



# THE EPISCOPAL DIOCESE OF SAN JOAQUIN

## CANONS

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## TITLE I - The Convention

### Canon I - Election of a Bishop

Sec. 1.01 Whenever, in the Providence of God, it may be necessary to choose a Bishop, the call for such election shall be made by resolution of the Standing Committee, which shall give, through its Secretary, notice of such election to every Clergy member, Parish, and Mission of the Diocese. Following such call to election a Search Committee shall be composed by electing one (1) cleric and one (1) member of the laity from each deanery. In addition, the Ecclesiastical Authority may appoint one, three, or five members. The organization and operation of the Search Committee shall be determined by the members. The prayers of the Clergy and Laity shall be bidden, that God may supply a Pastor after His own heart.

Sec. 1.02 The election of a Bishop or Provisional Bishop as provided in Canon 1.05 shall be made in either the Annual or a Special meeting of the Convention called for that purpose. The Secretary of the Standing Committee shall notify the Diocese, through the Secretary of Convention, of such meeting in the manner prescribed by Article V, Section 3, of the Constitution.

Sec. 1.03 When the Convention has been called to order by its President, Prayers shall be offered, together with the reading of appropriate lessons of Holy Scripture. Nominations shall be made from such number of qualified Clergymen as the Convention may desire. Upon the close of nominations, prayers shall be offered after which, tellers having been appointed, the Convention shall proceed to ballot.

Sec. 1.04 If two-thirds of all the Clergy entitled to vote be present, and two-thirds of all the Parishes and Missions entitled to vote be represented, then a majority of each order present shall determine a choice. If such two-thirds of the Clergy, Parishes, and Missions be not present, then two-thirds of the votes in each order present shall be necessary to determine a choice. The vote of the Clergy and the Laity shall be taken separately, and a concurrence of the majority of the votes cast in each order shall be required to constitute an election. If there be no election subsequent ballots may be taken until, by God's Holy Spirit, a Bishop be duly chosen and declared elected.

Sec. 1.05 When the Diocese is under the provisional charge of a bishop pursuant to Title III.13 of the Canons of The Episcopal Church (the "Provisional Bishop") for a period of more than eighteen (18) months, the Standing Committee by resolution may call for the election of the of the Provisional Bishop as the Bishop of the Diocese, which shall give, through its Secretary, notice of such election to every Clergy member, Parish, and Mission of the Diocese. When proceeding with an election of the Provisional Bishop under this canon, only the Provisional Bishop shall be considered as a candidate in such an election and no other nominations whether from the floor or otherwise shall be made. In an election of the Provisional Bishop under this canon, two-thirds of all the Clergy and delegates entitled to vote must be present, and two-thirds of all the Parishes and Missions entitled to vote must be represented, then two-thirds of each order present shall determine the election. The vote of the Clergy and the Laity shall be taken separately, and a concurrence of two-thirds of the votes cast in each order shall be required to constitute an election. Should the vote fail to elect the Provisional Bishop as the Bishop of the Diocese, the Provisional Bishop shall continue to serve pursuant to Title III.13 of the Canons of The Episcopal Church, subject to the Diocesan Convention taking further action to terminate the Provisional Bishop's status as such or until an election of a Bishop has occurred pursuant to Title I, Canon I of the Diocesan Canons.

### Canon II - Members of Convention

Sec. 2.01 One (1) week before the meeting of any Convention of the Diocese, the Ecclesiastical Authority shall prepare a list of all the Clergymen of the Church canonically resident in the Diocese together with their respective cures and domiciles. Such list shall be laid before the Convention at the opening of the meeting and prefixed to the Journal. In the said list shall be declared the names of those

Clergymen entitled to seats and votes in the Convention and such declaration shall be taken as presumptive evidence of the right of those indicated to seats and votes in the Convention. Every Clergyman licensed by the Ecclesiastical Authority to officiate in the Diocese but not canonically resident shall be entitled to seat and voice without vote.

Sec. 2.02 Lay Delegates and Alternates to Convention shall be communicants in good standing and be elected by the congregation or, should the Congregation fail to elect, by the Vestry or Bishop's Committee, and their appointment shall be certified by the Chairman and Secretary of the meeting at which they were elected, on forms provided by the Secretary of Convention for that purpose. For Annual Conventions the list of Delegates and Alternates' names and addresses shall be forwarded to the diocesan office by July 1, and for Special Conventions at least twenty-one 21 days prior to the time appointed for the meeting. A copy of this list shall be forwarded to the Secretary of Convention and the appropriate Deanery President. Said list shall be presumptive evidence of the right to seat, voice, and vote of Lay Delegates in the Convention named therein. Thereafter, a copy of this list shall be available to those who request it. Lay Deputies to General Convention have seat and voice in Convention, whether or not they are delegates.

Sec. 2.03 All congregations shall be entitled to the following representation, based upon the latest available annual parochial report:

- 1 -75 average Sunday attendance 2 delegates
- 76 -125 average Sunday attendance 3 delegates
- 126 -200 average Sunday attendance 4 delegates
- 201 -350 average Sunday attendance 5 delegates
- 351 -500 average Sunday attendance 6 delegates
- 501 -700 average Sunday attendance 7 delegates
- over 700 average Sunday attendance 8 delegates

Sec. 2.04 Alternate Delegates to Convention shall be seated in the absence of the regular appointees in the order in which their names appear on the certificates as described in Sec. 2.02 herein. This order is normally determined by the greater number of votes received at the time of election.

Sec. 2.05 It shall be the duty of the Treasurer one (1) day prior to Convention to furnish the Secretary of Convention with a list of Parishes and Missions delinquent in the payment of their Diocesan and Church Program assessments, and the Secretary shall omit their names from the roll call of Convention; provided that on the payment in full by any Parish or Mission of its existing delinquencies its name shall be restored to the roll and its delegates seated.

Sec. 2.06 When the right of any person to a seat in Convention is disputed or the right of any Parish or Mission to representation therein, the matter shall be referred to the Committee on Credentials and a recommendation be made to the Convention for appropriate action.

### Canon III - Quorum and Members

Sec. 3.01 A quorum shall consist of one-third of all the Clergy entitled to seats and votes together with at least one (1) Lay Delegate from each of one-third of all the Parishes and Missions entitled to representation. If a quorum be not present at any Convention, no business shall be transacted except that of adjournment from time to time until a quorum shall be present.

Sec. 3.02 The terms Clergymen, Clergyman, and Clergy Delegate, Laymen, Layman, and Lay Delegate, and any other term implying gender, whether appearing in this section or elsewhere 12 in these Canons, shall be deemed to include persons of either sex.

## Canon IV - Chairman of the Convention

Sec. 4.01 The Bishop shall, ex officio, be the President and Presiding Officer of the Convention.

### Sec. 4.02 Chairman

- a) At each Annual Convention, the Presiding Officer may appoint a Chairman who shall hold office from the close of the Convention until the close of the following Annual Convention, and may chair such following Annual Convention and any Special Convention which may be held during such term; provided, however, that the Presiding Officer may choose to chair the Convention at any time.
- b) The appointed Chairman shall be either a Cleric who is a member of the Convention or a Lay Person who is a communicant in good standing of a Mission or Parish Church of the Diocese.

## Canon V - Regular Committees of Convention

Sec. 5.01 The Bishop or other Presiding Officer shall create and appoint such Committees of Convention as are necessary to its purposes and responsibilities. The Committees of Convention may include, but not be limited to the following:

- 1) A Committee on Arrangements of Convention
- 2) A Committee on Nominations--The Committee shall request from the Clergy, the Vestries and Bishop's Committees the names, parochial connection, qualifications and availability of potential candidates for the assistance of the Committee in preparing nominations for all offices to be filled. All such names shall be presented to the Committee not less than forty-five (45) days before the Convention. The Committee may nominate candidates if no other nominations are received for a particular office. The report of the Committee shall be presented to each Parish and Mission as soon as possible before the Convention. This procedure shall not preclude further nominations from the floor of Convention, nor does it imply that all names submitted be accepted by the Committee as nominees.
- 3) A Committee on Resolutions--The Committee shall receive all proposed resolutions not less than sixty (60) days before the Convention. The report of the Committee shall be presented prior to the Convention and shall include the Committee's recommendations. Resolutions from the floor shall be introduced by title and resolve clause and shall require a two-thirds majority approval before hearing and consideration.
- 4) A Committee on Admission of New Parishes and Missions
- 5) A Committee on Constitution and Canons
- 6) A Committee on Credentials
- 7) A Committee on Dispatch of Business

## Canon VI - Order of Business

Sec. 6.01 Each Annual Convention shall open with Divine Service, following which the procedure shall be:

- 1) The call to order
- 2) The taking of the roll, or the announcement of the Secretary that it has been done
- 3) The declaration, if a quorum be present, that Convention is organized for business
- 4) The appointment of a Secretary
- 5) The appointment of regular Committees of Convention and their ratification by Convention
- 6) The admission to seats by resolution
- 7) The Report of the Committee on Nominations and nominations from the floor

Sec. 6.02 The remaining order of business shall be determined by Convention, acting on the recommendations of the President or of the Committee on the Dispatch of Business or on a resolution from the floor.

Sec. 6.03 Unless otherwise specified in the Constitution or Canons of the Diocese, the procedure of Convention shall be governed by Robert's Rules of Order, latest revision.

#### Canon VII – Elections

Sec. 7.01 The Convention shall vote as one body in all elections unless there is a call for a vote by orders.

Sec. 7.02 Nominations for all offices to be filled by election shall be made after the opening procedures provided in Sec. 6.01. When the nominations are closed the Secretary shall prepare ballots on which shall be listed the nominees in the order of their nominations along with the offices for which they have been nominated. No other ballots shall be used.

Sec. 7.03 The President shall appoint tellers and the polls shall be opened at the direction of the President in a convenient place. When the period for voting shall have expired, the President shall declare the polls closed.

