straight line from an existing Church in the manner herein set forth.

**Sec. 30.10.1.** The Bishop may, by and with the formal advise and consent of three-fourths of the Standing Committee, establish a Sunday School and services of the Church under the charge of such member of the clergy as the Bishop with the advice and consent of the Board of Trustees may select, provided that, first, the Bishop shall notify the Rector and Vestry of any Parish within one mile of funds available for the establishment and maintenance of such work and that such funds have been refused by them.

**Sec. 30.11.** An unorganized Mission or a Preaching Station recognized by the Bishop, and with the written consent of the Bishop, may elect a Warden, Clerk, and Treasurer with the same qualifications as are prescribed for the like named officers of an organized Mission.

**Sec. 30.11.1.** Pending such election the Bishop may appoint such officers, or any of them, to hold office until the successor of each is duly elected.

**Sec. 30.11.2.** The duties of such officers, constituting a Board of Officers, shall be, as far as practicable, the same as those named officers in an unorganized Mission or Preaching Station.

**Sec. 30.11.3.** Unless and until the Bishop shall order otherwise, such an unorganized Mission or Preaching Station shall annually elect such officers in the same manner as though it were an organized Mission.

### **D. Dissolution of an Organized Mission**

**Sec. 30.12.** Any organized Mission may be suspended from representation in the Convention, or its existence dissolved, whenever the same shall be deemed necessary, by concurrence of two-thirds of each order at Convention.

**Sec. 30.12.1.** Any Mission thus suspended may be restored to its former standing at any annual meeting of the Convention by like vote.



## CANON 31

### Missionaries

**Sec. 31.1.** Missionaries of the Diocese, who shall be known as Vicars, shall be clergy appointed by the Bishop for missionary work in the Diocese, and assigned by the Bishop to the charge of organized Missions or work in places not adequately served by an existing Parish or Mission; provided that a Missionary may be assigned to two or more missions or other missionary charges; and a Rector of a Parish, with the approval of the Vestry may be assigned to duty as a Missionary outside of the Parish and be given a missionary stipend therefor.

**Sec. 31.2.** The duties and authority of a Vicar of a Mission shall be, so far as applicable, the same as those of a Rector of a Parish as prescribed in these Canons, including the right to voice and vote at all annual meetings of the Mission and Bishop's Committee meetings, and the right to preside at each in the absence of the Bishop.

CANON 32

**Organization and Recognition of Parishes**

**A. Approval of Bishop and Standing Committee**

**Sec. 32.1.** An organized Mission desirous of becoming a Parish shall present to the Bishop a written petition signed by no less than fifty communicants of the Mission, including a majority of the members of the Bishop's Committee, setting forth this desire and reasons therefor. The petition shall be accompanied by evidence showing:

**Sec. 32.1.1.** Signatures, in ink of the fifty or more persons desiring to organize the Parish.

**Sec. 32.2.** The Bishop shall refer the petition to the Standing Committee for its advice and approval. If the Bishop and the Standing Committee both approve, they shall give their consent in the following form:

**Sec. 32.2.1.** "The organization of a Parish in ....., to be bounded and limited as follows: ....., and to be known as .....Parish, ..... having been duly considered and approved by the Standing Committee of [this] the Diocese of Northern California, I do hereby give my Canonical consent to the organization of said Parish.

Given under my hand and the seal of this Diocese this ..... day of ....., in the year of our Lord ..... and of my Consecration the .....

.....  
Bishop of Northern California

Attest:

.....  
Secretary of the Standing Committee

**Sec. 32.3.** In case any proposed Parish or Mission or any territorial portion thereof, shall lie within the limits of any existing Parish or Parishes, the Secretary of the Standing Committee shall notify the said Parish, or Parishes, of the application made, and any objections to the organization of the proposed Parish or Mission shall be made in writing to the Bishop, and by him shall be laid before the Standing Committee for consideration. Within sixty days of such notification by the Secretary, the Bishop and Standing Committee shall make known their joint decision. If it be in favor of organization of the proposed Parish they shall issue the formal consent as provided in Sec. 0 of this Canon, and they shall prescribe and define the boundaries of the proposed Parish as shall to them seem just and equitable; and the said boundaries need not be the same as proposed in the application.

## **B. Organization as a Parish**

**Sec. 32.4.** Parishes shall become incorporated or otherwise organized in conformity with laws of the state of California. The By-laws, ordinances, Constitution or Articles of Incorporation shall ordain:

(a) that the name and title by which the Parish shall be legally known shall be "The Rector, Wardens, and Vestry of ..... Parish in .... ";

(b) that the Rector shall be ex officio a member and President of the Board of Trustees, directors, Vestry, or other body entitled by law to manage the temporalities of the Parish;

**Sec. 32.4.1.** The Rector shall be elected.

**Sec. 32.4.2.** The Clerk or Secretary of each Parish shall keep and preserve in the meeting place of the Vestry:

(a) a printed copy of the Constitution and Canons of the Episcopal Church in the United States of America,

(b) and of the Constitution and Canons of the Diocese of Northern California,

(c) and the Constitution, Canons, By-Laws or Ordinances adopted by the Parish, and

(d) the whole shall be known as the Books of By-Laws.

## **C. Recognition as a Parish**

**Sec. 32.5.** The Bishop shall certify to the Standing Committee and the Secretary of Convention that the Mission, having satisfied the requirements for Parish status, is to be recognized as a Parish as of the date of such certification.

## **D. Admission to Union with Convention**

**Sec. 32.6.** At the next annual meeting of the Convention after the recognition of a Parish, there shall be laid before the Convention:

**Sec. 32.6.1.** A copy of the certification by the Bishop pursuant to Sec. 0;

**Sec. 32.6.2.** An application signed by a majority of the members of the Vestry requesting that the Parish be admitted to union with Convention which was filed with the Secretary of Convention at least one month before the meeting of Convention;

**Sec. 32.6.3.** The certification of lay delegates and lay alternates in accordance with the Constitution.

**Sec. 32.7.** The Convention may thereupon, by majority vote, resolve that the Parish be admitted to union with the Convention and the elected lay delegates be seated.

## **E. Resolution of Controversies**

**Sec. 32.8.** All controversies between Rectors of two or more Parishes, or between a Parish, or its Vestry, and its Rector, or between persons adversely claiming to be members of the Vestry of a Parish, shall be referred to the Ecclesiastical Authority for determination, by and with the advice and consent of the Standing Committee.

## **F. Change of Parish Status**

**Sec. 32.9.** In the event a Parish has not (a) paid in full the agreed amount of a Rector's compensation, including benefits and pension, or (b) paid in full and in a timely fashion all other proper expenses and charges of a Parish, including Diocesan Mission Apportionment, or (c) called a Rector after a reasonable time, or (d) complied with Episcopal Church Canon I.7, "Of Business Methods in Church Affairs," or (e) represented itself at Diocesan Convention (unless the absence of representation is approved by the Ecclesiastical authority), then the Standing Committee may by a majority vote and with the consent of the Ecclesiastical Authority designate said parish as a "Special Focus Parish."

