

# **EPISCOPAL DIOCESE OF DELAWARE CONSTITUTION AND CANONS**

**Revised April 1999**  
**with additional revisions as follows:**  
**March 2000: Article IV. Members of Convention**  
**Article IX. Diocesan Council, Inc.**  
**April 2006: Canon 1. Annual Convention**  
**April 2007: Article XIV. Deputies to the General Convention**  
**Canon 22. Congregational Indebtedness**  
**April 2008: Article VI. Transaction of Business in Convention**

## **CONSTITUTION**

### **ARTICLE I.**

#### **Acceding to the Constitution and Canons of the Church**

The Church in the Diocese of Delaware, as a constitutional part of the Protestant Episcopal Church in the United States of America, otherwise known as the Episcopal Church, accedes to the Constitution and Canons of that Church and acknowledges their authority.

## **ARTICLE II.**

### Annual Convention

Sec. 1. There shall be a Convention of the Church in this Diocese held annually and appointed pursuant to Sec. 1, Canon 1, the Canons of this Diocese.

Sec. 2. Except as provided in Sec. 8, Article VI of this Constitution, the term of any officer, trustee or a committee member elected by the Annual Convention shall be as fixed by Canon.

## **ARTICLE III.**

### Special Convention

Whenever it shall appear requisite for the good of the Church, the Bishop, or if the Bishop be incapable of acting or there be no Bishop, the Standing Committee shall have power to call a Special Convention at such time and place as the Ecclesiastical Authority shall determine. This call shall be issued by sending written notices thereof to all the Members of the Clergy entitled to vote in such Convention and to all organizations entitled to representation therein. This notice shall be issued not less than thirty days before the date set for the meeting and shall specify the business to be transacted, and no business shall be transacted other than that specified in the notice.

## ARTICLE IV.

### Members of Convention

Sec. 1. Each Convention shall be composed of clerical and lay delegates.

Sec. 2. Every Bishop, Priest or Deacon of the Protestant Episcopal Church who is canonically resident in this Diocese shall have a seat in Convention. Every Bishop, Priest or Deacon of the Protestant Episcopal Church who is canonically resident in this Diocese and (a) holds a cure or office in this Diocese, (b) who shall have resigned a cure or office on account of age or physical incapacity, or (c) who holds neither a cure nor an office in this Diocese nor has resigned a cure or office on account of age or physical incapacity but is in good standing and has reported, in writing, to the Bishop each January or (d) whose ecclesiastical duty, for which the approval and the certification by the Ecclesiastical Authority are necessary, requires residence outside the jurisdiction of this Diocese (including, but not limited to, a chaplain in the Armed Forces of the United States), shall have a vote in Convention.

Sec. 3. The lay representation shall consist of two delegates from each Congregation which is in union with the Convention, and from St. Andrew's School Chapel Organization. The delegates shall be elected by the annual meeting of the Congregation or its governing body, as its bylaws shall provide. Said delegates shall be communicants in good standing, shall possess the canonical qualifications required for Vestry members and shall have been canonically resident in the Diocese for three months previous to the meeting of the Convention.

Lay delegates shall be elected for a term of two years, one new delegate elected each year. Vacancies occurring in the term of any lay delegate shall be filled for the unexpired balance of such term by the Vestry of the Congregation or St. Andrew's School Chapel Organization. Except for a lay delegate elected to fill an unexpired term, any lay delegate shall be eligible for re-election only after the lapse of one year following the second two-year term.

For each lay delegate elected to a Convention, there shall be one lay alternate delegate elected from each Congregation or St. Andrew's School Chapel Organization. The qualifications pertaining to lay delegates shall apply to lay alternate delegates.

The Convention may, on advice of the Bishop and Council, and in accordance with the Constitution and Canons, admit representatives for Congregations in Formation and extend both voice and vote to such representatives.

Sec. 4. Lay delegates shall not be allowed or entitled to vote at any session of a Convention in any of the following cases:

(a) If any Congregation or St. Andrew's School Chapel Organization sending such lay delegates shall, for the two years next preceding the meeting of the Convention, have failed to report to the Bishop, in accordance with the canonical requirements of the Diocese.

(b) If any Congregation or St. Andrew's School Chapel Organization sending such lay delegates shall, for a period of two years after it became due, have failed to pay in full to the proper officers any assessments assigned thereto for the support of the Episcopate or for diocesan and Convention expenses, unless the same shall have been excused by the Convention.

(c) If any Congregation sending such lay delegates shall, for the two years next preceding the meeting of the Convention, have had no Ministry and shall have failed to notify the Bishop or to provide for regular services.

Sec. 5. The members of the Standing Committee, the Trustees of the Protestant Episcopal Church of the Diocese of Delaware, the Chancellor of the Diocese, the Registrar of the Convention, and all members of the Committee on Constitution and Canons, the Commission on Ministry, and the Diocesan Council, who are not members of a Convention pursuant to Secs. 2 or 3 of this Article, shall have seats in Convention with a right to debate but not to vote.

Sec. 6. Where there are two or more distinct Congregations united under one Vestry or other corporate organization, and it appears to the Convention that due provision has been made in each Congregation for stated and regular public worship, and the proper administration of the Sacraments of the Church, each Congregation shall be entitled to two lay delegates chosen from its members.