Sec. 7.04 The Secretary shall provide a corrected voting list on which each voter shall be checked as he casts his ballot. The ballots shall be deposited in boxes provided for the purpose. The right of any person to vote, if disputed, shall be referred to the Credentials Committee, and its decision, made after consulting the Secretary's record, shall be final.

Sec. 7.05 The tellers shall canvass the election on a tally sheet provided and shall return the same to the Chair, together with all the ballots cast, in making their report. Any doubtful ballot shall be referred to the Chair before it is counted and his decision shall be final. If a ballot be not counted, the reason therefor shall be endorsed on the back.

Sec. 7.06 In the election of Deputies and Alternates to General Convention and Delegates and Alternates to Provincial Synod, at least nine (9) candidates in each order shall be nominated and shall stand for election as Deputies or Delegates. Each delegate to the Diocesan Convention shall be entitled to cast one vote for each of eight (8) candidates in each order. Cumulative voting shall not be permitted. The four (4) candidates in each order receiving the largest majority vote shall be deemed elected as Deputies or Delegates. The four (4) candidates in each order receiving the next largest majority vote shall be deemed elected as Alternates. If there be a tie vote for the fourth Deputy or Alternate in either order, or

if there be no majority, then the election shall be governed by the provisions for second or subsequent ballots.

In all other elections anyone receiving a majority of votes, or in case of a vote by orders, a majority of both orders, shall be deemed elected. If more than the required number to be elected to any office receive a majority vote, the candidates receiving the most votes, or if the vote be by orders the largest vote in each order, shall be declared elected. If by reason of a tie it be impossible to decide which candidates for any office are elected, or if the entire number to be elected be not chosen on the first ballot, subsequent ballots shall be taken until the choice of Convention is clear.

On a second or subsequent ballot, the voting shall be confined to the number plus one of the Clergymen or Laymen in each order to be elected who shall have received the most votes on the previous ballot. If by reason of a tie vote the above provisions cannot be carried out, the names of all persons receiving such tie vote shall appear on the ballot in accordance with the previous vote of either order, and shall be voted on by both orders.

On a second or subsequent ballot anyone receiving a plurality of votes, or in case of a vote by order, a plurality vote of both orders, shall be declared elected.

Sec. 7.07 At the close of the Convention all ballots cast shall be sealed in envelopes properly endorsed and shall be preserved by the Secretary until the next Annual Convention. The envelopes shall not be opened unless the canvass be questioned. Upon the written request of two (2) Clergymen and two (2) Laymen addressed to the Ecclesiastical Authority, the Standing Committee and the Secretary of Convention shall re-canvass the ballots in the presence of the Ecclesiastical Authority; and their decision shall be final.

Sec. 7.08 Any contingency in elections not met by the foregoing sections shall be determined by resolution of Convention.

## TITLE II - OFFICERS OF THE DIOCESE

### Canon VIII - The Standing Committee

Sec. 8.01 There shall be a Standing Committee consisting of four (4) Presbyters and/or Deacons and four (4) members of the laity as specified in the Constitution of this Diocese. At each Annual Convention there shall be elected to the Standing Committee one (1) Presbyter or Deacon and one (1) member of the laity whose terms of office shall be four (4) years each. Upon the expiration of a Member's term in office, a Member is not eligible for reelection until the next annual meeting of the Diocesan Convention. A member that is appointed to fill a vacancy on the Standing Committee in accordance with Canon 8.06 with an unexpired term of not more than two (2) years, may stand for reelection for a consecutive full term.

Sec. 8.02 The Standing Committee shall meet at the call of the Bishop as soon as practicable after the adjournment of the Annual Convention and shall organize by the election of a President and Secretary from among its members and thereafter shall meet at the call of the President or the Secretary. When appropriate and not otherwise prohibited by the Canons and Constitution of the Church or the Diocese, the President may determine that a Committee meeting may also be held by conference telephone, video screen communication, or other communications equipment, provided that participation in a meeting under this provision shall constitute presence in person at the meeting if all of the following apply:

- a) Each member participating in the meeting can communicate concurrently with all other members.

- b) Each member is provided the means of participating in all matters before the Committee, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Committee.
- c) The Committee has adopted and implemented a means of verifying both of the following: (1) A person participating in the meeting is a member of Committee or other person entitled to participated in the meeting; and (2) All actions of or votes by the Committee are taken or cast only by the voting members and not by persons who are not members of Committee. In addition any action that the Committee is required or permitted to take may be taken without a meeting if all Committee members consent in writing to the action. Such action by written consent shall have the same force and effect as any other validly approved Committee action. All such consents shall be filed with the minutes of the proceedings of the Committee.

Sec. 8.03 The powers, functions, and duties of the Standing Committee shall be those prescribed by the Constitution and Canons of the Episcopal Church and of this Diocese.

Sec. 8.04 The Standing Committee shall adopt rules governing its procedures.

Sec. 8.05 The Standing Committee may require from congregations and Diocesan institutions such reports as it shall from time to time deem necessary.

Sec. 8.06 The Secretary of the Standing Committee shall report to the Committee any member who shall have been absent without excuse, satisfactory to the Committee, for three consecutive meetings, whereupon such office shall be declared vacant. Should any vacancy occur in the Standing Committee through death, resignation, unexcused absence (as described herein), or through any other cause, the Committee shall fill the vacancy as prescribed in Article VII of the Constitution by election of a qualified person, who shall serve the balance of any unexpired term subject to the limitations set forth in Canon 8.01. The names of any person so elected or appointed to fill any vacancy shall be immediately certified to the Secretary of Convention.

Sec. 8.07 The Standing Committee, through its Secretary, shall make a full report of its official acts to each Annual Convention.

Sec.8.08 No person shall serve on the Standing Committee while a Postulant or Candidate for Holy Orders.

#### Canon IX - The Diocesan Council

Sec. 9.01 There shall be a Diocesan Council consisting of the Bishop of the Diocese, the Bishop Coadjutor or Suffragan Bishop if there be such, and nine (9) other members serving terms of three (3) years, three (3) of whom shall be presbyters and/or deacons, and six (6) of whom shall be lay communicants in good standing within the Diocese elected in conformance with Canon 9.02. The Archdeacon, Canon to the Ordinary, or Canon Missioner, if there be such, and the Treasurer of the Diocese shall be ex-officio members of Diocesan Council with seat and voice. The Diocesan Council may organize itself into sub-committees to discharge its duties.

Sec. 9.02 Deanery Members of Council. Six (6) of the members of Diocesan Council shall be elected by the Deanery Council of the Deaneries of the Diocese, one (1) clerical member and one (1) lay member from each Deanery. <sup>1</sup> At each annual Convention of the Diocese or at the Deanery Council meeting preceding the annual Convention there shall be elected one (1) Presbyter or Deacon, and one (1) lay member to Diocesan Council from two (2) of the Deaneries. These elections shall rotate among the Deaneries in such a manner so that a Deanery will only be electing one member at a time.

<sup>1</sup> [See Canon 16.04 which provides that the lay delegate to Diocesan Council need not be a delegate to Convention.]



Three (3) lay members of Diocesan Council shall be elected by the Diocesan Convention, one (1) per each year. The Secretary of Convention shall declare in the Official Notification of Convention as to those Deaneries which are to elect in a given year.

Sec. 9.03 Members that are appointed for a full three (3) year term may be reappointed for one (1) additional term. Upon the expiration of the Member's second consecutive term in office, the member is not eligible for reappointment until the next annual meeting of the Diocesan Convention. As used here- in "second consecutive term" means two (2) successive three (3) year terms; or a partial unexpired term greater than half of the original term served by an appointee filling a vacancy and a subsequent full three (3) year term. Members appointed to a vacancy and serving for an unexpired term of not more than one half of the original term may be re-appointed for two (2) consecutive three (3) year terms and thereafter shall not be eligible for reappointment until the next annual meeting of the Diocesan Convention. The Diocesan Council shall elect qualified persons to fill any vacancies and shall serve the remaining unexpired term of that office.

Sec 9.03.01 For the purposes of implementing the transition to the revised composition of the Diocesan Council, Deanery Councils will elect members to the Diocesan Council at their meeting prior to the Annual Convention in the following rotation: Northern Deanery, one (1) clergy for three years, one (1) lay member for one year; Central Deanery, one (1) clergy for two years, one (1) lay member for three years; Southern Deanery, one (1) clergy for one year, one(1) lay member for two years. Thereafter, each Deanery will elect to fulfill the expiring term. At the Annual Convention 2011, the three lay members will be elected, based on votes received for three year, two year, and one year terms. Convention will thereafter elect one (1) member for a three year term.

Sec. 9.04 The Diocesan Council shall act for the Convention in the interim between its meetings as specified by the Constitution of this Diocese. It shall carry out the instructions of Convention and perform other such duties as may be delegated to it by the Canons. Its acts shall be binding upon the Diocese unless they be modified by the Convention. The Council shall be charged with the collection, disbursement, and disposal of all income received or held by it for any purpose aforesaid. Subcommittees of Finance, Insurance, Pensions, Real Estate, and Architecture and such other subcommittees as may be necessary or desirable may be formed so that the Council may carry out its work.

Sec. 9.05 The Diocesan Council shall meet not less than five (5) times each year and at other such times as the Bishop shall convene it. Special meetings may be called upon the written request of any three (3) members. A majority of the voting members shall constitute a quorum. Recognizing the desirability of having Council members present to participate and communicate with one another during meetings, meeting may also be held by conference telephone, video screen communication, or other communications equipment. Participation in a meeting under this provision shall constitute presence in person at the meeting if all of the following apply:

- a) Each member participating in the meeting can communicate concurrently with all other members.
- b) Each member is provided the means of participating in all matters before the Council, including the capacity to propose, or to interpose an objection to, specific action to be taken by the council.
- c) The Council has adopted and implemented a means of verifying both of the following:  
(1) A person participating in the meeting is a member of Council or other person entitled to participated in the meeting; and (2) All actions of or votes by the Council are taken or cast only by the voting members and not by persons who are not members of Council.