**Sec. 32.10.** After a parish is designated a Special Focus Parish, the Ecclesiastical Authority will appoint a team from the Church Support Team or other designated individuals to assess said parish and recommend a course of action including, but not limited to: (a) intentional redevelopment, (b) relocation, (c) merging or partnering, or (d) dissolution and closure. The Ecclesiastical Authority may identify a consultant to work with the congregation during the assessment process. While in Special Focus Parish status, the Ecclesiastical Authority will confer with the leadership of the congregation to ensure that ecclesiastical services by a priest are arranged.

**Sec. 32.11.** Whenever a Special Focus Parish shall recover sufficient strength to fulfill the financial and other obligations of a Parish, the Standing Committee may by a majority vote and with the consent of the Ecclesiastical Authority end designation as a Special Focus Parish.

**Sec. 32.12.** If a congregation is in Special Focus Parish status for no less than two years, the Standing Committee may by a two-thirds vote and with the consent of the Ecclesiastical Authority, submit a resolution to Diocesan Convention to change the status of the Parish to that of an Organized Mission at the next scheduled Diocesan Convention. The congregation will remain in union with convention. A Special Focus Parish may at any time petition Diocesan Convention to become an Organized Mission upon a majority vote by Convention. Two parishes may at any time petition the Diocesan Convention for merger upon a majority vote by Convention.

**Sec. 32.13.** In the event a Parish ceases to accede to the Constitution and Canons of the Episcopal Church or to these Canons and the Constitution of this Diocese, the Standing

Committee by a two-thirds vote with the consent of the Ecclesiastical Authority may change the parish's status to that of an Organized Mission.

**Sec 32.14.** Upon being designated an Organized Mission, the congregation shall wind up the affairs of the Parish corporation so that title to any and all real estate is transferred to the Diocesan Corporation known in law as The Episcopal Church in the Diocese of Northern California, subject to the provisions of the Constitution and Canons of this Diocese and of the laws of the State of California.

### **G. Restoration of Parish Status**

**Sec. 32.15.** Whenever a Parish which has been changed to the status of an organized Mission, and has by its Parish Corporation transferred the title of all real estate held by such Parish corporation to the Diocesan Corporation, shall recover sufficient strength to fulfill the financial and other obligations of a Parish, and when the Convention shall have restored such changed Parish to the full status of a Parish in union with the Convention, then, and in that case, the Diocesan Corporation shall transfer the title to such real estate to the Parish Corporation.

**Sec. 32.15.1.** If for whatever reason the Parish Corporation shall have lapsed or been dissolved or disincorporated, the Rector, Wardens, and Vestry of the Parish shall proceed again to incorporate the Parish according to the provisions of the Constitution and Canons of this Diocese, and of the laws of the state of California.

## CANON 33

### The Vestry or Board of Directors

**Sec. 33.1.** In each incorporated Parish the Vestry shall be and constitute the Trustees, Directors or other persons who, by the laws of the State, or Articles of Incorporation, are empowered and authorized to manage the affairs or conduct the business of such Parish

**Sec. 33.1.1.** By virtue of their election as a member of the Vestry, they shall become and be the Trustees, Directors, or other managing body of the Corporation of the Parish; and

**Sec. 33.1.2.** Whether elected, chosen, convened, acting or referred to, as Vestry, Trustees, or Directors, or as a Vestry, or a Board of Vestry or otherwise, they shall always be deemed to be the same body and as acting in all capacities in which they may be authorized to act under the statutory or Canonical law or both.

**Sec. 33.2.** The Vestry shall consist of not fewer than nine nor more than fifteen members, provided that notice of any proposed change of an existing number shall be duly given at least sixty days previously by the person officiating at a regular Sunday Service, and further provided that the Vestry of a parish in Ranges A, B, and C of the Congregational Ranges published annually by the Board of Trustees may consist of as few as five members.

**Sec. 33.2.1.** Members of the Vestry shall be communicants whose names shall be duly enrolled in the Register of the Parish, sixteen years of age or older, and who are regular in their attendance at services, and are stewards of their time, talent, and treasure for its support.

**Sec. 33.2.2.** They shall not be under suspension as Communicants; but no suspended communicant who shall have appealed to the Bishop to remove such suspension shall be disqualified, either as a member of Vestry or as an elector, until the Bishop has passed upon such an appeal and sustained the suspension.

**Sec. 33.2.3.** All members of the Vestry, except the Rector, shall be Laypersons and qualified electors of the Parish.

**Sec. 33.2.4.** The Vestry shall be elected by secret, written ballot.

**Sec. 33.2.5.** When a member of the Vestry resigns, dies or is lost for any other reason, a replacement shall be appointed by the Vestry to serve until the next annual meeting of the Parish.

**Sec. 33.2.6.** The number of members, the method of selection, the length of their term of office and manner of rotation, if any, shall be determined by each Parish and shall be specified in the Parish By-Laws, provided no term shall exceed three years and there be a lapse of at least one year following three years service on a Vestry.

**Sec. 33.3.** A quorum for a meeting of the Vestry shall consist of a majority of all members thereof, all having been given due notice thereof.

**Sec. 33.4.** No meeting of the Vestry shall be valid unless either the Rector or one of the

Wardens shall be present.

**Sec. 33.5.** The Rector shall preside at all Vestry meetings except that the Rector may appoint the Senior Warden as the presiding officer, provided however, in the case of a Parish without a Rector, or when the Rector is absent from the Diocese, the Senior Warden shall preside.

**Sec. 33.6.** The Rector or Priest-in-Charge, or in the case of their absence, the Clerk, shall call a meeting of the Vestry as soon as possible after their election.

**Sec. 33.6.1.** At this meeting, the Rector shall appoint one member of the Vestry to be Senior Warden. When a Parish is without a Rector, the Senior Warden shall be elected by the Vestry from one of their number.

**Sec. 33.6.2.** The Vestry shall elect another of their number to be Junior Warden;

**Sec. 33.6.3.** In the case of a vacancy in the Rectorship, the Vestry shall elect both Wardens.

**Sec. 33.6.4.** At the same meeting, the Vestry shall elect a Clerk and a Treasurer.

**Sec. 33.6.5.** Both Wardens must be communicants and otherwise qualified electors of the Parish.

**Sec. 33.6.6.** The Wardens shall serve until the next Annual meeting of the Parish.

**Sec. 33.6.7.** The Clerk and the Treasurer shall by virtue of their election become Clerk and Treasurer, respectively, of the Parish Corporation. They shall continue in office until their successors are elected.