## ARTICLE V.

### Of Congregations

Sec. 1. The Convention shall define by Canon an orderly procedure for the formation and recognition of Congregations.

Sec. 2. A Congregation may be admitted to union with the Convention by majority vote of the Convention, provided that it shall produce satisfactory evidence of its recognition as a Congregation pursuant to the Canons.

Sec. 3. The Bishop shall report to the Annual Convention on the condition of all Congregations in formation within the Diocese.

Sec. 4 In accordance with the Constitution and Canons of the Protestant Episcopal Church in the United States of America, all real and personal property held by or for the benefit of any Congregation is held in trust for the Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church, and for the Church in the Diocese of Delaware, as a constitutional part of the Protestant Episcopal Church in the United States of America. The existence of this trust, however, shall in no way limit the power and authority of the Congregation otherwise existing over such real and/or personal property so long as the particular Congregation remains a part of the Protestant Episcopal Church in the United States of America and the Episcopal Church in the Diocese of Delaware and subject to the Constitution and Canons of the Episcopal Church in the United States of America and the Episcopal Church in the Diocese of Delaware. Such real and personal property shall be held in trust for the maintenance and the furtherance of the faith and creed of the Episcopal Church at large and in accordance with the Constitution and Canons of both the Protestant Episcopal Church in the United States of America and the Episcopal Church in the Diocese of Delaware.

## ARTICLE VI.

### Transaction of Business in Convention

Sec. 1. The Bishop of the Diocese shall be President of each Convention and preside at all sessions thereof. At the request of the Bishop, or in case of the Bishop's absence or of a vacancy in the Episcopate, the Convention shall elect a President pro tempore. The election of a President pro tempore may be by orders if called for pursuant to the provisions of Sec. 3 of this Article.

Sec. 2. Subject to the provisions of Article XVI, twenty clergy and forty lay delegates shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.

Sec. 3. A vote on any question shall ordinarily be determined by a joint vote. In a joint vote the clergy and laity shall vote together, and a majority of the whole vote cast shall be necessary to carry a question. All elections in Convention shall be by joint vote unless otherwise provided for by Constitution or Canon and shall be by ballot. A vote on any question shall be ordinarily determined by a joint vote.

Sec. 4. A vote by orders shall be had upon any question when called for by five clerical members or the lay delegation from five Congregations entitled to vote. In a vote by orders, except as provided in Section 5 hereof, a majority of each order shall be necessary to carry any measure.

Sec. 5. Election of a Bishop shall be as provided in Article XVI and election of General Convention Deputies and Alternates shall be as provided in Article XIV. All other elections shall be by a majority of the votes cast. (A nominee must receive a simple majority of the total votes cast to be elected.) If, however, an office remains unfilled after two ballots have been taken, any such office shall be filled by having the members of the Convention vote, with the nominees receiving a plurality vote being elected.

Sec. 6. Elections required by constitutional or canonical provision to be by ballot may be conducted without ballot by a unanimous vote of the Convention.

Sec. 7. Except as provided by any other Article in this Constitution, all persons elected as provided for in this Article shall take office as prescribed in the Canons.

Sec. 8. In all cases of failure or omission to elect any officer or committee member, the persons or person then in office or belonging to the committee, shall continue in office until a successor or successors shall be elected and installed as prescribed by the Canons.

## ARTICLE VII.

### Standing Committee

Sec. 1. There shall be a Standing Committee consisting of eight members, four members of the clergy and four lay communicants in good standing who are canonically resident in the Diocese.

Any vacancy occurring in the membership of the Standing Committee between meetings of the Annual Convention shall be filled by the choice of the remaining members of the Standing Committee at a duly called meeting of the Standing Committee, for a period terminating at the next succeeding Annual Convention, when an election shall be held to fill the vacancy. The person elected to fill the vacancy shall take office immediately and serve for the remainder of the unexpired term.

Sec. 2. At each Annual Convention there shall be elected by ballot one clerical and one lay member to serve for a period of four years. However, no member shall be eligible for re-election until after an interval of one year following the election of that person's successor.

Sec. 3. The Standing Committee shall, as soon as may be, after the Annual Convention, elect one of its members to be President and another of its members to be Secretary. A vacancy in either office shall be filled without delay by another election.

Sec. 4. A majority of its members, the whole having been cited to meet, shall constitute a quorum and a majority of the quorum so convened shall be competent to take action.

Sec. 5. The Standing Committee shall keep an accurate record of its proceedings and present to the Annual Convention a report of its actions since the last Annual Convention.

Sec. 6. In accordance with the Constitution of Episcopal Church, in the case of a vacancy in the Episcopate the Standing Committee shall constitute the Ecclesiastical Authority of the Diocese, except as otherwise provided for in this Constitution.

## **ARTICLE VIII.**

### Trustees of the Protestant Episcopal Church of the Diocese of Delaware

Sec. 1. There shall be a corporation to be known as "The Trustees of the Protestant Episcopal Church of the Diocese of Delaware", the business and affairs of which shall be managed by a Board of Trustees, seven in number. One Trustee shall be the Bishop of the Diocese, ex officio. The remaining six Trustees shall be lay communicants in good standing or clergy canonically resident in the Diocese and shall be elected by the Annual Convention.