In addition any action that the Council is required or permitted to take may be taken without a meeting if all Council members consent in writing to the action. Such action by written consent shall have the

same force and effect as any other validly approved Council action. All such consents shall be filed with the minutes of the proceedings of the Council.

Sec. 9.06 The Diocesan Council shall submit to each Annual Convention a proposed balanced budget reflecting revenue and expenditures. A copy of said budget and the appropriate assessment figure for each parish and mission shall be distributed to each parish and mission at least sixty (60) days before the Annual Convention.

Sec. 9.07 The Secretary of the Council shall report to the Council any member who shall have absented himself without excuse, satisfactory to the Council, for three (3) consecutive meetings, whereupon such office shall be declared vacant. Should any vacancy occur in the Council through death, resignation, unexcused absence, or through any other cause, the Council shall fill the vacancy by election of a qualified person to serve until a successor or successors is or are elected at the next annual Diocesan Convention, who shall serve the balance of any unexpired term. The name of any person so elected or appointed to fill any vacancy shall be immediately certified to the Secretary of Convention.

Sec. 9.08 The Diocesan Council may require from congregations and diocesan institutions such reports as it shall from time to time deem necessary.

Sec. 9.09 The Diocesan Council through its officers shall make a full report of its official acts to each Annual Convention.

Sec. 9.10 No person shall serve on the Diocesan Council while a Postulant or Candidate for Holy Orders.

#### Canon X - Commission on Ministry

Sec. 10.01 There shall be a Commission on Ministry which shall advise the Bishop and the Standing Committee on the:

- a) Implementation of Title III of the Canons of The Episcopal Church, regarding Ministry.
- b) Determination of present and future opportunities and needs for the ministry of all baptized persons, including clergy.
- c) Design and oversight of programs to train laity for ministry in the world and for licensed lay ministries as described in Title III of the Canons of The Episcopal Church.
- d) Design and oversight of the ongoing process for recruitment, discernment, formation for ordained ministry and assessment of readiness for ordained ministry.

Sec. 10.02 The Commission on Ministry shall be composed of twelve (12) persons who shall serve for a term of office of three (3) years each. Six (6) shall be Presbyters and/or Deacons and six (6) shall be members of the laity in good standing who shall be nominated by the Bishop and approved by the Annual Convention. Two (2) Presbyters and/or Deacons and two (2) members of the laity in good standing shall be nominated by the Bishop at each Annual Convention. Members that are appointed for a full three (3) year term may be reappointed for one (1) additional term. Upon the expiration of the Member's second consecutive term in office, the member is not eligible for reappointment until the next annual meeting of the Diocesan Convention. As used herein "second consecutive term" means two (2) successive three (3) year terms; or a partial unexpired term greater than half of the original terms served by an appointee filling a vacancy and a subsequent full three (3) year term. Members appointed to a vacancy and serving for an unexpired term of not more than one half of the original term may be re-appointed for two (2) consecutive three (3) year terms and thereafter shall not be eligible for reappoint-

ment until the next annual meeting of the Diocesan Convention.

Sec. 10.03 Should vacancies occur in the Commission, the Bishop shall appoint Replacements with the advice and consent of the Standing Committee. The person or persons so appointed and ratified shall serve for the unexpired term of the member creating such vacancy.

Sec. 10.04 The Commission shall make an annual report of its activities to each Annual Convention with due respect to necessary confidentiality.

#### Canon XI - The Secretary of the Diocese

Sec. 11.01 In addition to the duties prescribed by the Convention and elsewhere in these Canons, the Secretary of the Diocese shall record minutes of the proceedings of the Convention, which when approved, shall be entered in the Journal. He shall send to the Registrar- Historiographer a copy of the Journal of Convention.

Sec. 11.02 It shall also be his duty to preserve all Journals of this Diocese and faithfully deliver them to his successor. He shall provide for proper distribution of the Journal as may be required.

Sec. 11.03 The Secretary shall make a full and accurate report to each Annual Convention of his official acts.

#### Canon XII - The Treasurer of the Diocese

Sec. 12.01 A treasurer shall be appointed annually by the Ecclesiastical Authority with the consent of the Diocesan Council. The Treasurer of the Diocese shall have custody of all funds belonging to the Diocese including those vested in the Corporation Sole, and shall invest and disburse them only as instructed by the Canonical Authorities. Subject to the approval of the Diocesan Council the Treasurer may nominate a salaried Assistant who may be authorized to sign checks for budgeted administrative needs.

Sec. 12.02 The Treasurer shall make, through the Diocesan Council, a complete report to each Annual Convention. Such report shall be audited by a qualified accountant to be chosen by the Diocesan Council. The auditor's certification shall be published in the Journal of Convention.

Sec. 12.03 In addition to the responsibilities specified in these Canons, the Treasurer shall perform such other duties, in such manner as may be prescribed by the Diocesan Council or Convention.

Sec. 12.04 The Treasurer shall be bonded in an amount to be determined annually by the Diocesan Council and shall be fully relieved of all future responsibilities under the provision of his bond and duties of office when he has transferred and placed with the designated officer of The Episcopal Foundation of San Joaquin, Inc. of the Diocese of San Joaquin all such monies or funds in his hands that have been allocated to said Trust and has received in return a Trust Certificate of Beneficial Interest in the equivalent amount.

Sec. 12.05 When not a delegate to the Convention the Treasurer shall, ex officio, be entitled to seat and voice in the Convention, but not to a vote. The Treasurer shall present at each Annual Convention a written statement of his account with the several funds of the Diocese for the previous year. He shall close his several accounts as of December 31st of each year.

### Canon XIII - The Registrar-Historiographer

Sec. 13.01 A Registrar-Historiographer shall be appointed by the Bishop for a term not to exceed three (3) years, and thereafter may be reappointed at the Bishop's discretion. The duties of the Registrar-Historiographer shall be those prescribed by the Canons of this Diocese together with such duties as may devolve upon the Registrar-Historiographer by the Bishop or by resolution of the Convention.

Sec. 13.02 It shall be the duty of the Registrar-Historiographer to collect, prepare, and preserve all special, historical, and biographical matter, printed or manuscript, pertaining to the Diocese, its Parishes, Missions, or other Institutions.

Sec. 13.03 The Registrar-Historiographer shall, with the approval of the Bishop, have authority to appoint assistants, who may be members of the Clergy or the Laity.

Sec. 13.04 It shall be the duty of the Registrar-Historiographer to present a full report to each Annual Convention.

### Canon XIV - Diocesan Departments and Commissions

Sec. 14.01 The Bishop in consultation with the Diocesan Council shall establish and appoint such Diocesan Departments and Commissions as are required by the Canons of the Episcopal Church and of this Diocese and may establish and appoint such other Departments and Commissions deemed necessary and useful to the mission of the Diocese. Such Departments and Commissions shall report on their activities as the Bishop shall direct. An annual written report by each shall be submitted to Convention. Unless otherwise herein provided, the Bishop shall define the function of these Departments and Commissions of the Diocese, and shall consult with them from time to time to give advice and counsel respecting their activities. The Bishop shall designate a person to chair each such Department or Commission. Such other officers as seem necessary shall be elected by the Department or Commission. The Bishop after consultation with the Diocesan Council may terminate any such Department or Commission at his discretion. This Canon shall in no wise detract from or conflict with the right of the Bishop to appoint special Advisory Committees which shall report solely to the Bishop.

Sec. 14.02 The Departments of the Diocese may include, but not be limited to:

- (1) Department of Missions
- (2) Department of Christian Education
- (3) Department of Communications
- (4) Department of Youth

Sec. 14.03: The Commissions of the Diocese may include, but not be limited to:

- (1) Camp San Joaquin Commission
- (2) Episcopal Conference Center Commission
- (3) Commission on Alcoholism and Chemical Dependency
- (4) Concerns of the Elderly Commission
- (5) Ecumenical Relations Commission
- (6) Liturgical Commission
- (7) Salary Review Commission
- (8) Renewal and Evangelism Commission

### Canon XV - Official Records Open to Inspection

Sec. 15.01 The records of the Secretary, the Registrar-Historiographer, and the books of the Treasurer shall at all times be open to the inspection of the Bishop, the Standing Committee or the Diocesan Council.

## TITLE III - Organization of the Diocese

### Canon XVI - Archdeacon and Deaneries

Sec. 16.01 An Archdeacon of the Diocese, Canon to the Ordinary, and/or Canon Missioner may be appointed by the Bishop, and shall perform such duties as the Bishop may assign, and their tenure shall be at the Bishop's pleasure and shall be an ex officio member of the Diocesan Council, and of each Deanery with seat and voice. The salary of the Archdeacon or Canon to the Ordinary shall be determined by the Bishop and the Diocesan Council with the approval of the Diocesan Convention.

Sec. 16.02 To promote missionary efficiency and inter-parochial cooperation, the Diocese will be divided into the following three (3) Deaneries:

- a) The Northern Deanery will consist of parishes and mission in Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties;
- b) The Central Deanery will consist of parishes and missions in Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties; and
- c) The Southern Deanery will consist of parishes and missions in Alpine, Inyo, Kern and Mono Counties.

Sec. 16.03 Activities and functions of each Deanery will be governed by a Deanery Council consisting of all elected delegates to Diocesan Convention and all clergy members of the Deanery within that Deanery. Each Deanery Council will elect a President and Vice-President of the Deanery with one officer being Clergy and one officer being lay. The President will appoint a Secretary. The Deanery Council will meet at least four (4) times during the calendar year, and one of these meetings may be at Diocesan Convention. All non-canonically resident, but licensed, clergy and lay members of the Deanery may attend the Deanery Council with seat and voice.