**Sec. 33.7.** Each Parish shall regulate for itself through its Vestry, the stated meetings of its Vestry.

**Sec. 33.7.1.** Special meetings may be called at any time by the Rector, or both Wardens, or by any three members of the Vestry, by giving three days notice, by mail, to each member of the Vestry.

**Sec. 33.8.** The Vestry, at each annual meeting of the Parish, shall make a full, written report of the temporal condition of the Parish, in every particular.

**Sec. 33.8.1.** The outgoing Vestry shall also make suggestions, through its Wardens, as it may deem wise and helpful to the Parish, and as may conduce to the increase of zeal and devotion of the people.

November 14, 2015

IV-11

*Convention 2015*



## CANON 34

### **Duties of Vestry Officers**

**Sec. 34.1.** It shall be the duty of the Wardens to supervise the care, protection and maintenance of the Church and other buildings of the Parish, to see that they are kept in decent repair and to guard them from use prohibited by the law of the Church. They shall also see that all things needed for the orderly worship of God and for the proper administration of the sacraments are provided at the expense of the Parish and they shall discharge such other duties as may devolve upon them by the provisions of the law of the Church.

**Sec. 34.2.** In case there is no Rector, or in the Rector's absence or inability to act, the Senior Warden, or in that officer's absence, the Junior Warden, shall preside at all meetings of the Vestry and of the Parish.

**Sec. 34.3.** The Wardens shall perform all other duties which are assigned to them by the Canons of the Convention of this Diocese.

**Sec. 34.4.** At the first Vestry meeting held after the annual meeting of the Parish the Vestry shall elect a Clerk who may or may not be a member of the Vestry. The Clerk shall be secretary of the Vestry and shall act as secretary of the Parish Corporation and shall perform the duties required of such office as well as such other duties as may be prescribed in the By-Laws of the Parish and shall serve until a successor is elected.

**Sec. 34.5.** At the first Vestry meeting held after the annual meeting of the Parish, the Vestry shall elect a Treasurer who may or may not be a member of the Vestry. The Treasurer shall perform the usual functions of such office as well as such other duties as may be prescribed in the By-Laws of the Parish and shall serve until a successor in office is elected.

**Sec. 34.5.1.** All accounts shall be audited annually at the close of the year by such an accounting method as shall be permitted by the Corporation.

**Sec. 34.5.2.** Books of accounts shall be kept so as to provide the basis for satisfactory accounting.

**Sec. 34.5.3.** The Treasurer shall present to the Parish at the Annual Meeting a full and accurate statement of all monies received and paid during the year preceding.

**Sec. 34.6.** Books and accounts shall be open at all times to the inspection of the Rector, Interim, Wardens and/or Vestry.

## CANON 35

### **The Parish Records**

**Sec. 35.1.** Great care shall be taken to preserve church records. The Rector, Interim, or Vicar shall be the custodian of the Parish or Mission Register. Upon vacating a Cure, the Rector, Interim or Vicar shall deposit the Register with the Senior Warden of the Parish, Warden of the Mission, or the Bishop.

**Sec. 35.2.** When a new Parish Register shall be begun in any of the Parishes or Missions, the old one shall be sent to the Registrar for safekeeping, unless the Parish or Mission has a place for safekeeping satisfactory to the Bishop.

**Sec. 35.3.** The Parish Register as adopted by the General Convention shall be the standard for this Diocese, and every Rector, Vicar or Interim of a congregation, or the Warden of the same, when there is no Rector, Vicar, or Interim shall make the proper entries in the Register of the Parish or Mission, as required by the Canons of the General Convention.

## CANON 36

### Parish Meetings

**Sec. 36.1.** The meeting of every Parish shall be held annually for the election of members of the Vestry for the reception of reports, and for the transaction of other business which may legally and canonically come before the meeting.

**Sec. 36.2.** The Vestry of a Parish shall set the date and time of the annual meeting of the Parish at a duly convened Vestry meeting not later than the last Monday in December preceding. The annual meeting of the parish shall be held on some convenient date and time between the first day of January and the last day of February in each year.

**Sec. 36.2.1.** Notice of the Parish meeting shall be given during all services held on the two Sundays preceding such Parish meeting.

**Sec. 36.2.2.** A special meeting of any Parish may be held at any time on the call of the Rector with the consent of the Vestry or on call of the Vestry when the office of Rector is vacant; provided that the notice of such special meeting shall set forth the business which it is proposed to transact at such a meeting and no other business shall be in order.

**Sec. 36.3.** At any meeting of the Parish qualified voters shall be those persons of legal age who, at the time of such meeting, shall be communicants on the records of the Parish for six months, who have communicated in the Parish during the year preceding, and who are Givers of Record and shall have been for six months entered or entitled to be entered upon the books of the Treasurer of the Parish.

**Sec. 36.3.1.** If the Parish shall have been organized within six months before the day of such meeting, then the prescribed period of qualification shall be considered as beginning with the date of such organization.

**Sec. 36.3.2.** At any meeting of the Parish those present shall constitute a quorum for the transaction of business.

**Sec. 36.3.3.** No person shall be permitted to vote by absentee or proxy ballot.

**Sec. 36.4.** The Rector shall preside at all Parish meetings; provided, however, in the absence of a Rector the Wardens, according to seniority by title, shall preside. The Clerk of the Vestry shall be the Clerk of the Parish and shall discharge the duties of that office at any meeting of the Parish but in the case of the clerk's absence or disability, the voters shall elect a clerk to serve for that meeting.

**Sec. 36.5.** The election of the Vestry shall be by written ballot.

**Sec. 36.5.1.** Three tellers shall be appointed. One by the presiding officer; one teller by the members of the Vestry present; and the third shall be selected by these two. The tellers shall receive and count the ballots and notify the presiding officer of the results thereof.

**Sec. 36.5.2.** The presiding officer shall act as inspector of election and certify who

are elected to Vestry.

**Sec. 36.5.3.** An appeal from the certified result of the election shall lie to the Ecclesiastical Authority of the Diocese. In case of such appeal, the Ecclesiastical Authority shall canvass the vote and ascertain and declare the result of the election. Its decision upon such appeal shall be final.

**Sec. 36.5.4.** At the election of the Vestry, the polls shall be kept open for the space of one hour at least.

**Sec. 36.5.4.1.** Upon demand of any three electors the polls shall be kept open for two hours.

## CANON 37

### The Rector

**Sec. 37.1.** The Rector, subject to the Bishop of Diocese, shall have ultimate responsibility for all things pertaining to or affecting the spiritual interests of the Parish. It shall be the Rector's duty and right to give orders concerning public worship, together with all that pertains thereto.

**Sec. 37.2.** For purposes of the office and for the full and free discharge of all functions and duties pertaining thereto, the Rector shall, at all times, be entitled to the use and control of the church and Parish buildings with the appurtenances and furniture thereof.

