

## **The Canons of the Diocese**

### **Definitions**

**Ecclesiastical Authority:** The Diocesan Bishop, unless absent. In his absence the Ecclesiastical Authority will be as provided by the Constitution.

**Canonical residence:** Recorded by the Ecclesiastical Authority as resident in this Diocese.

**Cure:** Where the clergy is working

**Dean:** Presbyter who represents the bishop in a region or in a cathedral

**Archdeacon or Canon:** A Diocesan assistant to the Bishop

**Rector:** Priest called by the parish to lead a parish

**Vicar:** Priest called by the Bishop to lead a mission

**Vestry:** Governing board of a parish elected by the congregation

**Mission Council:** Governing board of a mission nominated by a congregation and appointed by the Bishop.

### **Title I: Organization and Administration of the Diocese**

#### **Canon 1 Official List of the Clergy of the Diocese**

Section 1 A list of all duly ordained presbyters and deacons who are canonically resident or licensed to work in the Diocese shall be maintained by the Ecclesiastical Authority and kept current by the registrar and on file in the central office of the Diocese. The list shall contain the addresses, cure or positions of the clergy and shall be published at least thirty (30) days in advance of any meeting of the Synod. Any member of the clergy whose name is not on the list and who wishes to vote at the Synod shall bring the omission to the attention of the registrar.

Section 2 The official list shall be available to the Synod on the first day of its meeting and shall be the basis for determining a quorum as provided in Article III, Section 4 of the Constitution.

Section 3 Every member of the clergy canonically resident or licensed in the Diocese shall attend every meeting of the Synod unless excused by the Ecclesiastical Authority.

#### **Canon 2 Lay Representation in Synod**

Section 1 A list of all duly elected lay representatives of congregations of the Diocese shall be compiled and maintained and kept current by the registrar. The list shall contain the addresses and other appropriate contact information of the lay representatives and shall be published at least thirty (30) days in advance of any meeting of

the Synod. Any lay representative whose name is not on the list and who wishes to vote at the Synod shall bring the omission to the attention of the registrar.

Section 2 Each congregation and mission shall be entitled to one lay representative. In addition, each congregation or mission whose average Sunday attendance (ASA) exceeds two hundred (200) shall be entitled to one additional lay representative for each two hundred (200) or fraction thereof above the first two hundred (200), except that the total number of lay representatives from any congregation or mission shall not exceed nine. ASA shall be based upon the preceding year's annual report.

### **Canon 3 The Credentials Committee**

A Credentials Committee, appointed by the presiding officer of the Synod, shall consist of two (2) clergy and two (2) lay delegates who shall determine the presence of a quorum and hear and resolve any disputes over proper representation in the Synod.

### **Canon 4 Meetings of the Synod**

Section 1 The Synod of the Diocese shall meet regularly once a year and may also have special meetings called for a specific purpose.

Section 2 The Bishop, with the advice of the Standing Committee, shall determine the date, time and place of all meetings of the Synod. The secretary of the Diocese shall give notice of regular meetings at least sixty (60) days in advance and no less than fifteen (15) days prior to any Special Meeting. No other business shall be transacted than that stated in the notice calling the special meeting, unless two thirds of those present and voting at the meeting authorize the transaction of such other business.

Section 3 *Committees of the Synod.* There may be a Committee on Resolutions, a Committee on Mission and Ministry and such other committees as the Bishop or the Synod may deem necessary. All committee members shall be appointed by the Bishop from among the current members of the Synod.

Section 4 *Rules of Order.* The Synod for its business meeting shall use Robert's Rules of Order unless the Bishop with the advice of the chancellor directs otherwise.

Section 5 *Parliamentarian.* The Bishop shall appoint a parliamentarian to advise the Bishop and the Synod on parliamentary issues. The ruling of the Bishop or the presiding officer on any matter may be overridden by a vote of two-thirds of those present and voting at the Synod.

### **Canon 5 Delegates of the Diocese to the Provincial Council and Assembly of the Anglican Church in North America.**

The Synod of the Diocese shall elect the delegates to the Provincial Council and Assembly from a list of nominees provided by the Standing Committee and the Bishop. Nominations from the floor shall be allowed.

**Canon 6          Subdivision of the Diocese into Regions or Districts**

When it shall appear to the Ecclesiastical Authority that, with the advice and consent of the Standing Committee, it would advance the administration of the Diocese they may recommend to the Synod a canonical amendment organizing within the Diocese two or more regions or districts to be administered as provided by such canon. This provision shall not apply to Deaneries.