Sec. 16.04 Each Deanery may adopt bylaws, but such bylaws must conform to the Constitution and Canons of the Diocese of San Joaquin and be approved by the Bishop and Chancellor of the Diocese. The functions of the Deanery Councils may be, but are not limited to the following:

- a) Election of one clerical, and one lay representative to the Diocesan Council. The lay delegate to Diocesan Council need not be a delegate to Convention.
- b) Nominate persons from the Deanery for elective office at Diocesan Convention.
- c) Encourage outreach ministries in the Deanery, and outside the Deanery.
- d) Foster Deanery Christian Formation.
- e) Support training and implementation of the Ministry of all the Baptized in the Deanery and in individual congregations.
- f) Coordinate Administrative efficiency and cooperation across the Deanery.
- g) Prepare for Diocesan Convention.
- h) Other ministries and functions as assigned by Convention and/or the Bishop.

## Canon XVII -The Cathedral

Sec. 17.01 Saint James' Church, Fresno, shall be the Cathedral Church of this Diocese.

Sec. 17.02 The organization and government of the Cathedral shall be that provided for in the Constitution of Saint James' Cathedral, as adopted by the Fifteenth Annual Convocation of the Missionary District of San Joaquin, and amended in accordance with the provisions therein, which Constitution shall form a part of Section 17.02 of these Canons and may be found at the end of the same.

Sec. 17.03 The Congregation worshipping regularly in Saint James' Cathedral shall be subject to all the duties and enjoy all the rights, privileges and responsibilities accorded to Parishes in these Canons except as limited in Section 17.02.

## Canon XVIII –Congregations

Sec. 18.01 New congregations may be formed only with the consent and under the direction of the Bishop of the Diocese. The Bishop shall have the right to form or welcome in a congregation at any place where there are a sufficient number of persons requiring the ministrations of the Church and willing to contribute to the maintenance thereof.

Sec. 18.02 Until such time as a congregation formed under the direction of the Bishop can qualify to be admitted as a Mission Church in union with the Convention of the Diocese, it shall be conducted as an Unorganized Mission and the Bishop shall from time to time appoint such Ministers, Officers, and Committees as its affairs require.

Sec. 18.03 Whenever the Bishop shall decide there is an opportunity and need for Church extension within the boundaries of an existing Parish or Mission, he may take such means as he deems proper to meet such need, specifically, with the advice of the Department of Missions. After opportunity for a hearing from the Parish or Mission involved, he may establish a church school and/or congregation, maintain services, and organize a Mission within the boundaries of such existing Parish or Mission. Lay communicants living within the area of the new Mission, who are not active members of another congregation, shall be encouraged by all proper means to assist in developing it, and the cooperation of all Clergy involved shall likewise be sought by all Godly means.

Sec. 18.04 Established Congregations may apply to the Diocesan Convention of The Diocese of San Joaquin, with the permission of the Bishop, to be accepted as a parish or mission in union with the Convention of this Diocese and the Bishop of San Joaquin.

Sec. 18.05 Application shall be made to the Convention to read:

- a) A letter addressed to the President of the Convention to read: "We the undersigned, residents of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, respectfully petition to be received as an organized Parish/Mission in union with the Convention of the Diocese of San Joaquin, under the name of \_\_\_\_\_."
- b) Carry out the requirements for the admission of a Parish as enumerated in Canon XX (20) of the Canons of the Diocese of San Joaquin.

## Canon XIX – Missions

Sec. 19.01 A congregation may become an Organized Mission Church in the following manner:

- a) Application shall be made to the Bishop of the Diocese in the following form: "Right Reverend and Dear Sir: We the undersigned, residents of \_\_\_\_\_, County

of \_\_\_\_\_, within the Diocese of San Joaquin, desiring to establish in our midst the regular and permanent Ministrations of the Episcopal Church and to be numbered with those who share in the fellowship and work of the Convention of said Diocese and of the General Convention, do respectfully petition to be received into your spiritual charge and direction to be organized as a Mission Church in union with the Convention of the Diocese of San Joaquin, under the name of \_\_\_\_\_.

"We do severally and collectively promise to provide for the maintenance of said Mission Church as the Bishop or other canonical authority shall from time to time require, and to work faithfully and harmoniously to promote its influence in our neighborhood. "We do severally and collectively promise to work toward the establishment of an adequate compensation for the Missioner (i.e., Vicar) in keeping with the standard minimum compensation established by the Diocesan Council. "We promise conformity to the Doctrine, Discipline, and Worship of the Episcopal Church and to the Constitution and Canons of the General Convention and of the Convention of the Diocese of San Joaquin."

To this petition shall be attached the signatures of a majority of the members of said congregation and only such persons as are baptized and have attained their canonical voting age.

b) If the Bishop approves the establishment of a congregation as an Organized Mission, he shall give his consent thereto in writing, and shall appoint a Provisional Bishop's Committee to serve until 44 the first regular annual meeting of the congregation.

c) There shall be an annual meeting of the congregation of each Mission Church after November 1 and before January 21. Special meetings of the congregations may be held with the consent of the Bishop. Notice of all meetings shall be given as provided for a Parish (see Canon XX, Section 20.02).

The Presiding Officer at all annual and special meetings of the Organized Mission shall be the Bishop or his representative. The qualifications for voters shall be the same as are, or may be prescribed by these Canons, for voters in the election of the Vestry of a Parish or Aided Parish.

d) At the time of each annual meeting, the Bishop shall, after consultation with the Minister-in-Charge, if there be one, appoint a Bishop's Committee of not less than five (5) Communicants in good standing to serve until the next annual meeting. From the members of the Bishop's Committee shall be chosen annually a Bishop's Warden and a Junior Warden, each of whom shall be a communicant in good standing of the Church. The Vicar shall nominate to the Bishop the Bishop's Warden and the Bishop's Committee shall nominate to the Bishop the Junior Warden; in case there be no Vicar, the Bishop's Warden shall be appointed by the Bishop in consultation with the Bishop's Committee.

The Wardens, Clerk, Treasurer and Stewardship Chairperson shall perform the duties usually pertaining to like offices in a Parish. The Treasurer shall be bonded. The Treasurer can be nominated for a term not to exceed six (6) years and shall not be eligible for renomination until one (1) year after expiration of his or her term unless otherwise approved by the Bishop. The Bishop may reject any and all nominations for any office or position and appoint others in their places. In the event of a vacancy in any of these offices, on whatever occasion, appointment is the sole prerogative of the Bishop. The Bishop, if present, shall preside in the meetings of the Bishop's Committee; in his absence the Minister-in-Charge; and in the absence of both, the Bishop's Warden.

- e) The application set forth in sub-section (2) hereof, together with a copy of the written consent of the Bishop to the organization of the Mission according to the Canons of this Diocese, a copy of the minutes of the First Annual Election of the Mission showing the names of the duly elected Wardens, Clerk, Treasurer and other officers, if any; a certificate from the Bishop of the Diocese as to the property of the Mission, if any, held by them, and a certificate from the Diocesan Council recommending admission of the Mission into union with the Diocese shall be submitted to the Convention or to the Committee on Admission of Organized Missions to be accepted into union with Convention. Such documents shall be certified by the Warden and Clerk and be authorized by the Vicar or by the Bishop.

Sec. 19.02 A Mission may apply to Convention for Parish status when the following requirements can be met:

- a) Provision for the compensation (stipend, housing and utilities) of the clergyman at an amount not less than the standard minimum established by the Diocesan Council; provision also being made for pension, travel allowance and health insurance;
- b) Housing or rental allowance;
- c) Normal expenses of operation, including acceptance and payment of the assessments as authorized by Convention;
- d) The petitioning Mission shall be granted a period of not less than one (1) year to qualify. During the interim, the petitioning Mission shall remain under the financial and pastoral oversight of the Ecclesiastical Authority.

Sec. 19.03 A Parochial Mission may be established and organized by a Parish, or Parishes acting together, with the consent of the Bishop and the Standing Committee. The organization shall be effected in the same manner as provided in Section 19.01, except that appointment shall be made by the Rector of the sponsoring Parish.

Sec. 19.04 No Parochial Mission shall be entitled to representation in the Convention, but any Parochial Mission may apply to become an Organized Mission.

Sec. 19.05 A Parochial Mission may be dissolved by the action of the Vestry of the sponsoring Parish with the consents of the Bishop and the Standing Committee and its property shall revert to the sponsoring Parish for such beneficial use of said Parish as its Vestry shall deem appropriate.

#### Canon XX - Parishes

Sec. 20.01

- a) To entitle a Church to admission as a Parish in union with the Church in this Diocese as represented in Convention, the Vestry or Bishop's Committee of said Church shall submit to the Convention a certificate of organization or incorporation or a copy thereof, certified by an officer of the Vestry or Bishop's Committee.
- b) There shall also be submitted a certificate of the Bishop that the organization or incorporation of such Church had received his consent before such act of organization or incorporation and that such Church is duly and satisfactorily established.
- c) The Bishop shall receive satisfactory evidence that such Church will pay its Rector at least such compensation as may be fixed by the Diocesan Council as the minimum compensation



which must be paid to the Rector of an organized Parish in this Diocese. In the event that such congregation does not continue to pay said minimum compensation to its Rector such procedures as necessary to achieve minimum compensation shall be enacted by the Diocesan Council. Inability (1) to achieve minimum compensation by this process, (2) to meet canonical Diocesan financial obligations, or (3) to conform to the Constitution and Canons of the Diocese shall result in the reversion of such congregation to Diocesan Mission status, after due process by the Bishop and Council.