**Sec. 37.3.** The Rector shall have control of all Parish Organizations.

**Sec. 37.4.** The Rector shall preside, with right to vote, at all Parish, Vestry, and/or Board of Trustees' meetings.

**Sec. 37.4.1.** The presiding officer of the Vestry or Parish Meeting shall not have a casting vote in case of a tie.

**Sec. 37.5.** Any other Minister of a Parish, by whatever name designated, is to be regarded as being under the authority of the Rector.

**Sec. 37.6.** When the Cure of a Parish becomes vacant, the Wardens or other proper officers shall give immediate written notice of such fact to the Bishop and Standing Committee. The Bishop will, in consultation with the Vestry, appoint a priest or deacon to provide pastoral services to the Parish during the interim.

**Sec. 37.7.** The Parish will then begin a Calling Process, in accordance with the policy and procedures established by the Diocese.

**Sec. 37.7.1.** Upon completion of the Calling Process, such process to be completed within twelve months unless a longer period is deemed appropriate by mutual agreement of the Parish Vestry and the Bishop, the Wardens or other proper officers shall notify the Bishop of the time and place of the Vestry meeting called for the purpose of electing a Rector. Such notification shall include an invitation for the Bishop to attend said meeting.

**Sec. 37.7.2.** If the Bishop is not present at the election meeting, the Warden shall immediately after such meeting communicate to the Bishop the name of the member of the Clergy who was chosen.

**Sec. 37.7.3.** Nothing in this Canon shall be construed to be in conflict with the

obligations and authority of a Parish Vestry as stated in Canon 17 of the National Canons.

**Sec. 37.8.** A two thirds majority is necessary to elect a Rector.

**Sec. 37.9.** The Ecclesiastical Authority, within a period of twenty days from such notification, shall indicate concurrence or lack thereof in such election. In the event of the latter, the election shall be held to have failed.

**Sec. 37.9.1.** If no written communication is received from the Ecclesiastical Authority within twenty days after the meeting in which the Rector is elected, the approval may be assumed.

**Sec. 37.9.2.** Should the Bishop disapprove of the Vestry selection for Rector, the Bishop shall confer with the Vestry at a meeting to be held at any time and place agreed upon by the Bishop and the Vestry. Immediately thereafter the Vestry may proceed again to elect the Rector of their choice without written approval of the Bishop.

**Sec. 37.10.** If a Parish or Mission falls \$500 in arrears on its Clergy's stipend, the Ecclesiastical Authority must be notified officially, without delay, by the Warden or Wardens and Treasurer.

**Sec. 37.10.1.** A conference may be arranged to consider ways and means of liquidating the indebtedness and of putting finances on a better business basis.

**Sec. 37.10.2.** In no instance shall a parish become liable in excess of an arrearage of one thousand dollars nor a mission in excess of an arrearage of five hundred dollars.

**Sec. 37.11.** If a Rector shall leave a Parish against the expressed will of the Vestry, and without concurrence of the Ecclesiastical Authority of the Diocese, or for the space of two months or more shall neglect or refuse to perform divine Worship in the Church, the Bishop may, upon presentation of the facts, with the concurrence of the Vestry of the Parish, appoint a Priest or Deacon, during the interim, who shall perform services and receive the stated salary of the Parish until the rector shall have made satisfaction as the Ecclesiastical Authority of the Diocese may require; provided always that during such a time of neglect or absence, the Rector shall have no claim on the Vestry for salary.

## CANON 38

### **Dissolution of Pastoral Relation by Reason of Disability of Cleric**

**Sec. 38.1.** Whenever it shall appear to the satisfaction of the Bishop, on competent medical testimony, that by reason of incurable mental or physical disability, a member of the Clergy has become incapable of discharging the duties of a Cure, the Bishop shall, on application of the Vestry of the Parish, and upon reasonable notice to all parties concerned, dissolve the pastoral relation between such Rector and the Parish.

## CANON 39

### **Parish and Mission Boundaries**

**Sec. 39.1.** The bounds of a Parish or Mission shall be the limits of any village, town, city, county, or section of a county, as fixed by law, at the time of organization, and which may have been recognized by the Bishop in the organization of the Parish or Mission.

**Sec. 39.1.1.** In the organization of Parish within the territorial limits of an existing Parish or Mission, or of existing Parishes or Missions, the bounds shall be those defined in the formal consent of the Bishop and the Standing Committee.

**Sec. 39.1.2.** In the organization of a Mission within the territorial limits of an existing Parish or Mission, or of existing Parishes or Missions, the Bishop and the Standing Committee shall define and limit the bounds of said mission.

**Sec. 39.2.** If there is one Parish or Mission within the boundaries defined in Sec. 0, it shall be the spiritual cure of the Rector, Vicar or Interim having charge there. If there are two or more Parishes or Missions, it shall be the Cure of the Rectors, Vicars, or Interim Rectors therein.

**Sec. 39.3.** The boundaries as set forth in this Canon shall be held as legally fixed, for all purposes of these canons, until they are changed or modified by the same authority which created them, subject to all the provisions of these Canons which are applicable.

**Sec. 39.4.** Nothing contained in these Canons shall be construed to prevent any Rector, Vicar, or Interim from ministering privately to persons wherever resident, belonging to his or her own Parish or Mission, in any occasional Office of the Church, or from officiating publicly in any cemetery or other place of burial.



## CANON 40

### **Location of Church Building**

**Sec. 40.1.** No Parish or Mission shall locate or change the location of its building without previous written consent of the Bishop and Standing Committee.

**Sec. 40.2.** No Board of Directors authorized to hold, manage, or administer real property for any Parish, Mission, or institution, shall encumber or alienate the same or any part thereof without the written consent of the Bishop and the Standing Committee.

## CANON 41

### **Change of Name of Parish or Mission**

**Sec. 41.1.** In the event that a Parish or Mission desires to change its name, a resolution to that effect must be adopted at an annual meeting of such Parish or Mission, which resolution must specify the reasons therefor.

**Sec. 41.1.1.** A copy of such resolution, certified to be correct by the presiding officers of such annual meeting must be presented to the Bishop and the Standing Committee for the respective approval of each.

**Sec. 41.2.** At the annual meeting of the Convention next following the approval of the Bishop and the Standing Committee, the matter shall be taken up by resolution and upon passage of the same, the name shall be altered accordingly on the roll of the Convention and it shall be known thereafter by its new title.

## CANON 42

### **Differences between Rectors and Congregations**

**Sec. 42.1.** Differences between Rectors and Congregations shall be handled in accordance with the National Canons entitled, Of the Reconciliation of Disagreements Affecting the Pastoral Relation and Of the Dissolution of the Pastoral Relations.

## CANON 50

### **Budget and Mission Apportionment**

**Sec. 50.1. Budget.** Effective December 1, 2012, the Trustees shall present to every annual Convention of the Diocese an estimate of probable income for the current fiscal year and probable assessable income for the next fiscal year.