Sec. 2. The purpose of the Corporation, as set forth in its Certificate of Incorporation, shall be to advance the religious and educational work of the Episcopal Church by serving as the custodian and trustee of the property and funds of and as the fiscal agent of the Protestant Episcopal Church of the Diocese of Delaware and by providing financial, custodial, trust and investment services and advice for the Diocese and all of its institutions, by aiding, supporting, and maintaining the Bishop and necessitous ministers and missionaries of the Diocese and by fulfilling such duties as are authorized and required by the Convention of the Diocese. The Trustees shall respond to requests from the Bishop and the Diocesan Council to support the program and mission of the Diocese.

Sec. 3. At each Annual Convention, there shall be elected one Trustee to serve for a term of six years or until a successor has been duly elected.

Sec. 4. The existence of a vacancy by removal, resignation, death or otherwise shall be conclusively determined by a resolution to that effect adopted by the Board of Trustees of said corporation and certified to, and the vacancy filled by the Annual Convention if in session or the Standing Committee if the Annual Convention is not in session. The person chosen to fill a vacancy by the Standing Committee shall take office immediately and serve until the next Annual Convention, when an election shall be held to fill the vacancy. The person elected to fill the vacancy shall take office immediately and serve for the remainder of the unexpired term.

## ARTICLE IX.

### Diocesan Council, Inc.

Sec. 1. There shall be a Diocesan Council of the Diocese consisting of the Bishop of the Diocese, or during a vacancy in the Episcopate the President of the Standing Committee, and at least eighteen other members elected as follows:

- (a) Of the eighteen members, six shall be clergy canonically resident in the Diocese, and twelve shall be lay communicants in good standing canonically resident in the Diocese. At each Annual Convention, there shall be elected two clerical and four lay members, each of whom shall serve for a term of three years.
- (b) Five members shall be lay communicants in good standing elected by the Annual Convention, of whom one shall be a member of a congregation from each of the following geographic areas:
  - (1) One shall be elected from Sussex County to be designated as Area I.
  - (2) One shall be elected from Kent County and the area in New Castle County South of the Chesapeake and Delaware Canal to be designated as Area II.
  - (3) One shall be elected from the area in New Castle County West of Delaware State Route 52, excluding the City of Wilmington, and North of the Chesapeake and Delaware Canal to be designated as Area III.
  - (4) One shall be elected from the City of Wilmington and the area East of Delaware State Route 52 and West of the Brandywine Creek to be designated as Area IV.
  - (5) One shall be elected from the area in New Castle County East of the Brandywine Creek excluding the City of Wilmington to be designated as Area V.
- (c) In addition to the eighteen elected members of the Council, the duly elected chairperson of the Diocesan Episcopal Church Women shall be a member of the Council ex officio with voice and vote.

Sec. 2. Any interim vacancy in the membership of Diocesan Council of members elected

pursuant to Section 1 (b) of this Constitution shall be filled by the remaining members of the Diocesan Council for the balance of the term of the one whose membership has terminated; provided, however, that the member so elected shall be a member of a congregation from the area in which the vacancy so occurred.

Sec. 3. No member of Diocesan Council shall be eligible for reelection until at least one year shall have elapsed after the expiration of a full term of three years.

Sec. 4. No person shall be a member of Diocesan Council who is a member of the Standing Committee, except as provided for by Sec. 1 of this Article.

Sec. 5. The Bishop of the Diocese shall be the President of Diocesan Council, and the Bishop or the Bishop's designee shall preside at its meetings; provided, that at the request of the Bishop the Diocesan Council shall elect from its members a chairperson as the presiding officer. The Diocesan Council may elect a Vice-President from its members to preside in the absence of the Bishop or the Bishop's designee and to serve as President during a vacancy in the Episcopate or so long as such person's membership in Diocesan Council continues.

Sec. 6. The Diocesan Council may be incorporated for the purpose of taking charge of the unification, development and prosecution of the missionary work, Church extension, religious education and Christian social service of the Diocese and such other matters as may be committed to it by Convention.

## ARTICLE X.

### Chancellor of the Diocese

Sec. 1. There shall be a Chancellor appointed by the Bishop and confirmed by the Annual Convention. The Chancellor shall be a lay communicant in good standing, a resident of the Diocese, learned in law, and shall be the legal advisor of the Bishop, the Standing Committee, the Trustees and the Diocesan Council concerning such matters affecting the interests of the Diocese as may be referred to the Chancellor. The term of office of the Chancellor shall be three years.

Sec. 2. There may be one or more Vice-Chancellors appointed by the Bishop and confirmed by the Annual Convention should the extent of the work of the Chancellor necessitate such appointment.

Sec. 3. A vacancy in the office of Chancellor or Vice-Chancellor shall be filled by the Bishop and confirmed by the Standing Committee. The appointee shall serve until a successor is confirmed by the Annual Convention.

## **ARTICLE XI.**

### Registrar of the Convention

Sec. 1. Immediately upon assembling in Annual Convention the Bishop shall appoint a Registrar, who shall be confirmed by the Annual Convention. The Registrar shall remain in office until the meeting of the next Annual Convention.

Sec. 2. A vacancy in the office of Registrar shall be filled by the Bishop and confirmed by the Standing Committee. The appointee shall serve until a successor is confirmed by the Annual Convention.