- d) Satisfactory testimony by a certificate of the Vicar, Missionary, or Church Warden, or otherwise, shall be given that not less than twenty-five (25) persons of canonical voting age who are members of such Church have habitually, for at least twelve (12) months preceding such application, attended Divine Service in such Church or congregation.
- e) The application for admission shall be in writing and shall be accompanied by a copy of the resolution, adopted by the Vestry subsequent to organization. The proposed Parish shall organize by adopting a Constitution and Bylaws, which shall include, among other things, the name by which the Parish shall be legally known and the promises made in the application to the Ecclesiastical Authority; and by election of a Vestry, from which shall be chosen two (2) Wardens.
- f) The Rector of the Parish shall be a member and the President of the Vestry. The Parish, if incorporated, shall be as the Articles of Incorporation and the Bylaws provide. The Parish Bylaws shall further provide that the Constitution and Canons in the Diocese of San Joaquin be incorporated in said Bylaws and be a part thereof; and said Bylaws shall provide that in case of conflict, the Constitution and Canons of the Diocese shall prevail. A copy of said Bylaws shall be certified by the Secretary or Clerk and shall be kept on file by the Registrar-Historiographer of the Diocese.
- g) All property of an incorporated Parish is irrevocably dedicated for religious (education, health and welfare) purposes, and upon dissolution of a Parish, all properties, investments and assets shall be conveyed only to the Protestant Episcopal Bishop of San Joaquin, a Corporation Sole, to be held in trust by it or to be disposed of at its discretion. No such Parish shall elect to dissolve or terminate or dispose of all or substantially all of its assets, or merge with or into any other corporation, or disaffiliate itself from the Episcopal Church, except with the prior written approval of the Ecclesiastical Authority as defined in Article III of the Constitution of the Diocese.

Sec. 20.02 There shall be an Annual Parish Meeting for the election of Vestrymen and the transaction of other business held in each Parish and Mission after November 1st and before January 21st. Notice of the Annual Meeting shall be given during Divine Service on the Sunday preceding the date appointed and on the Sunday following names of the Vestrymen elected and the nature of the business transacted shall be announced. The Annual Meeting shall be called by the Minister-in-Charge, or in the case of his incapacity, or if there be none, by the Vestry or the Bishop's Committee.

Sec. 20.03 Special Parish meetings may be held at any time at the call of the Priest-in-Charge, or if there be no incumbent, at the call of the Bishop or Senior Warden, PROVIDED notice of the meeting and of the nature of the business to be transacted be announced during Divine Service on the Sunday at least one (1) week previous to the date appointed for the meeting. The nature of the business transacted shall be announced on the Sunday following the meeting.

Sec. 20.04 All elections of Vestrymen shall be by ballot. Every adult communicant in good standing as defined by the Canons of the Episcopal Church shall be entitled to vote. At the request of three (3)

communicants a voting list shall be prepared, certified by the Priest-in- Charge and the Treasurer of the Parish, and none shall be allowed to vote save those whose names are on such voting list.

Sec. 20.05 The ballots cast for the election of Vestrymen shall be preserved together with the report of the tellers and the voting list, if there be one, until the next annual meeting and shall be open only to the Ecclesiastical Authority.

Sec. 20.06 Any question of procedure in the meetings or the election not covered by these Canons shall be decided by the majority vote of the members present, but should canvass of an election be questioned after the close of the meeting, it shall be referred for decision to the Bishop acting with the advice of the Standing Committee of the Diocese.

Sec. 20.07 Should any congregation desire to have boundaries established, the Clergyman in charge may make application to that effect to the Bishop and Standing Committee, setting forth the boundaries desired and the reasons therefore. Any boundaries so established may be changed, modified, or removed, by the Bishop and Standing Committee, or by subsequent application by the congregation, with the approval of the Bishop and Standing Committee.

Sec. 20.08 With the consent of Convention any Parish financially able to meet its parochial and Diocesan expenses may become incorporated provided that its articles of incorporation meet the approval of the Chancellor of the Diocese and of the Diocesan Council. Whenever a Parish becomes incorporated it shall be competent to hold title to property belonging to the Congregation, but should such Parish become unable to meet its parochial and Diocesan expenses without Diocesan aid for three (3) successive years, the directors of said incorporated Parish shall transfer its real property and invested funds to the Corporation Sole in trust for the Congregation.

Sec. 20.09 No Congregation, either Mission or Parish, shall locate or change the location of its buildings without the previous consent of the Diocesan Council.

#### Canon XXI - The Vestry

Sec. 21.01 Each Parish may determine for itself the number of Vestrymen, PROVIDED, that they shall not be less than five (5) nor more than fifteen (15), all of whom, excepting the Rector, who shall be a member, and Presiding Officer thereof, ex officio, shall be Lay Persons, qualified to vote in the Parish meetings and that such Lay Persons shall be confirmed communicants in good standing whose names have been on the Treasurer's books as contributors of record for at least three (3) months prior to the election. Each Parish shall provide for the rotation in office of the Vestry members, in such manner that at least one (1) new member shall be chosen each year and that no Vestry member shall be eligible for immediate reelection. Interim vacancies may be filled until the next succeeding election by the Vestry; provided, that such interim appointee shall be eligible for immediate election by the Parish. The term of office for a member of the Vestry shall not exceed three (3) years.

Sec. 21.02 As soon as practicable after the Annual Parish Meeting the Vestry shall meet for organization. From its members the Rector shall appoint a Senior Warden and the Vestry shall elect a Junior Warden. If there be a vacancy in the rectorship, both Wardens shall be elected. The Rector shall preside at all Vestry and Parish meetings, but if he be absent or unable to act, the Senior Warden, or in case of his disability, the Junior Warden shall preside. No meetings of the Vestry shall be valid unless the Rector or one of the Wardens be present.

Sec. 21.03 The Vestry shall elect annually a Clerk, Treasurer, and Stewardship Education Chairperson, who shall serve until their successors are chosen, and if not Vestrymen, they shall have seats without votes at the Vestry meetings. Their election shall take place at the Vestry organizational meeting held after the annual Parish meeting. The Treasurer shall be elected for a term not to exceed six (6) years

and shall not be eligible for re-election until one (1) year after expiration of the term unless otherwise approved by the Rector and the Bishop. A vacancy in the office of Clerk or Treasurer or Stewardship Education Chairperson shall be filled for the unexpired term by the Vestry.

Sec. 21.04 The Treasurer of each Parish shall give such bond for the faithful discharge of his duties as may be required by the Diocesan Council. He shall make such reports as these Canons or resolutions of the Vestry shall require. At the close of the year all accounts of the Parish shall be audited by a Certified or Independent Public Accountant, or by such an accounting agency as shall be permitted by the Finance Committee of the Diocese. A complete copy of the audit shall be forwarded to the Ecclesiastical Authority of the Diocese before July 1<sup>st</sup> of the next year. When a treasurer or other person managing Parish money leaves office, accounts under their previous responsibility shall be audited using one of the prescribed methods.

Sec. 21.05 The Vestry shall fix and hold at least ten (10) stated monthly meetings annually. Special meetings may be called by the Rector, or in his absence or inability to act, by the Senior Warden, upon written request of two (2) other members. To constitute a quorum there must be present either: the Rector and at least a majority of the Wardens and Vestry members or one (1) Warden and one more than a majority of Vestry members.

Sec. 21.06 If a Parish be incorporated, the Vestry shall be the Directors, or other officers authorized by law to manage the affairs of the Corporation.

Sec. 21.07 It shall be the duty of the Vestry to prepare a tentative budget of its proposed expenditures for the coming year and to have a continuing Stewardship Program to take care of the same. The Vestry shall adopt an operating budget of the coming year so drawn as not to exceed the expected income of the Parish and other unrestricted funds of the Parish.

Sec. 21.08 No Parish shall incur any indebtedness for current expenses in excess of the amount required to balance the total operating budget for the current year. Any indebtedness for current expenses unpaid at the close of the fiscal year shall be written into the budget for the succeeding twelve (12) months.

Sec. 21.09

- a) No Parish shall incur any indebtedness for permanent improvements or for acquisition of property in excess of 150 percent of its average annual income for the three (3) years past without the written approval of the Bishop with the advice and consent of the Standing Committee.
- b) No Parish shall purchase or otherwise acquire, or financially participate in the purchase or acquisition of, a rectory or other property intended to be used as a residence, without the written approval of the Bishop, with the advice and consent of the Standing Committee.

Sec. 21.10

- a) Whenever a Parish has been in arrears for three (3) months in the payment of its Diocesan assessment and/or quotas, the Diocesan Council shall give notice of the delinquency in writing to the Rector, Wardens, and Vestry of said Parish. The Diocesan Council shall appoint a representative of the Council to contact said Parish regarding the delinquency and to request an opportunity to visit said Parish to discuss the matter and to offer the assistance of the Diocesan Council towards resolving the delinquency.
- b) Whenever a Parish has been in arrears for five (5) months in the payment of its Diocesan assessment and/or quotas, the Diocesan Council shall send written notice of the provisions of this section to said Parish, and shall notify the Ordinary of the need for review and possi-

ble intervention on behalf of said Parish to resolve the delinquency. The Diocesan Council shall have the right to call the Rector, Wardens and Representatives of the Parish to appear at the next regular meeting of the Diocesan Council to discuss the matter.

- c) Whenever a Parish has been in arrears for seven (7) months in the payment of its Diocesan assessment and/or quotas, the Ordinary, with the advice and consent of the Diocesan Council, shall have the right to place said Parish in the category of an Aided Parish.
- d) During the period that a Parish is an Aided Parish, the Diocese shall have the same control over the finances of the Parish as the Diocese exercises over the finances of an Organized Mission. The Aided Parish shall submit to the Diocese Financial and Clergy Reports monthly and any other reports that are required.
- e) Whenever an Aided Parish has held status of Aided Parish for two (2) years and in the judgment of the Diocesan Council, with concurrence of the Ecclesiastical Authority, there is no realistic expectation of said Parish attaining self-support within an additional twelve (12) months, the Diocesan Council, with the consent of Convention, shall declare the Aided Parish an Organized Mission.

#### Canon XXII - Parish and Mission Records and Reports

Sec. 22.01 In addition to the Parish Register, required by the Canons, there shall be kept in every Parish a record of all services held in the Parish. It shall be the duty of the Vestry or Bishop's Committee to provide suitable books for all Parish records, and in the absence of the Rector or Vicar or his inability to act, it shall be the duty of the Wardens to see that the Parish Register and Record of Services are properly kept.