**Sec. 50.2.** The Board of Trustees shall present to Convention its estimate of expense for the current fiscal year and its estimate of expenses for the next fiscal year.

**Sec. 50.3.** Effective January 1, 2010, Mission Apportionment will be calculated as a percentage of Net Disposable Income (N.D.I.) defined as operating income less outreach and capital expenditures as defined in the instructions for the treasurer's monthly report. The Mission Apportionment calculation will be based on a system of at least three tiers created by the Board of Trustees. The Board of Trustees will determine annually the percentage of Mission Apportionment for each tier.

Commencing January 1, 2015, N.D.I. shall be defined as operating income less outreach and capital expenditures and creative staff expenditures. Creative staff expenditures are those by which personnel expenditures are increased by expenditures for staff positions newly created to be filled between January 1, 2015 and December 31, 2017, to perform a function not previously performed by a paid staff position; however, creative staff expenditures shall be reduced by salary savings resulting from vacancies in, or the elimination of, other paid staff positions. A deduction for creative staff expenditures shall be available for only the first three years of the function not previously performed by a paid staff position. The approval of the Board of Trustees shall be required for the classification of an expense as a creative staff expenditure.

The Trustees may not set the percentage above 10% on the first \$60,000 of N.D.I., nor above 17.5% on N.D.I. over \$60,000 up to \$120,000, nor above 25% above \$120,000, without approval of Convention.

A parish or mission in financial difficulty may apply to the Board for assistance in paying its Mission Apportionment. Such applications must be made on an annual basis and must include a completed audit by a diocesan auditor or audit committee.

**Sec. 50.4.** Mission Apportionment is to be paid by each parish and mission monthly based upon the preceding month's N.D.I.



## CANON 51

### **The Church Pension Fund**

**Sec. 51.1.** It shall be the duty of this Diocese and of the Parishes, Missions, and other Ecclesiastical organizations therein, each through its Treasurer or other proper official, to inform The Church Pension Fund of the salaries and other compensations paid to the clergy by the Diocese, Parishes, Missions and other Ecclesiastical organizations for services rendered, currently, or in the past, prior to their becoming beneficiaries of said fund, and changes in such salaries and other compensations as they occur, and to pay promptly The Church Pension Fund, the pension assessments required thereon under the Canon of the General Convention, and in accordance with the rules of said Fund.

**Sec. 51.2.** It shall be the duty of every member of the clergy, canonically resident in or serving in this Diocese, to inform The Church Pension Fund promptly of such facts as the Trustees thereof may deem necessary for its proper administration, and to cooperate with said Fund in such other ways as may be appropriate to assist the Fund in the discharge of its canonical obligations.

## CANON 52

### Insurance

**Sec. 52.1.** The Diocese, and any Parish thereof, shall maintain adequate insurance coverage, with amounts to be determined in the first instance by the proper officers of the Diocese or Parish, but subject thereafter to the direction of the Corporation, and to that end, the Corporation is hereby vested with general authority to compel adequate insurance by the Diocese, or any Parish thereof.

## CANON 53

### Bonds Of Treasurers

**Sec. 53.1.** Treasurers and custodians of Church funds, other than banking institutions, shall be adequately bonded.



## CANON 54

### Parish and Mission Cash Books

**Sec. 54.1.** The Board of Trustees shall have authority to require the Treasurer of every Parish, in keeping accounts, to use the Parish Cash Book or other form of account book published by or approved by the Board of Church Finance of General Convention.

**Sec. 54.2.** The Council shall have authority to require the Treasurer of every organized Mission, in keeping accounts, to use such form of cash book or account book as the Board may approve for such use.

## CANON 56

### Nonparochial Clergy Reports

**Sec. 56.1.** A Minister not in charge of a Parish or Mission shall record all Baptisms, Confirmations, Marriages and Burials in the Register of the Parish where performed; but, if for any reason, such acts are recorded in the Register of any other Parish or Mission, the record shall state where the acts were performed. If the acts are performed by a Cleric who has no regular Cure and are beyond the limits of any Parish or Mission, such acts will be reported, in writing, to the Bishop who will cause them to be recorded in a special book kept in the office of the Bishop.

## CANON 57

### Clergy Compensation

**Sec. 57.1** The minimum compensation (including salary, housing, and utility allowance) which shall be paid to any member of the clergy employed full-time by the Diocese or by any parish or any congregation, shall be fixed in accordance with the Compensation Range established annually by the Board of Trustees. Any congregation unable to pay at least the Base for their Compensation Range shall require the Bishop's written approval for the compensation to be paid

## **CANON 60: ECCLESIASTICAL DISCIPLINE**

**60.1 Title IV of General Canons.** The forms and methods of Ecclesiastical Discipline in the Diocese shall follow and comply with the provisions set forth in Title IV of the Canons of the General Convention of The Episcopal Church (the “General Canons”). To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

**60.2 Effectiveness of Canon and Term of Ecclesiastical Court.** Except for the provisions for selection of members of the Disciplinary Board, which shall take effect immediately upon adoption, these Canons shall take effect on July 1, 2011. The terms of previously elected members of the Diocesan Review Committee and the Ecclesiastical Trial Court shall terminate on June 30, 2011, except with respect to cases pending on that date before the Ecclesiastical Trial Court that are required to proceed under the predecessor to Title IV as set forth in Canon IV.20.3 of the General Canons. As to such cases, the predecessor to Title IV and the predecessor to this Canon 22 shall govern. The terms of members of the Ecclesiastical Trial Court expiring on December 31, 2010 are extended until so terminated.

**60.3 Diocesan Cooperation.** Pursuant to Canon IV.5.3(i) the Diocese has elected to enter into a compact among the Dioceses of El Camino Real, California, Northern California, and San Joaquin to develop and share resources necessary to implement Title IV and this Canon, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under Title IV (hereinafter the “Disciplinary Board Compact”). The Bishop of the Diocese shall be authorized to execute and implement the Disciplinary Board Compact and any amendments or modifications thereto consistent with this Canon.

**60.3.1 Information.** When any General Canon shall allow information concerning a charge or disciplinary proceeding be given to a Bishop, the only Bishop to whom such information may be given shall be the Bishop (or Bishops if so agreed) having jurisdiction over that charge or disciplinary proceeding under Canon IV.19.5 of the General Canons.

**60.4 Disciplinary Board.** The Disciplinary Board shall consist of nine persons, five of whom are members of the Clergy and four of whom are members of the Laity and shall constitute a Court for purposes of Article IX of the Constitution of The Episcopal Church. A member of the Standing Committee of this Diocese may serve on the Disciplinary Board.

**60.4.1 Composition.** While the Disciplinary Board Compact is in effect, each of the Dioceses listed in Canon 22.3 shall have one clerical and one lay member on the Disciplinary Board, and the ninth member, a cleric, shall be nominated by the Disciplinary Board and subject to the unanimous approval by the four diocesan bishops.