## **ARTICLE XII.**

### Secretary of the Convention

Sec. 1. Immediately upon assembling in Annual Convention the Bishop shall appoint a Secretary of the Convention, who shall be confirmed by the Annual Convention. The Secretary shall remain in office until the meeting of the next Annual Convention.

Sec. 2. A vacancy in the office of Secretary shall be filled by the Bishop and confirmed by the Standing Committee. The appointee shall serve until a successor is confirmed by the next Annual Convention.

## **ARTICLE XIII.**

### Committee on Constitution and Canons

Sec. 1. There shall be a Committee on Constitution and Canons of the Diocese consisting of five members who are communicants in good standing and not more than three of whom shall be of the same order. One member shall be elected at each Annual Convention to serve for a term of five years.

A vacancy in the membership of the Committee shall be filled by the Standing Committee, such appointee to serve until a successor is elected by the Annual Convention. The person elected by the Annual Convention to fill a vacancy shall take office immediately and serve the balance of the unexpired term of the office which was vacated.

Sec. 2. All matters relating to the Constitution and Canons of the Diocese shall be referred to the Committee on Constitution and Canons for consideration and report thereon to the Annual Convention.

## ARTICLE XIV.

### Deputies to the General Convention

Sec. 1 At the Annual Convention in the year next preceding the year in which the regular meeting of the General Convention is to be held, there shall be elected by concurrent ballot of the clergy and lay orders, voting separately, four clerical deputies and four lay deputies. A nominee must receive a simple majority of the total votes cast in each order to be elected. If, however, any deputy position remains unfilled after two ballots have been taken, any such positions shall be filled by having the members of the Convention vote jointly (not by orders), with nominees receiving a plurality vote being elected.

Immediately following the election of General Convention deputies, there shall be elected four clerical alternate deputies and four lay alternate deputies from the panel of candidates who were not elected as deputies in accordance with Sec. 1., or, if there should be an insufficient number of such candidates, by election following open nominations. The Convention shall vote jointly (not by orders) with each member of Convention voting for two alternate deputies. The four nominees receiving the most votes shall serve as the alternate deputies with the ranking of such alternates determined by the total number of votes received.

Sec. 2. At the Annual Convention next preceding the General Convention, there shall be an election in the manner before prescribed to fill up the required number of clerical and lay deputies and alternates.

Sec. 3. If any vacancy should occur in the list of deputies at a time not provided for by Sec. 2, the alternate who has received the largest total number of votes shall fill such vacancy; provided, however, that in the event of a tie between two or more alternates, the Standing Committee shall appoint a deputy from among them.

In the absence of any available alternate, the vacancy shall be filled by the Standing Committee; provided, however, that should a vacancy occur during the meeting of the General Convention, such vacancy shall be filled by the remaining deputies.

## **ARTICLE XV.**

### **Provincial Synod**

Sec. 1. Following the Annual Convention in which Deputies to the General Convention are elected, the Deputies to the General Convention shall elect from their number delegates and alternates to the Provincial Synod, the number and qualifications of whom shall be as the Synod shall from time to time fix and prescribe.

Sec. 2. In the event that the Deputies to the General Convention shall fail to elect delegates and alternates to the Provincial Synod or to fill any vacancies in their number in any given year, the Standing Committee shall have the authority to elect delegates and alternates and to fill any vacancy. Should a vacancy occur during a meeting of the Provincial Synod such vacancy shall be filled by the remaining delegates.

## **ARTICLE XVI.**

### Election of a Bishop

Sec. 1. Upon a vacancy occurring in the Episcopal Office by death or otherwise, the election of a Bishop shall be held at a regular Annual Convention, or at a Special Convention duly summoned according to the provisions of the Article entitled "Special Convention".

Sec. 2. No election of a Bishop shall be held unless there be present at the time three-fourths of all parochial clergy entitled to seats and votes in conventions and lay delegates representing three-fourths of the Congregations in union with the convention, and St. Andrew's School Chapel Organization.

Sec. 3. The election shall be by ballot and the vote shall be by orders. The person receiving the vote of two-thirds of each order present at Convention shall be declared duly elected.

## **ARTICLE XVII.**

### References to Gender

Whenever the masculine gender is employed or referred to in any provisions of the Constitution and Canons, such use or reference shall be deemed to include both masculine and feminine genders.

## **ARTICLE XVIII.**

### Definitions

As used in this Constitution, the following terms shall have the meanings indicated:

"Canonical residence", as applied to members of the clergy shall have the meaning provided by the Constitution and Canons of the Episcopal Church and, as applied to a lay person, shall mean a person who is a member of a congregation of the Diocese.

## **ARTICLE XIX.**

### Amendments to the Constitution

Any proposed amendments to the Constitution must be submitted in writing and referred to the Committee on Constitution and Canons, and if approved by a majority of the convention it shall be published in the Diocesan Journal and submitted to the next Annual Convention. If then approved by a vote by orders, the amendment shall become effective.