Sec. 22.02 The Parish Register, Record of Services, and the books of the Clerk and Treasurer shall be open at all times to the inspection of the Rector, the Vestry, and the Ecclesiastical Authority.

Sec. 22.03 On or before the fifteenth day of January of each year, each Parish and Mission shall file with the Bishop of the Diocese an Annual Report in such form as may be prescribed by the Executive Council of the Episcopal Church. Timely preparation of said Annual Report and subsequent delivery to the Diocesan office shall be the joint responsibility of the Rector and the Vestry or the Vicar and the Bishop's Committee or the Priest-in-Charge of the Parish or Mission, together with the Vestry or Bishop's Committee. Any Parish failing to file a copy of its report, as above required, shall be arbitrarily assessed and apportioned.

Sec. 22.04 A monthly report as provided by the Department of Missions shall be sent by each Vicar to the Archdeacon if there is one, or if not, to the Bishop.

#### Canon XXIII – [RESERVED. Repealed pursuant to Res. C-10-02]

#### Canon XXIV - Parish Day Schools

Sec. 24.01 The term "Parish Day School" shall be interpreted to mean any school having classes of nursery grade or higher owned, operated and/or supported by a Parish, Mission or Cathedral of this Diocese. The establishment and continuation of any school or day care center shall require the consent of the Bishop.

Sec. 24.02 The Department of Christian Education shall give advice and counsel to all Parish Day Schools within the Diocese.

Sec. 24.03 The properties of such Churches and Institutions of the Diocese devoted to such school purposes, whether vested in a Parish Corporation, the Diocese, or an incorporated Institution, and whether now existing or hereafter organized, are irrevocably dedicated to the Protestant Episcopal Bishop of San Joaquin, a Corporation Sole. This provision shall not be interpreted as contrary to the provisions of Canon XX on Parishes, or Canon XXXV, on Diocesan Institutions and Corporations.

#### TITLE IV - Finances of the Diocese

##### Canon XXV -The Bishop To Be The Corporation Sole

Sec. 25.01 The Bishop of the Diocese shall be a Corporation Sole under the laws of the State of California, by the title of "The Protestant Episcopal Bishop of San Joaquin, a Corporation Sole."

Sec. 25.02 The title to trust funds and real estate acquired by gift or purchase for the use of the Diocese of San Joaquin, or for any unincorporated Parish therein, or for the use of the Episcopal Church in any place within this Diocese where there is no organized congregation, shall be vested in the Protestant Episcopal Bishop of San Joaquin, a Corporation Sole, in trust for such purposes as are specified in the deed or are otherwise made a matter of record, provided that the income of the property held in trust for a Parish shall be disbursed by the Vestry thereof, and provided that the taxes, insurance, and other expenses pertaining to the care and preservation of said property shall be borne by said parish.

Sec. 25.03 Whenever any Parish, for any reason, ceases to exist, the property held in trust for said Parish by the Corporation Sole, shall become the property of the Diocese and shall be administered as such except in so far as its administration is affected by specific provisions which are of record.

Sec. 25.04 No real estate or other property held by the Corporation Sole shall be encumbered or alienated save with the consent of two-thirds of the Diocesan Council.

Sec. 25.05 The Bishop shall present to each Annual Convention a report of the transactions of the Corporation Sole since the last meeting of the Annual Convention; which report shall contain an account of each fund in his possession together with a list of the securities in which the funds are invested, a list and description of all real property acquired and disposed of and all other information which will show the true condition of the property held in trust by him.

##### Canon XXVI - Diocesan Endowment Funds

Sec. 26.01 There shall be Diocesan Endowment Funds, all interest and earnings of which shall be appropriated to the support of this jurisdiction and the work of the Diocese.

Sec. 26.02 All income and contributions derived for said Diocesan Endowment Funds shall be paid and delivered to the Diocesan Treasurer and by him paid over to the Protestant Episcopal Bishop of San Joaquin, a Corporation Sole.

Sec. 26.03 The Diocesan Endowment Fund shall consist of all donations and contributions made there-to from private and public sources and from assessments levied by authority of Convention.

##### Canon XXVII - The Bishop's Discretionary Fund

Sec. 27.01 At every service of Confirmation in the Diocese, and at the principal service conducted during the occasion of an official visit by a Bishop to a congregation, an offering shall be taken and promptly remitted to the Treasurer of the Diocese for the use of the Bishop at his discretion for the work of the Church, known as the Bishop's Fund, or Bishop's Discretionary Fund.

Sec. 27.02 Other gifts and donations may be sent to the Treasurer of the Diocese for the use of the Bishop through the Bishop's Fund.

#### Canon XXVIII - The Episcopal Foundation of San Joaquin, Inc.

Sec. 28.01 There shall be a The Episcopal Foundation of San Joaquin (E.F.S.J.) incorporated according to the laws of the State of California, to accumulate and invest funds designated by the Bishop, or the Diocesan Convention, for the Diocese or to be held in trust for parishes, missions, or other entities not provided for by Canon of the Diocese.

Sec. 28.02 The E.F.S.J. shall be governed for the Diocese by a board of nine (9) members. The Bishop of the Diocese shall serve as President and Chairman of the Board. At least six (6) of the remaining eight (8) members shall be lay communicants in good standing of this Diocese, and the other two (2) may be clergy canonically resident in the Diocese of San Joaquin. Four (4) of the board members shall be elected by Convention and four (4) appointed by the Board and shall serve for four (4) years on a rotating basis. All members shall have experience in the field of investment and banking. In addition, the Board may appoint an Investment Committee, subject to the Bishop's approval of all appointees.

Sec. 28.03 The funds for which the E.F.S.J. bears management responsibility shall be accumulated and invested. All assets, including earned interest income, dividends and capital gains, if there be any, may be for two purposes: to provide income to the Diocese annually as requested by the Bishop and Diocesan Council, and to invest approximately half of the Trust's funds in loans to Diocesan Parishes and Missions at favorable interest rates determined annually by the Board. All loans shall be subject to the approval of the Standing Committee, the Diocesan Council, and the Bishop.

Sec. 28.04 The E.F.S.J. shall make timely recommendations to the Bishop and the Diocesan Council of ways and means of adding to the corpus of the trust.

#### Canon XXIX - The Diocesan Education Trust Fund

Sec. 29.01 The Diocesan Education Trust Fund shall be established for the purpose of supporting Christian Education and related programs through contributions and proceeds from monies, properties, securities, and commodities.

Sec. 29.02 All contributions of monies, properties, securities, and commodities shall be collected and distributed by the Trust Fund Committee. This Committee with the concurrence of the Department of Christian Education shall consist of five (5) persons, Clergy or Communicants in Good Standing. The Trustees shall serve for the terms of three (3) years each, three of whom shall be elected by the Diocesan Convention; one to be elected by the Diocesan Department of Christian Education; and one member to be appointed by the Bishop. Those members elected by Convention shall serve on rotation, with one member elected every year after the first year.

Sec. 29.03 The Trust Fund shall give a report annually to the Convention of its activities and shall submit a treasurer's report for audit.

#### Canon XXX - Diocesan Assessments

Sec. 30.01 Assessments shall be used for the support of the budget recommended by the Diocesan Council and adopted by the Diocesan Convention.

Sec. 30.02 The amount assessed each Parish and Mission shall be based upon its Net Disposable Income ("NDI"). NDI is defined as Plate offerings, pledge payments, gifts from givers of record, funds made available for operations from investments, other operating income and unrestricted bequests used for operations. These are funds reported in lines 3 (Plate offerings, pledge payments, and

regular support); 4 (Available for operations from investments); 5 (Other operating income) and 6 (Unrestricted bequests used for operations) as published in the most recent Annual Parochial Report. Assessment payments will be made monthly to the Diocese on the 15th of the month, based on the previous month's NDI.

Sec. 30.03 The assessment due from each Parish and Mission shall be the sum of: (a) ten percent (10%) of the first Four Thousand Dollars (\$4,000) of the Parish or Mission's monthly NDI; and (b) fifteen and one half percent (15.5%) of the Parish or Mission's monthly NDI in excess of the first Four Thousand Dollars (\$4,000) of the Parish or Mission's monthly NDI.

Sec. 30.04 Notwithstanding the percentages set forth in Section 30.03, the Diocesan Council may from time to time determine to change the percentages, but in no such case may the Diocesan Council do so without approval of a majority of the Diocesan Convention. Said approved changes thereupon shall become effective for the following year's Diocesan budget. In the event of rejection by the Diocesan Convention, the percentages then in effect shall continue to be used.

Sec. 30.05 A Parish Growth Assessment Waiver may be made available to congregations for the encouragement of new development and/or growth in ministry, specifically for new ventures requiring financial assistance above and beyond normal budgetary expenditures. Such assessment waiver shall apply only to that portion of those increased expenses approved by the Diocesan Council. To secure such approval the congregation shall submit a plan which shall include the following:

- a) Demonstration that the new venture is beyond normal operation and is intended to provide measurable growth and development to that congregation.
- b) Provision outside of normal operating expenses, of full funding for the new venture.
- c) A Congregational Mission Statement. Statement of shared vision, and a definitive set of goals for the time period of the new venture.
- d) Specific goals and objectives for the new venture itself.
- e) Readiness to submit to specific periodic review of the venture's progress by subcommittee of the Diocesan Council.
- f) A terminal date for the new venture together with a plan for incorporation into the congregation's normal budgetary requirements.

#### Canon XXXI - Diocesan Insurance

Sec. 31.01 All churches and other buildings, together with their contents, belonging to the Diocese of San Joaquin, or to any of its Parishes or Missions or institutions, shall be insured for full replacement cost. All insurance, whether Blanket, Specific or Group, shall be placed with reputable insurance companies, selected by and subject to the approval of the Diocesan Council.

Sec. 31.02 Premiums on insurance policies billed directly to the Parishes, Missions, and institutions insured shall be payable when due to the approved insurance companies.