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**60.4.2 Terms.** Eventually, each member of the Disciplinary Board shall serve a three-year term, each term to begin on January 1 following appointment or election. During the first year, the nine members shall draw lots as to the three having six-month terms (to December 31, 2011), the three having 18-month terms (to December 31, 2012) and the three having 30-month terms (to December 31, 2013). Thereafter, each Diocese shall elect or appoint replacements for members of that Diocese whose terms have ended for three-year terms, replacing lay with lay and clergy with clergy, provided that the ninth member shall be selected as provided in Canon 22.4.1. Members may serve no more than two successive terms, after which one year must elapse before being reelected/reappointed. If a member is elected/appointed to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. If a proceeding has been commenced, a member of the Disciplinary Board whose term has expired may continue to serve on the Disciplinary Board for all proceedings in that matter in which the Disciplinary Board is involved through final disposition.

**60.4.3 Clerical Members.** The Clerical members of the Disciplinary Board from this Diocese must be canonically and geographically resident within the Diocese.

**60.4.4 Lay Members.** The lay members of the Disciplinary Board from this Diocese shall be adult Communicants in Good Standing of a congregation in the Diocese.

**60.4.5 Election.** The members of the Disciplinary Board from this Diocese shall be elected by Convention, with terms beginning the following January 1.

**60.4.6 Vacancies.** Vacancies on the Disciplinary Board shall be filled as follows:

- (a) Upon the determination that a vacancy exists, the President of the Disciplinary Board shall notify the Bishop of the vacating member's diocese of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
- (b) That Bishop shall appoint a replacement Disciplinary Board member with the consent of the Standing Committee.
- (c) With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, any person selected as a replacement Disciplinary Board member shall serve for the unexpired portion of the vacating member's term. With respect to a vacancy resulting from a challenge, the replacement Disciplinary Board member shall serve only for the proceedings for which the appointed Disciplinary Board member is not serving as a result of the challenge.

**60.4.7 President.** The first Disciplinary Board President shall be elected by Disciplinary Board members prior to December 31, 2010, to serve until December 31, 2011, and may be elected for an additional one-year term. Subsequent presidents shall be elected in accordance

with General Canon IV.5.1 and may serve for up to two one-year terms before stepping down as President for one year.

**60.4.8 Clerk.** The Disciplinary Board shall appoint a Clerk to assist the Disciplinary Board with records management and administrative support. The Clerk may also be a member of the Disciplinary Board. The Clerk shall also maintain a roster of membership for the Disciplinary Board, which shall include the Diocese and term of each member.

**60.4.9 Preserving Impartiality.** In any proceeding under this Canon, if any member of a Conference Panel or Hearing Panel of the Disciplinary Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Disciplinary Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

**60.5 Intake Officer.** The Intake Officer for this Diocese shall be appointed from time to time by the Bishop with the consent of the Standing Committee. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

**60.6 Investigator.** The Bishop shall appoint an Investigator in consultation with the President of the Disciplinary Board on an as needed basis. The Investigator may be, but is not required to be a Member of the Church.

**60.7 Church Attorney(s).** Beginning in 2010 and within forty five (45) days following each annual Convention, the Bishop of this Diocese with the consent of the Standing Committee shall appoint one or more attorneys to serve as Church Attorney(s) for the following calendar year. The person(s) so selected may but need not be Members of the Church but must be a duly licensed attorney in California, and need not reside within the Diocese. The Church Attorney may be removed for cause during the calendar year by the Bishop of this Diocese with the advice and consent of the Standing Committee.

**60.8 Pastoral Response Coordinator.** The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV. 8 of the General Canons and this Canon. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Canon.

**60.9 Advisors.** In each proceeding under this Canon, the Bishop shall appoint an Advisor for the November 14, 2015

complaining party and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Canon, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding. The role of the Advisor is defined in General Canon IV.2 and is not intended necessarily to act necessarily as attorney. The complaining party and the Respondent are each free to engage an attorney at their own costs.

**60.10 Costs and Expenses Incurred by the Church.** The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Disciplinary Board Clerk and the Pastoral Response Coordinator shall be the obligation of the Diocese in which the Respondent is canonically resident, unless the alleged offense took place elsewhere and the respective bishops agree on a different cost allocation. Other costs shall be the responsibility of individual parties incurring them.

## **60.11 Records**

**60.11.1 Record of Proceedings.** Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan office in which the Respondent is canonically resident.

**60.11.2 Permanent Records.** The Bishop shall make provision for the permanent storage of records of all proceedings for clergy canonically resident in this Diocese under this Canon at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

## CANON 61

### Complaint of Repulsion

**Sec. 61.1.** When a person to whom the Sacraments of the Church have been refused, or who has been repelled from the Holy Communion under the Rubrics, shall lodge a complaint with the Bishop, it shall be the duty of the Bishop, unless the Bishop sees fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the Rector, Interim Rector, or Vicar, to institute such an inquiry as follows:

**Sec. 61.1.1.** The Bishop shall appoint a Commission, composed of the Regional Dean and two members of the Clergy of the Deanery in which the Parish or Mission of the complainant is located, and the Chancellor of the Diocese, who shall examine the case and make a report on the facts in writing to the Bishop, with its opinion thereon, who shall then pronounce a decision;

**Sec. 61.1.2.** Provided, that if the Regional Dean be the Rector, Interim Rector, or Vicar who has suspended the said person, the Bishop shall appoint some other member of the Clergy to serve on the Commission in the Dean's stead.

**Sec. 61.2.** When a suspension from the Holy Communion has been confirmed by the Bishop, the suspension shall continue, subject to the conditions of the Rubric, and shall be binding on all the members of the Clergy of this Diocese. The duration of the sentence of suspension shall be fixed by the Bishop, and their remission shall be pronounced by him.



## CANON 65

### **Time of Taking Effect**

**Sec. 65.1.** Canons shall take effect immediately upon their adoption.

**Sec. 65.2.** All former Canons of the Diocese, not included in these Canons, are hereby repealed, but the validity of any previous action, taken in accordance with the Canons then in effect, shall not be affected.

**Sec. 65.3.** The Secretary of the Diocese shall procure and keep a suitable book, entitled "The Constitution and Canons of the Diocese of Northern California," in which shall be recorded the Constitution and Canons of the Diocese, with a certificate of their adoption signed by the President and Secretary of the Convention.

**Sec. 65.4.** All Constitutions and Canons, and all amendments thereof and additions thereto, hereafter adopted by the Convention shall be certified by the President and Secretary of the Convention, as having been duly adopted, and shall, with the certification of adoption, be recorded in said book, and the said book shall be taken and regarded as prima facie evidence of the due adoption and correctness of all papers recorded therein pursuant to this Canon.

## CANON 66

### Amendment to the Canons

**Sec. 66.1.** These Canons may be altered or amended by an affirmative vote of the majority voting at Diocesan Convention.