## **CANONS**

### **CANON 1**

#### **Annual Convention**

Sec. 1. The Annual Convention of the Church in this Diocese shall be held each year at a place selected by the preceding Convention and on such date as the Bishop and Diocesan Council shall designate. For sufficient reason, the Bishop may change the place of an Annual Convention. Written notice of the date and place of such Annual Convention shall be given at least ten (10) days before the date so fixed for the Convention to every Member of the Clergy entitled to vote in the Convention and to all organizations entitled to representation therein.

## CANON 2

### Convention Members, Clerical and Lay

Sec. 1. It shall be the duty of the Bishop of the Diocese or if the Bishop be incapable of acting, or there shall be no Bishop, the President of the Standing Committee, to prepare and send to the Secretary of the Convention, at least five days before the meeting of every Convention of the Diocese, a list of all the Members of the Clergy canonically resident in the Diocese.

Sec. 2. It shall be the duty of the Wardens of a Congregation or of St. Andrew's School Chapel Organization, or the Secretary thereof, to certify to the Secretary of Convention at least sixty days before the meeting of the Convention the names of the lay delegates and lay alternate delegates selected to serve at such Convention. Such certificates shall be prima facie evidence of their right to seats in the Convention.

Sec. 3. In case of the nonattendance of one or more of the persons elected as lay delegates, one or more of the lay alternate delegates shall be admitted.

### **CANON 3**

#### Holy Eucharist at the Convention

At the time of the Convention there shall be a celebration of the Holy Eucharist at which the Bishop, or the Bishop's designate, shall preach.

## CANON 4

### Agenda and Minutes

Sec. 1. After the convening of the Convention, an Agenda or Order of Business shall be adopted by a majority vote. For all Annual Conventions, such Agenda or Order of Business shall include the following:

- (a) the registration of clergy and lay delegates;
- (b) the declaration of a quorum present;
- (c) the appointment and confirmation of the Secretary of the Convention;
- (d) the appointment and confirmation of the Registrar of the Convention;
- (e) the appointment and confirmation of the Chancellor when the latter's term of office expires with the Annual Convention;
- (f) announcement of committee appointments;
- (g) the nominations for offices to be filled by the Annual Convention;
- (h) the election to offices;
- (i) the presentation of Annual Reports;
- (j) the report of the Treasurer of the Diocesan Council and the presentation of the budget;
- (k) the report of the Committee on Resolutions;
- (l) the report of the Committee on Constitution and Canons; and
- (m) the report of the Committee on the Place of the Next Convention.

Sec. 2. The minutes of the Convention as recorded by the Secretary of the Convention shall be approved by a committee of three persons who served as delegates to the Convention, said committee to be appointed by the Bishop.

## CANON 5

### Duties of the Secretary of the Convention

Sec. 1. It shall be the duty of the Secretary of the Convention to provide for:

- (a) taking and recording of the minutes of the proceedings of the Annual Convention or of any Special Convention and to attest to its public acts;
- (b) publication of the Diocesan Journal (Annual Report of the Diocese) under the supervision of the Bishop or of the member of the Convention presiding in the absence of the Bishop;
- (c) delivering into the hands of any person succeeding to the office of all books and papers concerning the Convention;
- (d) publication and distribution of such numbers of the Diocesan Journal as shall be prescribed by the Diocesan Council and by the Constitution and Canons of the Episcopal Church;
- (e) keeping and making available for distribution upon request true and correct copies of the Constitution and Canons of the Diocese;
- (f) transmitting to every General Convention of a personally signed certificate containing a list of the Members of the Clergy of the Diocese, and a certificate of the qualification of the clerical and lay deputies; and
- (g) performing of all other duties prescribed by Canon or the Convention.

Sec. 2. The Secretary of the Convention shall be paid such amount as may be determined by the Diocesan Council.

## **CANON 6**

### Commission on Ministry

There shall be a Commission on Ministry consisting of five or more members, ordained and lay persons, who shall be appointed by the Bishop for a term of office not to exceed four years and confirmed by the Annual Convention. The Commission on Ministry shall perform those duties specified by the Constitution and Canons of the Episcopal Church.

## CANON 7

### Duties of the Registrar of the Convention

It shall be the duty of the Registrar of the Convention to provide for:

- (a) the preservation of copies of its Diocesan Journals and all other publications and documents relating to the history of the Church in this Diocese;
- (b) keeping a record of these and all other historical documents presented, with the name of the donor;
- (c) the exchange of Diocesan Journals each year with registrars and secretaries of other dioceses and those received shall become the property of the Diocese;
- (d) the storage of all valuable historical records in some fireproof safe deposit vault; and
- (e) the appointment annually with the consent of the Bishop, of a Diocesan Historiographer to record the continuing history of the Diocese and to encourage parish historians to cooperate in such recording endeavors.

## CANON 8

### The Diocesan Advance and Development Funds

Sec. 1. A permanent revolving fund, to be known as "The Diocesan Advance Fund", to be established through the solicitation of gifts, bequests and contributions thereto, from time to time, throughout the Diocese, is hereby created.

A permanent development fund, to be known as "The Diocesan Development Fund", and to be raised through solicitation of gifts, bequests and contributions thereto, from time to time, throughout the Diocese, is hereby created.

Sec. 2. The purpose of these Funds is to provide for the capital needs of the Diocese and its institutions. The term "project" as used in this Canon shall mean acquisition of land or buildings, construction of Church related facilities, purchase or construction of permanent improvements, and repairs to same.