Sec. 31.03 Each Parish, Mission, and institution insured shall pay to the diocesan Treasurer, on or before the tenth day of each month, such premiums as may be billed from the diocese. Any portion of the premiums remaining unpaid at the close of the fiscal year shall constitute a claim of the Corporation Sole upon the property and income of the Parish, Mission, or institutions in arrears.

## Canon XXXII - Canonical Offerings

Sec. 32.01 There shall be taken in every congregation in the Diocese certain special offerings as provided by National and Diocesan legislation. These offerings shall be taken on the dates designated in the establishing canons or resolutions, or, if that be impracticable, as soon thereafter as possible. With the sanction of the Ordinary, any Congregation may appropriate from its general funds amounts in lieu of any and all of these special offerings.

## TITLE V - The Clergy

### Canon XXXIII - Of the Conduct of the Clergy

Sec. 33.01 All members of the clergy of this Diocese shall be under the obligation to model in their own lives the received teaching of the Church.

### Canon XXXIV - Ecclesiastical Discipline

[Repeal of Prior Canon. Effective July 1, 2011, Canon XXXIV is repealed in its entirety and amended as provided for below.]

Sec. 34.01 The forms and methods of Ecclesiastical Discipline in the Diocese of San Joaquin shall follow the provisions set forth in Title IV of the Canons of the General Convention of the Episcopal Church.

Sec. 34.02 There shall be an Ecclesiastical Trial Court consisting of four (4) priests or deacons and three (3) lay communicants in good standing. The term of office for the clerical members shall be four (4) years. The term of office for the lay members shall be three (3) years. At each meeting of the annual Convention there shall be elected one (1) clergy and one (1) lay communicants in good standing. For the purpose of initial organization, the priest or deacon receiving the highest number of votes shall be designated to the four year term. The lay member receiving the highest number of votes shall be designated to the three year term. The next highest majority of votes shall receive the second longest term, and so on.

Sec. 34.03 The Ecclesiastical Court shall subsequently elect a presiding judge and appoint a church attorney, clerk, reporter, and lay assessor in the method prescribed by the canons of the General Convention.

Sec. 34.04 Vacancies other than by challenge shall be filled by appointment by the Ecclesiastical Authority with consent of a majority of the Standing Committee.

Sec. 34.05 Members of the Ecclesiastical Trial Court may be challenged by either the accused or the church advocate for cause. The method of challenge shall be in written form, addressed to the presiding judge of the Ecclesiastical Court. All other matters concerning challenges shall be governed by the canons of the General Convention.

Sec. 34.06 Vacancies arising from challenges as to the members of the Ecclesiastical Court shall be filled as prescribed by the canons of the General Convention.

[Implementation of New Title IV. Effective July 1, 2011, Canon XXXIV is amended to read as follows:]

Sec. 34.01 Title IV of the 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.



Sec. 34.02 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 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 XV shall govern. The terms of members of the Ecclesiastical Trial Court expiring on or before December 31, 2010 are extended until so terminated pursuant to Title IV of the General Canons.

Sec. 34.03 Diocesan Cooperation. Pursuant to Canon IV.5.3 (i) of the General Canons, the Diocese has elected to enter into a compact among the Dioceses of California, San Joaquin, El Camino Real, and Northern California 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.

Sec. 34.04 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.

Sec. 34.05 Disciplinary Board. The Disciplinary Board shall consist of nine persons, five (5) of whom are members of the Clergy and four (4) 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 not serve on the Disciplinary Board.

Sec. 34.06 Composition. While the Disciplinary Board Compact is in effect, each of the Dioceses listed in Canon 34.03 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.

Sec. 34.07 Terms. Eventually, each member of the Disciplinary Board shall serve a three (3) year term, each term to begin on January 1st 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 34.06. Members may serve no more than two successive terms, after which one year must elapse before being reelected or reappointed. If a member is elected or 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.

Sec. 34.08 Clerical Members. The Clerical members of the Disciplinary Board from this Diocese must be canonically and geographically resident within the Diocese.

Sec. 34.09 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.

Sec. 34.10 Appointment. The members of the Disciplinary Board from this Diocese shall be appointed by the Bishop with the consent of the Standing Committee by November 1 of each year, with terms beginning the following January 1.

Sec. 34.11 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 of the vacating member's diocese.
- 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.

Sec. 34.12 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 Canon IV.5.1 of the General Canons and may serve for up to two one-year terms before stepping down as President for one year.

Sec. 34.13 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.

Sec. 34.14 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.

Sec. 34.15 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.

Sec. 34.16 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.

Sec. 34.17 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.

Sec. 34.18 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 Canon 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.

Sec. 34.19 Advisors. In each proceeding under this Canon, the Bishop shall appoint an Advisor for the 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 Canon IV.2 of the General Canons and is not necessarily intended to act as an attorney. The complaining party and the Respondent may engage attorneys at their own cost.

Sec. 34.20 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.

Sec. 34.21 Records.

- a) 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.
- b) 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.

## TITLE VI – Amendments

### Canon XXXV - Amendments to the Canons

Sec. 35.01 Proposed amendments to the Canons must be submitted to the Chairman of the Committee on Constitution and Canons no later than sixty (60) days before the Annual Convention. The Chairman of said Committee shall send a summary of the proposed changes together with the Committee action on these proposals to each Parish and Mission at least thirty (30) days before the Annual Convention; provided, however, the foregoing requirements may be dispensed with by a three-fourths vote of the members of Convention present, voting by orders.

Sec. 35.02 Proposed amendments to the Canons shall be reported on by the Chairman of the Committee on Constitution and Canons; provided, however, the foregoing requirements may be dispensed with by a three-fourths vote of the members of the Convention present, voting by orders.

## TITLE VII -Other Diocesan Institutions and Corporations

### Canon XXXVI - Diocesan Institutions and Corporations Not

#### Governed by the Canons of Title III

Sec. 36.01 Any institution, society, or corporation, which is not governed by the Canons of Title III, representing itself to be an institution of the Diocese of San Joaquin, may, but is not required to be, incorporated.

Sec. 36.02 Any Diocesan institution, or corporation, may, but is not required to be, incorporated as a charitable or nonprofit corporation under the applicable provisions of the laws of the State of California and shall then duly maintain such corporate status.

Sec. 36.03 In addition to the matters required by the applicable laws of the State of California, the Articles of Incorporation or bylaws of any such institution, society or corporation, shall contain the following provisions:

- a) That the Bishop or his designate shall always be a member of the board of Director or Trustees of the Corporation, either ex officio or by election, as appropriate.
- b) That at least a majority of the Board of Directors shall be members in good standing of a Parish or Mission of the Diocese of San Joaquin, or Presbyters canonically resident in that diocese, except requirement may be waived by Diocesan Convention when the institution, corporation, or society is an ecumenical effort involving the denominational judicatories.
- c) That the institution, corporation, or society shall not alienate or encumber real property belonging to it without first obtaining the written consent of the Bishop, the Standing Committee, and Diocesan Council.
- d) That the provisions of the Constitutions and Canons of the Episcopal Church and of this Diocese, as they are now and as they may be amended, where applicable, shall be part of the bylaws of such corporation. In case of conflict between said Constitutions and Canons, and said bylaws, the provisions of said Constitutions and Canons shall be paramount.
- e) The dissolution clause of all organizations governed by this Canon shall either provide for the reversion of all residual assets to the Protestant Episcopal Bishop of San Joaquin a Corporation Sole, or to the sponsoring parish, or for distribution according to a schedule approved by the Bishop, Standing Committee and Diocesan Council and shall be in compliance with all applicable State and Federal statutes.

Sec. 36.04 Articles of Incorporation and bylaws of such institutions and corporations must be approved by Diocesan Convention, having been submitted to the Chancellor and the Ordinary not less than ninety (90) days prior to the meeting of the Convention at which approval is sought. The Chancellor shall examine such Articles and bylaws to determine whether they meet the requirements herein set forth, and whether they are otherwise in proper form and shall transmit the same to the Secretary of the Convention, together with his written recommendation as to approval or disapproval. The Secretary shall then present the matter to Convention for action.

Sec. 36.05 A true copy of the Articles of Incorporation of such corporation and of amendments thereof, duly certified by the Secretary of such institution, and a true copy of the bylaws of such institution and of any amendments thereto, duly certified by the Secretary of such institution, shall be filed with the Secretary of the Diocesan Convention, and shall be open to inspection at all times by the Ecclesiastical

Authority, or any person or persons duly delegated by said Authority.

Sec. 36.06 Each such corporation shall make a written annual report to the Diocesan Convention, setting forth its financial transactions and other activities during the previous year.

Sec. 36.07 The Secretary of the Diocesan Convention shall report the names of all corporations qualified under this Canon, and their activities, in the Journal each year.

Sec. 36.08 This Canon shall apply to existing institutions as well as to those which may be organized in the future except those governed by Canons of Title III. If the Articles of Incorporation or bylaws of existing institutions, corporations, or societies do not conform to the requirements of this Canon or future amendments to this Canon, they shall be amended accordingly.

Sec. 36.09 The Ecclesiastical Authority, or his appointed representative, shall have the right of visitation of any Diocesan institution, and authority to examine its books, minutes, records, and affairs. The Ecclesiastical Authority, or his appointed representative, may, but is not required to, report to the Diocesan Convention concerning any Diocesan Institution. The Diocesan Convention, having heard the report, may take such action as in its discretion may be deemed appropriate, either to correct undesirable conditions or to end the status of such institution as a Diocesan institution.

#### Canon XXXVII - The Episcopal Charities

Sec. 37.01 The Episcopal Charities of the Diocese of San Joaquin shall be established as an agency, for the purpose of functioning as a "holding company" to collect and distribute revenues for Episcopal charitable institutions in the Diocese.