**Canon 7          The Standing Committee of the Diocese**

The Diocese shall have a Standing Committee chosen in accordance with the Constitution of the Diocese and the Constitution and Canons of the Anglican Church in North America with such authority as therein provided and such other authority and responsibility as the Synod of the Diocese may determine by canon or resolution. At the outset, the Standing Committee shall determine the program of the Diocese for adoption by the Synod.

**Canon 8          The Chancellor**

The chancellor of the Diocese, appointed by the Bishop, shall be a communicant in good standing and a member of a congregation of this Diocese. He or she shall be learned in the law and licensed to practice in this state (or a state of this Diocese). The chancellor shall have responsibility for the legal affairs of the Diocese and shall serve as counsel to the Bishop and the Standing Committee.

The Bishop may appoint assistant chancellors as necessary.

**Canon 9          The Secretary**

The secretary of the Diocese, appointed by the Bishop, shall keep the minutes of the meetings of the Synod and shall submit such reports as the Bishop may request. The Bishop may appoint assistant secretaries as necessary.

**Canon 10        The Treasurer**

The treasurer of the Diocese, appointed by the Bishop, shall be the custodian for all of the funds of the Diocese. The treasurer shall be bonded in such amount as the Standing Committee from time to time shall deem appropriate and shall file an annual report to the Synod on the financial status of the Diocese as well as periodic reports of account for all funds under his custody or control.

**Canon 11        The Registrar**

The registrar shall be the custodian of official records of the Diocese and shall issue such certification as may be directed by the Bishop or the Standing Committee.

**Canon 12        Terms of Office**

The chancellor, the secretary, the registrar and the treasurer shall serve at the pleasure of the Bishop.

**Canon 13      Finance Committee**

Section 1      There shall be a Finance Committee of the Diocese appointed by the Bishop, with at least one representative of the Standing Committee. The Finance Committee shall assist the treasurer in preparing the annual budget of the Diocese and shall issue guidelines for audits and investment management. The records and accounts of the treasurer shall be subject to audit by independent auditors on an annual basis. The Finance Committee shall issue such periodic reports to the Bishop and the Standing Committee on the financial condition of the Diocese as either deems necessary.

Section 2      With whatever assistance it may require, the Finance Committee shall oversee the insurance and benefits programs for the clergy of the Diocese and its personnel.

**Canon 14      Committee on Constitution and Canons of the Diocese**

There shall be a Committee on Constitution and Canons, appointed by the Bishop, with the chancellor as a member. The committee shall be responsible for ensuring the conformity of the Diocesan Constitution and Canons with those of the Church. All proposed amendments to the Constitution and Canons shall be submitted to the committee not fewer than one hundred and twenty (120) days prior to the next Synod meeting. No amendment to either the constitution or canons of the Diocese shall be considered by the Synod until the committee shall have reviewed and reported its recommendation to the Synod no fewer than sixty (60) days prior to the next Synod meeting.

**Canon 15      Vocations Committee**

The Bishop shall appoint and report to the Synod the names of a Vocations Committee to assist him in the recruitment, discernment, training, and examination of suitable candidates for ordained ministry.

**Canon 16      Missions Committee**

The Bishop shall appoint and report to the Synod the names of a Missions Committee to assist him in the discernment, placement and oversight of new missions within the Diocese.

**Canon 17      Concerning Annual Reports to the Synod**

All officers and standing committees of the Diocese are required to file a report to be distributed to the annual Synod for review of all activities of said officer or committee.

**Title II: Organization and Administration of the Congregation**

**Canon 18      Churches and Missions**

Section 1 A congregation must have a minimum average Sunday attendance of twelve (12) and financially contribute to the support of the mission of the Diocese, as well as send delegate(s) to the annual Synod in order to retain canonical status within the Diocese.

Section 2. In order to maintain parish status, a congregation must be self-supporting with a full-time presbyter. A mission may apply to the Bishop for admission to parish status upon attaining said requirements and shall, upon his authorization, be admitted as such at the next annual Synod of the Diocese. If a parish finds itself no longer able to sustain said requirements for a period of one (1) year or more, it may be designated a mission, either by their request or by decision of the Bishop and Standing Committee of the Diocese, and be recorded as such at the next annual Synod of the Diocese.

Section 3 Each congregation shall meet at least annually to elect Vestry or Mission Council members, conduct parish business and receive reports on the condition of the congregation. Only baptized members of the congregation who are in good standing and who are at least sixteen (16) years of age shall be eligible to vote on issues before the congregation. Any person believing himself or herself entitled to be included on the parish voter list may appeal to the vestry for its determination.