Sec. 3. There shall be established a "Committee on Advance and Development Funds", hereinafter referred to in this Canon as "The Committee", to be composed of the Bishop, ex officio, and not less than six or more than twelve members, appointed thereto from the Diocese by the Bishop and approved by the Convention. The term of office of each member shall be six years. Any vacancies shall be filled for the unexpired term by the Bishop.

The Committee shall select from among its own membership, from time to time, a Chairperson, a Vice-Chairperson, a Secretary, a Treasurer and such other officers as the business of The Committee may require.

The Committee shall adopt, and may alter, amend and revise, from time to time, its own rules of procedure; provided that no solicitation of funds by The Committee nor loan or grant of any part of either Fund shall be made without the approval of the Ecclesiastical Authority.

Sec. 4. The Trustees of the Protestant Episcopal Church of the Diocese of Delaware shall at all times be the Fiscal Agent for these Funds.

Title to and custody of the assets of these Funds as well as all evidences of indebtedness and security given in connection with any loan, all investments thereof, and all income and accruals thereto, shall be taken and remain in the Trustees of the Protestant Episcopal Church of the Diocese of Delaware, a corporation of the State of Delaware.

Sec. 5. The Committee is authorized and empowered to:

- (a) initiate, organize and conduct campaigns throughout the Diocese, from time to time,

- for the purpose of soliciting funds, bequests and contributions to the Funds;
- (b) approve and authorize the granting of loans from the Advance Fund for any Congregational or diocesan project for which application may be made to The Committee in writing, upon such terms of repayment and amortization, at such rate of interest, with such security and subject to such other terms and conditions as The Committee shall determine; provided, that no loan shall be amortized over a period in excess of twenty years and that the interest rate charged upon any loan each year shall be no higher than eighty per cent (80%) of the interest rate on 20 year U. S. Government bonds on the date the loan is authorized;
  - (c) approve and authorize grants for the Development Fund for any Congregational or Diocesan project in the Diocese of Delaware for which application may be made to The Committee in writing and subject to such other terms and conditions as The Committee shall determine;
  - (d) pay the costs and expenses of administering these Funds from the income received upon loans and investments, adding the balance of the income to the principal of the Development Fund.
  - (e) have the right and obligation to keep the Trustees advised on the projected need for availability of monies from these Funds for the purposes set out in Section 5 herein.

## **CANON 9**

### The Cathedral Church of St. John, Wilmington

The Cathedral Church of St. John is established in the Faith of our Lord Jesus Christ for the glory of God and the good of God's people. It is the Diocesan Church, for the use of the clergy and laity, and a House of Prayer for all people. The Cathedral is the official seat of the Bishop and the foundation of diocesan worship and work. It shall set an example of constant and well-ordered worship, of evangelical preaching, of missionary zeal, of Christian education for youth and adults, and in Christian service.

## **CANON 10**

### Tenured Pastors, Pastoral Team Leaders and Covenanted Pastors

The Tenured Pastor, Pastoral Team Leader or Covenanted Pastor, as applicable, has exclusive charge of all things pertaining to the spiritual interest of the Parish. The Tenured Pastor, Pastoral Team Leader or Covenanted Pastor shall order the worship of the Church and all that accompanies it, may appoint fit persons for the performance of such duties as may be properly assigned to others, and shall be, at all times, entitled to the use and control of the Church and Congregation's buildings with the appurtenances and furniture thereof for religious purposes.

## CANON 11

### Annual Meetings

Sec. 1. Every Congregation of this Diocese shall hold an Annual Meeting of the members of the Congregation for the purpose of electing Wardens and Vestry members, whose qualifications, number, terms of office and manner of selection shall be fixed by the Congregation's bylaws or other governing instrument, provided that the whole number of Wardens and Vestry members shall not be less than five.

Sec. 2. Qualified voters at such elections are those who have been baptized, are sixteen years of age, are regular attendants upon the services of the Congregation and whose names have been entered for at least six months upon the records of the Congregation as contributors to the support thereof.

Sec. 3. The Tenured Pastor, Pastoral Team Leader or Covenanted Pastor or the person designated by the Congregation's bylaws or other governing instrument, shall preside at the Congregation's Annual Meeting. In case none of the above is present, the Meeting shall choose its own presiding officer by majority vote.

## CANON 12

### Vestries

Sec. 1. The Vestry shall take charge of the property of the Congregation, regulate all its temporal concerns, elect and call a Tenured Pastor, Pastoral Team Leader and/or Covenanted Pastor, as appropriate, provide for clergy maintenance, keep order in the Church during the celebration of Divine Worship and, in general, act as helpers to the Tenured Pastor, Pastoral Team Leader or Covenanted Pastor in the furtherance of the Gospel.

Sec. 2. The Vestry shall elect a Secretary to record the minutes of their proceedings, attest the public acts of the Vestry, preserve all documents belonging to the Congregation, perform such other duties as shall be legally assigned by the Vestry, and to deliver into the hands of a successor all books and documents of the Congregation that may be in the Secretary's possession. The Vestry shall also elect a Treasurer to perform the duties ordinarily incumbent upon that office, and shall furnish a bond of suitable amount, the cost of which shall be borne out of the funds of the Congregation.

