THE CANONS OF THE EPISCOPAL DIOCESE OF NORTHERN CALIFORNIA TABLE OF CONTENTS

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Lav Delegates to the Convention

- <u>Sec. 2.1.</u> 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 ofChurch 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...RectorWardenClerk

<u>Sec. 2.4.</u> 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.

The Secretary of Convention

- <u>Sec. 3.1.</u> 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:
- <u>Sec. 3.1.1.</u> 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.
- <u>Sec. 3.2.4.</u> 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.
- <u>Sec. 3.2.5.</u> 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 thereo£

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.
- <u>Sec. 4.4.</u> 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.

- <u>Sec. 5.2.</u> 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.

Deputies to General Convention

<u>Sec. 7.1.</u> 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.

neglect, misconduct or incapacity.

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

<u>Sec.11.8.</u> 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.

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.
- <u>Sec. 13.2.</u> In fulfilling the duties enumerated above, the Chancellor may call on the services of the Vice Chancellor and Deputy Vice Chancellor, if any.
- <u>Sec. 13.3.</u> 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.

- <u>**16.1.5. Ouorum.**</u> A majority of the members serving shall constitute a quorum. <u>**16.2. Duties.**</u> The duties of the Trustees are as follow.
- <u>16.2.1.</u> <u>Policy and Strategy.</u> The Trustees shall develop Diocesan policy and strategy in support of mission priorities and operations priorities established by Convention.
- <u>16.2.2.</u> <u>Strategic Planning.</u> The Trustees shall act as strategic planner, looking ahead and developing policy options to meet changing circumstances.
- <u>16.2.3.</u> **Finance and Administration.** The Trustees shall oversee finance and administration in support of mission priorities.
 - <u>16.2.3.1.</u> **Department of Finance.** The Trustees shall serve as the Department of Finance of the Diocese, as provided by the Canons of The Episcopal Church.
- <u>16.2.4.</u> **Property.** The Trustees shall oversee property and development in support of mission priorities.
- <u>16.2.4.2.</u> <u>Assets.</u> 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.
- <u>16.2.4.3.</u> Endowments. The Trustees shall use diligence to increase the principal funds of the endowments of the Diocese.
- 16.2.5. <u>Diocesan Corporation.</u> 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.

Executive Assistants

<u>Sec. 19.1.</u> 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.

<u>Sec. 19.2.</u> 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.

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.
- <u>Sec. 21.2.</u> 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.
- <u>Sec. 21.3.</u> 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:
- <u>Sec. 21.3.1.</u> 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.
- <u>Sec. 21.4.</u> 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 Diocesa 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

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inspected, such schools at any time.

<u>Sec. 21.11.</u> 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.

- <u>Sec. 22.4.4.</u> 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.
- <u>Sec. 22.4.6.</u> 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.
- <u>Sec. 22.4.8.</u> 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.

Formation and Organization of Missions

A. Formation of Missions

<u>Sec. 30.1.</u> 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;

<u>Sec. 30.1.2.</u> 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.

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

<u>Sec. 30.3.1.</u> 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.

<u>Sec. 30.4.</u> 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

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

<u>Sec. 30.10.</u> 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.

<u>Sec. 30.11.</u> 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.

<u>Sec. 30.11.2.</u> 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.

<u>Sec. 30.11.3.</u> 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

<u>Sec. 30.12.</u> 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.

Organization and Recognition of Parishes

A. Approval of Bishop and Standing Committee

<u>Sec. 32.1.</u> 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.

<u>Sec. 32.2.</u> 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 asParish, 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 da of, in the year of our Lord and of my Consecration the

Bishop of Northem 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.

E. Resolution of Controversies

<u>Sec. 32.8.</u> 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 Congregational Development Group 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.

<u>Sec. 32.11.</u> 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 eighteen months, 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.

<u>Sec. 32.13.</u> 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

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
- <u>Sec. 33.1.2.</u> 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.
- <u>Sec. 33.2.1.</u> 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.
- <u>Sec. 33.2.2.</u> 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.
- <u>Sec. 33.2.3.</u> All members of the Vestry, except the Rector, shall be Laypersons and qualified electors of the Parish.
 - <u>Sec. 33.2.4.</u> The Vestry shall be elected by secret, written ballot.
- <u>Sec. 33.2.5.</u> 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 detennined 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

The Parish Records

- <u>Sec. 35.1.</u> 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.
- <u>Sec. 35.2.</u> 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.

are elected to Vestry.

<u>Sec. 36.5.3.</u> 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 recanvass 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.

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.

<u>Sec. 37.9.</u> 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.

<u>Sec. 37.9.2.</u> 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.

Parish and Mission Boundaries

- <u>Sec. 39.1.</u> 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.
- <u>Sec. 39.1.1.</u> 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.
- <u>Sec. 39.3.</u> 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.
- <u>Sec. 39.4.</u> 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.

Change of Name of Parish or Mission

<u>Sec. 41.1.</u> 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.

Budget and Mission Apportionment

<u>Sec. 50.1.</u> 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.

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.

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Bonds Of Treasurers

<u>Sec. 53.1.</u> Treasurers and custodians of Church funds, other than banking institutions, shall be adequately bonded.

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 60: ECCLESIASTICAL DISCIPLINE

- **60.1** <u>Title IV of General Canons.</u> 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 *N*, 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 *N* as set forth in Canon IV.20.3 of the General Canons. As to such cases, the predecessor to Title *N* 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** <u>Diocesan Cooperation.</u> 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 *N* and this Canon, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under Title *N* (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** <u>Disciplinary Board.</u> 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** <u>Composition.</u> 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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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 <u>Church Attorney(s).</u> 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 4, 2017

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;

<u>Sec. 61.1.2.</u> 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.

<u>Sec. 61.2.</u> 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.

Amendment to the Canons

- **Sec. 66 1.** These Canons may be altered or amended by an affinnative 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
- <u>Sec. 66.2.</u> 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.
- <u>Sec. 66.5.</u> 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.

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 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 11 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

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 spirituaf"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.

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 111, 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 requiremen s of Title III, Canon 2 of the National Canons and been admitted to such status in accordance therewith.

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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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52	V-3	2011
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55	V-6 (deleted)	2011

I, the undersigned Jacqi Seppi, 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 4, 2017, 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 2018, at Sacramento, California

Jacqi Seppi