Section 4 A vestry shall consist of between six (6) and fifteen (15) members as indicated by parish bylaws. Only confirmed members (or those desirous thereof) shall be eligible to serve on a vestry. A congregation may establish staggered terms for its vestry members. No person may serve more than two (2) full successive terms on a Vestry.

Section 5 The rector or vicar shall preside at the annual parish meeting. In the absence of the rector, one of the wardens shall preside. The president of the meeting shall appoint a clerk to take the minutes of the meeting. Such minutes shall become a part of the official Record of Minutes and Actions of the congregation, along with the minutes of the vestry or mission council.

Section 6 A group of the faithful seeking to affiliate as a church or mission shall submit its application to the Standing Committee with appropriate evidence on forms provided by the Standing Committee. The Standing Committee, with the approval of the Ecclesiastical Authority, may issue provisional membership in the Diocese as a fellowship subject to confirmation by majority vote of the next Synod. The Bishop shall then take orders to receive the members into the Anglican Church in North America.

Section 7 A congregation attached to another diocese or cluster of the Anglican Church in North America desiring to become a member of this Diocese shall make application to the Bishop and, with the consent of the Bishop under whose jurisdiction that congregation is currently attached, may be received into this Diocese upon its proper accession to the Constitution and Canons of this Diocese.

Section 8 A congregation of another denomination desiring to become attached to this Diocese shall first apply to the Executive Committee of the Anglican Church in North America for admission as a member of the Province. Upon being so admitted, after complying with all requirements, the Bishop shall take order to receive the members and clergy thereof into the Anglican Church in North America and into this Diocese.

**Canon 19 Concerning the Vestry or Mission Council of a Church**

Section 1 The rector and vestry shall be the governing body of the parish.

Section 2 The Bishop shall be the governing authority of a mission, except as he may delegate such authority. A mission may have a mission council to assist in the administration of its affairs as approved by the Bishop. The vicar of a mission, appointed as such by the Bishop, shall be in charge of the mission, subject to the authority of the Bishop, and shall preside over all meetings of the mission council.

Section 3 The vestry or mission council shall ensure that the parish is incorporated under the laws of the jurisdiction where located.

Section 4 The vestry shall constitute the board of directors of the corporation. The corporation's officers shall be elected by the vestry. The vestry shall select from its members the wardens of the church, who may also serve as officers of the corporation. The vestry shall also elect a treasurer for the congregation and a clerk of the vestry to record the minutes, who may be members of the vestry. Where allowed by the bylaws of the parish, the rector may choose the senior warden from among the members of the vestry.

Section 5 The rector or vicar shall preside at all meetings of the vestry or mission council. In the absence of the rector or vicar, or at the direction of the rector or vicar, one of the wardens shall preside.

Section 6. Every person chosen a vestry or mission council member shall sign, in a book kept for that purpose, the following declaration and promise: "I do believe the Holy Scriptures of the Old and New Testament to be the Word of God and to contain all things necessary for salvation and I do yield my hearty consent to the doctrines, discipline and worship of the Anglican Church in North America. I promise that I will faithfully execute the office of vestry (or mission council) member of this Church to the best of my ability." It is appropriate that the newly elected vestry or mission council members take and sign said oath before the congregation on a Sunday forthwith.

Section 7 In the event of a vacancy on the vestry, the remaining members may fill that vacancy with a qualified member of the congregation, who shall serve until the next annual meeting of the congregation, or until the completion of the resigned member's term of office. The same procedure holds true for a mission council with the consent of the Bishop.

Section 8 The vestry or mission council shall have the following duties:

- a. Provide for the adequate support of the rector and his or her family, as well as other staff, including pension, insurance and business expenses.
- b. Provide an adequate place for regular worship and the necessary hymnals, prayer books and Bibles for use by the congregation.
- c. Under the control of the rector, provide for the musical program of the church.
- d. Provide for oversight of all funds collected and all property owned by the congregation.
- e. Establish proper insurance and bonds to protect all property, real and personal, of the church.
- f. Ensure that an annual report of all ministries, services, membership, and attendance is provided to the congregation prior to the annual meeting.
- g. Be familiar with the Constitution and Canons of the Anglican Church in North America and of this Diocese and Provide for compliance therewith.
- h. Establish a Biblically based program of financial giving by members of the congregation.
- i. Conform (as nearly as possible) with the financial askings of the Diocese.
- j. Support the rector in all aspects of his or her ministry.