Sec. 3. Meetings of the Vestry shall be called by the Tenured Pastor, Pastoral Team Leader or Covenanted Pastor, or in the absence of the aforementioned, by the Senior Warden, and special meetings shall be called at the request of two Vestry members.

Sec. 4. No person shall be eligible to serve as a Vestry member who is not a qualified voter in the Congregation.

## CANON 13

### Wardens

Sec. 1. The Vestry shall elect out of its members, by majority vote, a Senior Warden and a Junior Warden, unless provided otherwise in the bylaws of the Congregation. In addition to being qualified voters in the Congregation, Wardens shall be communicants of the Church in good standing and at least eighteen years of age.

Sec. 2. The Wardens shall protect the Church property and, under the Tenured Pastor, Pastoral Team Leader or Covenanted Pastor, as applicable, see that all things needed for the orderly worship of God and the administration of the Sacraments be provided. In the absence of the Tenured Pastor, Pastoral Team Leader or Covenanted Pastor, the Senior Warden shall preside at meetings of the Vestry, and in the absence of all the aforementioned, the Junior Warden shall preside except as otherwise fixed by bylaw or other governing instrument.

## CANON 14

### Parochial Registers and Reports

Sec. 1. In every Congregation, the Wardens shall provide a register in which the Pastoral Leader, or if the Congregation be vacant, the Senior Warden, or in the absence of both, the Junior Warden, shall record the name, the date and the place of birth of each person baptized, with the names of parents and sponsors; the name and age of each person confirmed; the names of the parties married, with the names of the witnesses required by civil law; the name of each person buried; and the date of each such ministration, together with the signature of the Officiant. The register shall contain a list of all communicants and shall be corrected and brought up-to-date at the end of each year.

Sec. 2. There shall be prepared an annual parochial report by each Congregation of the Diocese, which shall be presented to the Bishop on or before February 1 of the succeeding calendar year. The report shall be prepared from the register and financial records of the Congregation by the Pastoral Leader or, in the absence of such, by the Wardens. The report shall contain such information as sought by the blank form for parochial reports provided by the Executive Council of the Episcopal Church. Copies of the prescribed form shall be supplied to each Congregation by the Diocesan Office as soon as practicable. The Bishop shall cause to be published in the Diocesan Journal such excerpts from the reports as the Bishop shall consider appropriate, and which have been required to be published by action of the Convention.

Sec. 3. With respect to each Congregation, the Wardens shall cause books of account to be kept so as to provide the basis for satisfactory accounting.

Sec. 4. All Accounts having to do with the receipt, expenditure and investment of funds of the Diocese shall be audited annually by an independent Certified Public Accountant appointed by Diocesan Council. The accounts of every Congregation as well as any organization for which funds are appropriated by the Annual Convention or authorized by Diocesan Council shall be audited annually by an independent Certified Public Accountant, an independent licensed public accountant or such person or committee as shall be authorized by the Diocesan Treasurer.

In the event that a proper audit is not submitted within the time required by the Canons of the Episcopal Church, no funds under the control of the Convention shall be disbursed after the first day of the eleventh month following the year examined to such Congregation or other organization established by the Annual Convention or to any other organization which expends funds appropriated to it by the Annual Convention or authorized by the Diocesan Council until such time as the audit report required by this Canon is submitted; provided however, that for good cause shown, the time for the submission of the audit report may be extended by a majority vote of all the elected members of Diocesan Council.

The lay delegates of any Congregation, or other organization established by the Annual Convention, or any organization expending funds authorized by the Diocesan Council which fails to submit an audit report for two (2) fiscal years shall be denied vote and voice in the Annual Convention until all audits required by this Canon have been completed and the report thereof filed with the Office of the Bishop.

Sec. 5. Upon the dissolution of a Congregation, the register provided for by this Canon shall immediately become the property of the Diocese, and shall be deposited with the Registrar of the Convention.

## CANON 15

### Formation and Organization of Congregations

#### **Part A. Formation of Congregations**

Sec. 1. Twelve or more adult baptized persons resident in the Diocese, desiring to have the ministries of this Church, may on their own initiative, or in consequence of initiative taken by the Bishop and Diocesan Council, apply to the Bishop for recognition as a Congregation of this Church as follows:

- (a) they shall set forth their desire to become a Congregation, together with their reasons;
- (b) they shall declare their adherence to the doctrine, discipline, and worship of the Protestant Episcopal Church in the United States of America, and to the Constitution and Canons of this Church, General and Diocesan, and their willingness to conform to rules which are or may hereafter be established for Congregations of the Diocese by duly constituted authority; and
- (c) they shall affix their signatures and indicate in each case the congregation of their present religious affiliation.
- (d) they shall provide evidence showing:
  - 1) provision for a place of meeting and worship adequate to the current and immediately foreseeable future needs of the Congregation; and
  - 2) ability to support the program and financial obligation of a Congregation, including the ability to service any existing indebtedness; and
  - 3) ability and commitment to participate in supporting the ongoing work of the Diocese.

Sec. 2. The Bishop and Diocesan Council, having received the petition described in Sec. 1, shall make a thorough study of the situation, giving opportunity for the Clergy and Congregations of this or other dioceses adjacent to the proposed Congregation to express themselves in relation thereto, unless such study has been made prior to the petition.