**Sec. 66.1.1.** Proposed amendments or additions to the Canons must be filed with the Secretary of Convention at least sixty days prior to the meeting of the Convention. Proposed amendments received less than sixty days prior to Convention may be referred to a Committee to report thereon at the succeeding annual convention or may be received according to Sec. 66.4

**Sec. 66.2.** The Secretary of the Convention shall deliver copies of all proposed amendments and additions to the Canons to the Chairperson of the Committee on Canons. The Committee on Canons shall report thereon on the first day of Convention.

**Sec. 66.2.1.** Amendments and additions to the Canons, referred from previous Conventions may be included in the report of the Committee on constitution and Canons or in the report of any other committee to which such proposals may have been referred.

**Sec. 66.3.** The Committee on Constitution and Canons or any other committee, to which a proposed amendment or addition has been referred, may make necessary changes to the text in order to make such amendments or additions consistent with the other Canons. The Committee on Constitution and Canons shall also report other changes to the Canons that would be required by approval of a proposed amendment or addition.

**Sec. 66.4.** A proposed amendment or addition to the Canons, which was not submitted in accordance with Sec. 66.1.1 (60 days), may be received by unanimous consent of the Convention. When so received the proposed amendment or addition will be referred to the Committee on Constitution and Canons, or to a Special Committee, with instruction to report back before final adjournment of the Convention. When so reported the Convention may act upon such proposals.

**Sec. 66.5.** The Secretary of Convention shall, at least twenty-five days prior to Convention, mail a copy of all proposed amendments and additions to the Canons to every clergyperson on the Diocesan list, the clerk of every parish or mission and to each lay delegate. Copies shall also be provided at Convention.

**Sec. 66.6.** The Secretary of Convention shall publish all approved amendments and additions to the Canons in the next Journal of the Diocese of Northern California.

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## APPENDIX A

### UNIFORM EPISCOPAL CANON ON CLERGY DISCIPLINE

Refer to Title IV of the 2015 version of the Constitution & Canons for The Episcopal Church which is also available on the web

[http://www.episcopalchurch.org/files/documents/2015\\_candc.pdf](http://www.episcopalchurch.org/files/documents/2015_candc.pdf) GLOSSARY

**Adjournment sine die:** literally "without a day" - refers to the end of an annual or special meeting of the Convention.

**Annulment:** A judgment as to a person's marital status in the eyes of the Church, given by the Bishop or Ecclesiastical Authority of the Diocese in which such person is legally or canonically resident. Such judgment shall not be construed as affecting the legitimacy of children or civil validity of the former relationship.

**Bishop:** a Priest who has been ordained and consecrated in accordance with Article II of the General Constitution and Title III, Canon 21, 22, 23 or 24 of the National Canons.

**Bishop Coadjutor:** a canonically elected Bishop who serves as assistant to the principal Bishop (cf. "Diocesan" and "Ordinary" below), and who has automatic right of succession when the Diocesan Bishop resigns, retires, or dies.

**Bishop Suffragan:** (Frequently referred to as Suffragan Bishop) a canonically elected Bishop who serves as assistant to the principal Bishop. A Suffragan does NOT have the right of automatic succession, but may be elected to that office. A Suffragan may be elected Coadjutor. A Diocese may have one or more Suffragan Bishops instead of, or in addition to, a Coadjutor. See Title III, Canon 23 of the National Canons.

**By-Laws:** Regulations for the internal affairs of an organization.

**Candidate for Holy Orders:** a person who has previously been admitted as a Postulant for Holy Orders who has been admitted in accordance with the provisions of Title III, Canon 5 of the National Canons.

**Canon:** Either:

- (1) A specific rule of law enacted by the Convention in conformity with the Constitution.
- (2) A Priest on the staff of the Cathedral appointed by the Dean with the approval of the Bishop and confirmed by the Chapter.
- (3) Honorary title conferred by the Bishop
- (4) Member of Diocesan Staff appointed by the Bishop

**Canonical:** in accordance with the Canons of the Diocese and/or the National Church.  
Ex: Clergy canonically resident in the Diocese.

**Canonical certificate:** (Letter Dimissory). An official letter, signed by the Bishop, authorizing the transfer of clergy to another Diocese.

**Canonically resident:** applies to a Bishop, Priest, or Deacon who has been canonically received into a Diocese by the Ecclesiastical Authority thereof by acceptance of Letters Dimissory duly recorded, by ordination, or by reception from another Communion of the Catholic Church.

**Cathedral:** the church containing the cathedra or the Bishop's chair; the Bishop's church.

**Chief Pastor:** the position of the Diocesan as the senior member of the clergy within a Diocese.

**Clergy:** persons canonically ordained. Bishop, Priest or Deacon in the Episcopal Church.

**Clerical:** pertaining to the clergy.

**Clerical Deputy:** a Priest or Deacon who represents the Diocese at either General Convention or the Provincial Synod.

**Commissioner:** an individual appointed by the Diocesan trial court or the Bishop who is authorized by such appointment to administer oaths or affirmations to persons who testify by deposition. See .

**Communicant:** a member of this Church who has received Holy Communion in this Church at least three times during the preceding year. (Title I.17.2)

**Communicant in Good Standing:** A Communicant of this Church, who for the previous year, has been faithful in corporate worship, unless for good cause prevented, and has been faithful in working, praying and giving for the spread of the Kingdom of God. (Title I.17.3)

**Congregation:** a Parish, Mission or other authorized assembly or the members thereof.

**Consanguinity:** blood relationship; descended from a common ancestor.

**Constitution:** the fundamental law of the government of an organization.

**Contumacy:** defiance of authority.

**Convention:** the legislative body of the Diocese, convened annually to approve the Mission Apportionment factor for the coming year, and to initiate and/or approve recommended programs and policies of the Diocese. Special meetings of the Convention may be called for specific purposes. (Constitution, Article V)

**Curate:** a Priest or Deacon called by the Rector to assist the Rector either permanently or for a specified period of time. (Referred to in this diocese as Assistant)

**Cure:** the spiritual charge of a Parish or Mission.

**Deacon:** a Candidate for Holy Orders who having complied with all of requirements is ordained by a Bishop to the Order of Deacons. Deacons may be transitional Deacons, those who will be ordained Priest when all requirements are met. There are also Deacons who see their call as servant ministers and remain Deacons throughout their ministry. These Deacons are normally assigned to a particular congregation and are under the direction of the Rector, Vicar or Regional Missioner.

**Dean:** the Rector of the Parish of the Cathedral.

**Diaconate:** the collective order of Deacons.

**Diocesan:** the Bishop of the Diocese, also known as the Ordinary. When used as an adjective, of or pertaining to the Diocese.

**Diocesan Corporation:** the non-profit corporation known as "The Episcopal Church in the Diocese of Northern California, a Corporation."