## **Canon 20      Concerning the Clergy and The Pastoral Relationship**

Section 1      The Rector is called by the vestry. The rector, with the approval of the vestry, shall call assisting clergy and other staff, who shall serve at the pleasure of the rector. A prayerful process shall be undertaken in the calling of a rector to a parish and the vestry shall consult with the Bishop before extending an offer to a candidate. The relationship between the rector and the congregation is one of mutual trust and dependence in carrying out the ministry of the church. As the spiritual leader of the congregation, the rector requires the full cooperation and support of the vestry. Whenever matters of disagreement develop, it is incumbent on all parties to approach one another with all Christian charity to avoid having the relationship imperiled or hindered.

Section 2      The rector or vicar is charged with all authority and responsibility to ensure the spiritual health of the congregation. This authority and responsibility is to include the use of congregational facilities in consultation with the vestry or mission council.

Section 3      The rector or vicar is responsible for the regular conduct of worship on the Lord's Day and other Holy Days, for the provision of pastoral care and nurture of the congregation, for the provision for instruction and spiritual nurture for faith in our Lord, Jesus Christ to young and old alike, and for the provision of the day-to-day administration of the congregation.

Section 4      All clergy are charged with working toward the building up of the Body of Christ within the congregation, community, and Diocese. This includes service to the Diocesan family as needed, in consultation with the Bishop and as able.

Section 5      All clergy not regularly settled in any congregation or church shall report the occasional services performed. If no services were performed, the clergy shall report the causes or reasons that prevented the same. These reports, or such parts of them as the Bishop shall think fit, may be entered on the Journal of the Synod.

## **Canon 21      Dissolution of a Pastoral Relationship**

Section 1      Except for reasons required by age, a rector may not resign as rector without the consent of the vestry. A rector canonically elected and in charge of a parish may not be removed against his/her will except as hereinafter provided.

Section 2      Whenever a rector or a majority of the vestry believe the pastoral relationship between the rector and the congregation to be imperiled or hindered by reason of dissention, either or both may present the matter to the Bishop.

Section 3      Upon notification of such imperilment or hindrance, the Bishop shall promptly seek reconciliation by whatever means he believes appropriate. Both the rector and the vestry shall participate

cooperatively in the process. The Bishop may issue such interim directives appropriate to the cause before issuing a final judgment. Prior to issuing a final judgment, the Bishop shall consult with the Standing Committee and the chancellor of the Diocese. The Standing Committee may schedule a conference with the vestry and the rector before rendering its advice to the Bishop. At such conference, the parties may be heard and be represented by a person or persons of their choice.

Section 4        The judgment of the Bishop may include a leave of absence with pay for the rector, a refusal to dissolve the pastoral relationship or a judgment of dissolution.

Section 5        If the relationship is to be dissolved, the judgment may include terms and conditions for compliance by both parties and must include an equitable financial settlement that is just and compassionate. The Bishop shall in all cases render pastoral support to the rector. Upon issuing such judgment, the Bishop shall direct the secretary of the Diocese to record the dissolution.

Section 6        If at the time of a need for episcopal intervention in the relationship of a vestry and its presbyter, there be no bishop, bishop coadjutor or bishop suffragan, the Standing Committee shall appeal to the Archbishop for the appointment of a bishop of another diocese with jurisdiction to serve under the provisions of this canon.

Section 7        If for any reason either the vestry or the rector shall refuse to comply with the judgment of the Bishop, the Bishop may suspend the rector from the exercise of the ministry of a priest until he/she complies with the judgment or, in the case of the vestry, the Bishop shall request the Synod of the Diocese to convert the congregation to a mission status under the supervision of the Bishop until the vestry shall have complied with the judgment.

## **Canon 22        Business Affairs in Congregations**

Section 1        The vestry of each congregation shall provide for a finance committee, which shall prepare a budget for adoption by the vestry. No congregation may operate on a deficit budget without adequate reserves to cover such deficit.

Section 2        Each congregation shall have a treasurer, elected by vestry, who shall be bonded in such sum and with such surety as the vestry from time to time shall determine. The treasurer shall be the custodian of the funds of the congregation and shall perform such other duties as required by the vestry.

Section 3        All investments of congregational funds shall be under the oversight of the vestry and shall be made with due regard to applicable state law for fiduciaries. The vestry may consult with the Diocese for guidance with regard to investments. Fund deposits shall be made in banks or other financial institutions where such deposits are adequately insured.

Section 4        The vestry shall annually cause to be audited the accounts of its treasurer and all other custodians of funds or securities. Audits are to be conducted with generally accepted accounting principles and with such instructions as may be promulgated by the Diocese. A certified copy of each annual audit shall be filed with the Diocese.

## **Canon 23        Creation of Church Debt**



Section 1        The creation of congregational debt shall be undertaken with caution and due regard for the fiduciary responsibilities of the vestry in consultation with the diocese.