- a) The Episcopal Charities will be registered with the State of California Franchise Tax Board and submit proper tax information from the sale of merchandise.
- b) The Board of Directors will consist of five (5) members who are communicants in good standing in the Diocese. Three (3) members shall be elected by Diocesan Convention, or in the absence of Convention, by Diocesan Council. Each of the three (3) members shall serve for three (3) years. Two (2) members, the Chairman and the Treasurer, shall be appointed by the Bishop and shall serve for three (3) years.
- c) The Charities will provide services for Immigrant and Refugee information, Spiritual direction, Migrant ministry, and services for those who require assistance.
- d) The Episcopal Charities will be entitled to hold: property in and through the Corporation Sole, titles to vehicles in and through the Corporation Sole, licenses and securities in and through the Corporation Sole.
- e) The Charities will be financed by contributions, grants, sales of goods and services, and gifts.

Sec. 37.02 The Episcopal Charities shall give a report annually to the Convention of its activities, and shall submit a treasurer's report for audit.

THE CATHEDRAL CONSTITUTION  
(Sec. 17.02)

Article I –Declaration

The people of the Congregation of St. James' Cathedral solemnly declare that we believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation; and that we will be loyal to the faith, doctrine, discipline, and worship of Christ as expressed in The Book of Common Prayer.

Article II -The Cathedral

St. James' Parish Church, Fresno, shall be designated as the Cathedral Church of the Diocese of San Joaquin, and shall be considered such by the clergy and laity of this jurisdiction, and will be open for their use, and as a house of prayer by all.

Article III - The Bishop

The Bishop shall be, ex officio, a member and President of the Chapter. He shall have the general direction of the services and work of the Cathedral through the constituted officers thereof. He shall have the right, without previous notice, to use the Cathedral for any of the services of the Church at any time other than the hours designated for the regular appointed services of the Cathedral, weddings, and funerals. The Bishop may celebrate the Holy Communion or preach, or both, at any regular appointed service by sending notice to the Dean at least three (3) days previous thereto.

Article IV - The Dean

The Dean shall have charge under the Bishop of the services and ministry of the Cathedral. He shall be ex officio Vice President of the Chapter, and shall have the cure of souls of the Cathedral Congregation. His tenure shall be at the Bishop's pleasure. The Dean shall (under the Bishop) be the chief administrator of the Cathedral, subject to the terms of his employment contract or letter of understanding. The Dean (or if there is no Dean, the Bishop) shall appoint from the Chapter a Senior Warden and be an ex officio member of all Standing Committees of the Cathedral. The Dean shall be elected by a two-thirds vote (8 votes) of the entire Chapter on nomination by the Bishop.

Article V - Canons of the Cathedral

Canons may be elected by a two-thirds vote of the Chapter on joint nomination of the Bishop and the Dean. Clergy and/or laity may be elected to serve as Canons for the discharge of such duty in the services and work of the Cathedral as may be assigned by the Chapter. The title of Honorary Canon may be given and shall remain with that individual.

Article VI -The Cathedral Congregation

The Congregation worshipping regularly in the Cathedral shall be known as the Cathedral Congregation and shall have all the rights and privileges and shall fulfill all the responsibilities of a Parish as defined by the Constitution and Canons of the Diocese of San Joaquin; except insofar as those rights, privileges, and responsibilities are modified by the provisions of the Cathedral Constitution.

The Cathedral Chapter shall be the Governing Body of the Cathedral Congregation.

## Article VII - The Chapter

The management of the material affairs of the Cathedral shall be vested in a Chapter of fifteen (15) members, of which the Bishop and the Dean and the Chancellor of the Diocese shall be members ex officio. The remaining twelve (12) members shall be lay communicants in good standing canonically registered as entitled to vote in the Cathedral Congregation, subject to confirmation by Convention. In addition the Stewardship Education Chairperson and the President of the Episcopal Church Women of the Cathedral and all Canons of the Cathedral shall have seat and voice at all meetings of the Chapter.

Chapter members shall be elected for a (3) three-year period on a rotating basis, four (4) being chosen on the third Sunday of October each year by the Cathedral congregation. Nominations for Chapter shall open the third Sunday of August and shall close the third Sunday of September. The Nominating Committee shall consist of or include the outgoing members of the Chapter. A final election ballot slate shall be published in Sunday bulletins on the last Sunday of September and the first two Sundays of October. Following a confirming vote by the Diocesan Convention, persons elected to Chapter shall assume office at the annual meeting of the Cathedral congregation (usually held in January). Chapter Members that are elected for a full three (3) year term may be elected for one (1) additional term. Upon the expiration of the Chapter Member's second consecutive term in office, the Chapter Member is not eligible for reelection until one (1) year has elapsed since the date of expiration of the regular term of office. As used here-in "second consecutive term" means two (2) successive three (3) year terms; or a partial unexpired term greater than half of the original term served by an appointee filling a vacancy and a subsequent full three (3) year term. Chapter Members appointed to a vacancy and serving for an unexpired term of not more than one half of the original term may be re-elected for two (2) consecutive three (3) year terms and thereafter shall not be eligible for reelection until one (1) year has elapsed since the date of expiration of the regular term of office.

Members who are absent from three (3) or more consecutive Chapter meetings without just cause shall be deemed to have abandoned their office and shall be subject to removal.

In the event vacancies subsequently occur in the membership of the lay members of the Cathedral Chapter, such vacancies shall be filled by appointment by the Chapter until the next ensuing annual election. Any member of the Chapter who has been appointed to fill such a vacancy shall be eligible for election to the balance of the unexpired term at the time of the next annual election. Appointed lay members of the Chapter shall be deemed members thereof for the period between their appointment and action by the Diocesan Convention confirming or disaffirming their subsequent election.

The Chapter shall elect from its number a Junior Warden or Wardens.

It shall be the responsibility of the Chapter to develop and maintain policy statements and procedural handbooks for any items not specifically covered by Diocesan Canons of which the Cathedral Constitution is a part.

Title to the real property and invested funds belonging to the Cathedral shall be vested in the Protestant Episcopal Bishop of San Joaquin, a Corporation Sole, and the control thereof shall be with the Chapter, which may enact such bylaws and establish such regulation for the conduct of its business as it may deem

expedient, but no property shall be alienated or encumbered save by two-thirds vote of the Chapter and with the consent of the Bishop acting with the advice and consent of the Standing Committee of the Diocese.

#### Article VIII - Officers of the Chapter

The officers of the Chapter shall be the President (Bishop), the Vice-President (Dean), the Senior Warden and Junior Warden(s), a Treasurer, a Secretary, and a Stewardship Education Chairperson. The latter two shall be elected at the Annual Meeting of the Chapter and shall hold office until their successors are elected. The Treasurer and the Stewardship Education Chairperson may be elected from the Chapter membership or from the Congregation at-large.

The Senior Warden shall preside at all Cathedral Chapter and Congregation meetings in the absence of the Bishop and Dean (or Priest-in-Charge), shall perform the duties of Junior Warden when he/she is not available, and may appoint ad hoc committees. The Junior Warden(s) shall be responsible for the maintenance of all Cathedral buildings and grounds, and shall perform the duties of Senior Warden when he/she is absent.

The Treasurer shall receive and disburse monies of the Cathedral and Cathedral Congregation in accord with an approved budget, give such security for the faithful administration of his/her trust, and be subject to such regulations in the discharge of the office as the Chapter may from time to time determine. When not a member of the Chapter he/she shall have seat and voice at all meetings.

The Chapter may appoint from its membership or from the Congregation at-large, an assistant to the Treasurer to be known as the Assistant Treasurer. The Assistant Treasurer shall also be bonded and have seat and voice at chapter meetings.

The Secretary shall be chosen from the members of the Chapter. He/she shall perform such duties in connection with this office as the Chapter may determine.

The Stewardship Education Chairperson shall perform such duties in connection with this office as the Chapter may determine.

#### Article IX -Meetings of the Chapter

The Chapter shall hold at least ten (10) monthly stated meetings annually at such times as may be fixed by the Chapter. The first meeting in the year after the Annual Meeting of the Congregation shall be the Annual Meeting of the Chapter. All meetings of the Chapter shall be conducted by Robert's Rules of Order.

All stated meetings shall be held on the Cathedral premises and be announced in the preceding Sunday's bulletin. All Chapter meetings, except executive sessions, shall be open to the Congregation. Special meetings may be called by the President or Vice-President at such time and place as they shall appoint, and shall be called by the President or Vice-President on the written request of three (3) Lay members of the Chapter.

In the absence of the President and the Vice-President, the Senior Warden, or in his absence a Junior Warden, shall have the rights and shall perform the duties in respect to the calling of special meetings provided herein for the President and Vice-President.

Written notice of every stated meeting shall be sent by the Secretary at least seven (7) days before the meeting to each officer and member of the Chapter.

Oral or written notices of every special meeting and the purpose or purposes thereof shall be given all resident members of the Chapter at least twenty-four (24) hours in advance of the time set for such meeting. The transactions of any meeting of the Chapter, however called and noticed or wherever



held, are as valid as though had at a meeting duly held after regular call and notice, if a quorum is present and if there are at least three-fourths of the non ex officio members of the Chapter present at such meeting or who sign a written waiver of notice or an approval of the minutes thereof either before or after the meeting.

To constitute a quorum for the transaction of business there must be present either: the Bishop or Dean and at least a majority of the Wardens and Chapter Members or one (1) Warden and one (1) more than a majority of Chapter Members.

Copies of the minutes of the previous Chapter meeting and the current financial report shall be posted in the Cathedral. Files of Chapter minutes and financial reports shall be maintained and be available for inspection in the Cathedral Office.

## Article X – Amendments

These articles may be amended at any stated meeting of the Chapter by a three-fourths vote of the members present, provided that written notices of the proposed amendment or amendments, setting forth the form and stating the purpose of the same, have been presented to at least one preceding meeting of the Chapter. This Cathedral Constitution and subsequent amendments thereto shall become effective when approved by the Bishop and the Diocesan Convention.