**Diocese:** a geographical unit in the Church, always under the supervision of a Bishop, or other Ecclesiastical Authority.

**Division, Vote By:** affirmative voters rise to be counted, then negative voters rise to be counted. Used when voice vote is not conclusive.

**Ecclesiastical Authority:** authority relating to the Church, especially a formal and established institution. The Bishop of the Diocese or in the absence of the Diocesan, the Bishop Coadjutor if there be one, the Suffragan Bishop if there be one, or in the absence of all Bishops, the Standing Committee of the Diocese.

**Episcopate:** office of the Bishop.

**Ex Officio:** any person having membership on a body by virtue of his office, such member shall be entitled to vote on all matters regularly coming before such body.

**Ex parte:** from the interest of one party only; non-adversary in nature.

**General Canons:** the Canons of the Episcopal Church.

**General Constitution:** the Constitution of the Episcopal Church.

**Giver of Record:** a person who contributes money and such gift is recorded in the financial books of a parish or mission.

**Interim (Pastor):** a priest whose settlement in a parish or mission is that of a temporary administrator and is subject as to tenure and other conditions to the discretion of the Bishop.

**Journal:** the Diocesan Journal, published yearly, containing two parts:

Part I. Annual reports of Diocesan Staff, Committees, Commissions, Task Forces, etc., as well as reports from affiliated organizations and institutions.

Part II. The official record, certified by the Secretary and the Bishop, of: The Minutes of the Annual Convention; Clergy listings; Diocesan Officers; Diocesan Statistics; Deputies to the General Convention and to the Provincial Synod; and the names of the elected or appointed members of the Committees and Commissions.

**Laity:** the membership of the church other than the clergy.

**Lay delegate:** a member of the laity who represents a Parish or Mission at a meeting of the Convention of the diocese.

**Lay deputy:** a member of the laity who represents the diocese at either General Convention or the Provincial Synod.

**Lay member:** a member of a legislative body who is a member of the laity.

**Member:** all persons who have received the Sacrament of Holy Baptism with water in the name of the Father and of the Son and of the Holy Spirit, whether in this Church or another Christian Church, and whose Baptism has been duly recorded in this Church. (Title I.17.1a)

**Member in Good Standing:** a term in common use but not used in either the Diocesan or National Canons. See Communicant in Good Standing.

**Minister:** (1) in a liturgical sense executor officij, one who is duly ordained, licensed or

appointed to perform sacred functions in this Church, including the three Orders of Bishops, Priests, and Deacons as well as others who serve and minister; (2) in a titular sense, a Priest or Deacon whose settlement in a Parish or Mission is determined as to time and other conditions by specific agreement, as in the case of a Rector, Assistant, or Vicar, or also, as in the case of a Deacon, by the office; in a general sense, all baptized persons (some of whom are licensed to specific functions) who carry out Christ's work of reconciliation in the world and take their place in the life, worship and governance of the Church.

**Necrology:** a register of deaths.

**Orders, Vote By:** a vote in which clerical and lay votes are counted and reported separately.

**Ordinary:** the Bishop of the Diocese; a prelate exercising jurisdiction over a specified territory or group. (cf. Diocesan).

**Organized Mission:** an ecclesiastical body organized according to the provisions of Canon 30 admitted into union with the Convention of the Diocese.

**Parish:** an ecclesiastical body organized according to the provisions of Canon 32, admitted into union with the Convention of the Diocese.

**Parochial:** of, or pertaining to, a Parish or Mission.

**Pastor:** a Rector, Vicar or Regional Missioner.

**Pastoral Cure:** the spiritual charge of a Parish or Mission.

**Pastoral letter:** a letter from the Diocesan declared to be such or a letter from the House of Bishops in accordance with Title III, Canon 14.2 and 26.3

**PECUSA:** the Episcopal Church in the United States, otherwise known as the Episcopal Church.

**Pledging Unit:** A household, i.e. family or an individual, regardless of the number of envelopes used or number of persons involved, who as a single unit have made a commitment to the financial support of a Parish or Mission.

**Postulant:** i.e., Postulant for Holy Orders; a person who has complied with all of the requirements of Title III, Canon 2 of the National Canons and been admitted to such status in accordance therewith.



**Presbyter:** an ordained Priest in the Episcopal Church.

**Presentment:** a document which specifies the offense(s) of which a Priest or Deacon is alleged to be guilty, with reasonable certainty as to time, place and circumstances.

**Priest:** a Deacon who has complied with all of the requirements of Title III, Canon 11 of the National Canons and has been ordained in accordance with the provisions thereof.

**Priest-in-Charge:** see Interim (Rector/Vicar)

**Prima facie:** evidence sufficient to raise a presumption unless rebutted.

**Professional Church Worker:** a person who has complied with all of the prerequisites of Title III, Canon 28 of the National Canons and has been certified in accordance with the provisions thereof.

**Pro tempore:** temporarily - for the time being.

**Province:** one of the nine geographical divisions of the Episcopal Church, each of which includes one or more dioceses. The Diocese of Northern California is in Province VIII. Province VIII includes the states of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington, Navajoland and Taiwan.

**Quorum:** the minimum number of a body whose presence is required in order to transact business.

**Rector:** a Priest who is canonically settled in a Parish which is self-supporting, fully organized and in canonical union with the Convention of this Diocese, whose settlement is without limitation of time and the conditions of whose call are of the nature of a permanent contract.

**Regional Missioner:** a Priest who is in charge of a group of congregations.

**Rules of Order:** rules adopted by a legislative body designed to facilitate its orderly processes.

**Stated Contributor:** same as Giver of Record.

**Suffragan Bishop:** see Bishop Suffragan.

**Summoner:** a person appointed by the Bishop to serve all papers and notices contemplated by the provisions of Canon 60.

**Synod:** the legislative body of a province.

**Temporalities:** Properties, goods or revenues of an ecclesiastical body.

**Vicar (or Missionary):** a Priest or Deacon sent by the Bishop to be in charge, as the Bishop's representative, of a Mission and whose settlement is determined as to time and condition by agreement with the Bishop.

**Warden:** a member of the laity within a Parish or Mission chosen as a leader to fulfill specific responsibilities.

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*As updated*

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*Making Disciples, Raising up Saints and Transforming Communities for Christ*



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Elizabeth

I, the undersigned Armstrong declare that I am and at all times mentioned herein have been, the duly appointed, qualified, and acting Assistant Secretary of the Convention of The Episcopal Church in the Diocese of Northern California and certify that the foregoing is a true and correct copy of the Canons of The Episcopal Church in the Diocese of Northern California, an ecclesiastical body, as it existed on November 14, 2015, and that such Constitution has not been repealed, altered or amended and remains in full force and effect as of the date hereof.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 23 day of August, 2016, at Sacramento, California

EAms +  
the Rev. Elizabeth Armstrong