Section 2        Congregations should seek professional guidance before entering into any significant debt especially secured debt.

#### **Canon 24        Church Property**

Section 1        All real and personal property owned by or held for the benefit of a congregation shall belong exclusively to that congregation, free of any trust or other claim by the Diocese or the Anglican Church in North America.

Section 2        Real and personal property of a mission may belong to the founding entity and may be transferred to the mission before or after it becomes a self-supporting congregation.

Section 3        No church real property or part thereof may be alienated, sold, exchanged, encumbered or otherwise transferred without the consent of the congregation in a meeting called for that purpose, and any such conveyance shall comply with the laws of this state or the state where located. Prior to the sale of consecrated property, the vestry shall first offer the property to the Standing Committee of the Diocese, which, unless waived, shall have sixty (60) days to pursue its acquisition for purposes of the Diocese.

Section 4        The Diocese may own its own property to be held in whatever form determined by the Standing Committee.

#### **Canon 25        Parish Officers, Records and Reports**

Section 1        In addition to the rector and the wardens, a parish may have a secretary, business manager, a chancellor and such other officers allowed by its bylaws.

Section 2        The rector and wardens shall maintain a current list of the members of the congregation, including minors, as well as those entitled to vote at congregational meetings. The vestry shall determine the minimum age of voters in compliance with Canon 18, Section 3.

Section 3        The rector and wardens shall maintain a register of official acts such as church services, baptisms, confirmations, weddings, funerals and visitations of bishops and other clergy. Minutes of all meetings of the vestry shall be kept in a book that shall be suitable for and kept as a permanent record.

Section 4        On or before the first day of March, the rector and wardens shall submit to the secretary of the Diocese an annual report on a form to be provided by the Standing Committee of the Diocese. The data thus reported shall be drawn from the register required to be maintained by Section 3 of this canon. The Bishop, with the advice and consent of the Standing Committee, may take appropriate action should any congregation fail to comply with the requirement of this canon.

**Canon 26 Church Discipline**

Every member of the clergy canonically resident in this Diocese or licensed by the Bishop to exercise ministry in this Diocese shall be subject to the disciplinary provisions of Title IV of the canons of the Anglican Church in North America and to the provisions of these canons.

**Canon 27 The Trial Court of the Diocese**

Section 1 There shall be a Trial Court of the Diocese consisting of nine (9) members elected by the Synod of the Diocese upon the nomination of the Standing Committee for a term of three (3) years. Four members shall be chosen from the laity and five (5) from the clergy. No member may serve more than two (2) consecutive terms.

Staggered terms may be provided.

Section 2 The Bishop may appoint an attorney-at-law to advise the Trial Court as to its procedures.

Section 3 The Trial Court shall elect its president and secretary from its members and shall appoint a recorder of proceedings, which recorder may be a court-reporting agency not affiliated with the Diocese.

Section 4 A quorum of seven (7) members shall be necessary for the conduct of a trial or for a judgment.

**Canon 28 The Trial Attorney**

The Bishop shall appoint a trial attorney, who shall have the responsibility of preparing all presentments and presenting the evidence to the Trial Court.

**Canon 29 Rules and Procedures**

Consistent with these Canons and those of ACNA, the Trial Court shall establish its own rules and procedures.

**Canon 30 Clergy Canonically Resident Elsewhere**

A member of the clergy licensed in this Diocese, but who is canonically resident in another province of the Anglican Communion and subject to the disciplinary canons of that province, may be subject to the disciplinary canons of the Anglican Church in North America and of this Diocese if jurisdiction is waived by the foreign jurisdiction in favor of the jurisdiction of the Province of the Anglican Church in North America and of this Diocese. All such members of the clergy, by accepting a license to serve in this Diocese, agree to be bound by its Constitution and Canons and their consequences. Whenever it is believed that a canonical offense has occurred by such a member of the clergy licensed in this Diocese, the same shall be reported by the Bishop to the bishop or archbishop with jurisdiction. If jurisdiction is thereby waived in favor of this Diocese, or if no action or response is made to such report within ninety (90) days thereof, the Bishop may proceed to assume jurisdiction and to follow canonical steps leading to a possible presentment and trial in this Diocese.

## **Title IV: Enactment, Amendment, and Repeal of Canons**

### **Canon 31      Amendments**

Section 1      The canons of the Diocese may be amended by the Synod at any regular meeting or any special meeting called for that purpose. No amendment may be adopted until it has been reviewed by the Constitution and Canons Committee and its recommendations given to the Synod.