Sec. 3. If the Diocesan Council, having made such study, recommends the formation of the new Congregation, the Bishop shall refer the petition to the Standing Committee for its advice and approval. If the Bishop and the Standing Committee both approve, they shall give their consents in the following forms:

(a) By the Standing Committee:

"The Standing Committee of the Diocese of Delaware, having duly considered the petition of ....., for recognition as a Congregation of this Diocese, and approved thereof, does hereby advise and there to consent.

President  
Secretary"

(b) By the Bishop:

"I hereby give my canonical consent to the recognition of ..... as a Congregation of this Diocese. Given under my hand this ..... day of ..... A. D. ....

Bishop"

This approval shall be communicated to the petitioners, and the Bishop shall appoint from their number not fewer than nine persons to serve as an Interim Vestry until such time as the Congregation shall have become organized as provided in Part B of this Canon, naming from their number a Warden, a Secretary and a Treasurer. The Bishop shall advise the Members of the Clergy of the adjacent Congregations of this action, and shall proceed in accordance with the provisions of Canon 18 to provide pastoral ministries and worship in the Congregation.

### **Part B. Organization as a Congregation**

Sec. 4. At any time after the formation of a Congregation as provided in Part A of this Canon, the Congregation may be organized under the following conditions:

(a) There shall be prepared a set of bylaws which shall include the following, subject to the provisions of Canon 10 entitled " Tenured Pastors, Pastoral Team Leaders or Covenant Pastors":

- 1) the name by which the Congregation is to be known;
- 2) provision for acknowledging conformity with and obedience to the doctrine, discipline and worship of the Protestant Episcopal Church in the United States of America, and the Constitution and Canons of this Church, General and Diocesan;
- 3) the time and place of the annual meeting;
- 4) the qualifications of voters, the minimum of which shall be: they shall be baptized persons at least sixteen years of age, who for the past six months

have been regular in Church attendance and recorded as contributors to its support, provided any Congregation may, if it so desires, increase the age limit to twenty-one years;

- 5) provision for the selection of Wardens and Vestry members, which shall set forth: their number and their qualifications, their terms of office, their duties, and the manner of filling vacancies;
  - 6) provision for amendment of the bylaws.
- (b) The bylaws and any amendments thereto shall be submitted to the Committee on Constitution and Canons for study, following which the said Committee shall certify in writing as to conformity to the Constitution and Canons of the Diocese of Delaware.

Upon certification, the bylaws shall be submitted to a meeting of the members of the Congregation, the Tenured Pastor, Pastoral Team Leader or Covenanted Pastor presiding, and, if adopted by a majority vote, shall become effective immediately, and the selection of Wardens, Vestry members and other officers shall be made in conformity with the provisions thereof.

- c) A Tenured Pastor, Pastoral Team Leader or Covenanted Pastor shall be elected.
- d) The Congregation shall be incorporated in accordance with the laws of the State of Delaware, under the style:

"The Wardens and Vestry of \_\_\_\_\_ Church, \_\_\_\_\_, Delaware."

### **Part C. Recognition as a Congregation**

Sec. 5. There shall be sent to the Bishop, by the Wardens and Vestry:

- (a) a certificate as to the number of communicants;
- (b) a copy of the bylaws and a copy of the certificate from the Committee on Constitution and Canons;
- (c) a record of the meeting or meetings at which the bylaws were adopted and the Wardens, Vestry members and officers were chosen;
- (d) a record of the meeting at which the Tenured Pastor, Pastoral Team Leader or Covenanted Pastor was elected; and

- (e) a certified copy of the Certificate of Incorporation.

Sec. 6. The Bishop shall certify to the Standing Committee and to the Secretary of the Convention that the petitioning Congregation, having satisfied the requirements of this Canon, is to be recognized as a Congregation as of the date of such certification.

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

Sec. 7. At the next Annual Convention after the recognition of a Congregation, there shall be laid before the Convention:

- (a) a copy of the certification by the Bishop pursuant to Sec.6;
- (b) an application, signed by a majority of the members of the Vestry, requesting that the Congregation be admitted to union with the Convention; and
- (c) the Certificate of Election of two lay delegates and two lay alternates in accordance with the Constitution.

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

## CANON 16

### Combination of Congregations

Sec. 1. Any Congregation may combine, by merger or otherwise, with any other Congregation of the Diocese of Delaware or other Congregation recognized by the Diocese pursuant to an agreement and approved in accordance with the following provisions of this section:

- (a) The governing body of each Congregation which desires to merge or combine shall adopt a resolution recommending to the Congregation an agreement of merger or combination. The agreement shall specify (i) the terms and conditions of the merger or combination, including provisions for the disposition of the real and personal property of the constituent Congregations and the assumption of their respective indebtedness; (ii) the mode of carrying the same into effect; (iii) in the case of a merger, the form of the Certificate of Incorporation of the resultant Congregation; (iv) the bylaws to be in effect following consummation of the merger or combination, and (v) such other details or provisions as are desirable;
- (b) The resolution and agreement shall be submitted for approval to the members of each of the constituent Congregations entitled to vote at a meeting of the Congregation in accordance with its bylaws or other governing instrument;
- (c) If the agreement is approved by each of the constituent Congregations, satisfactory evidence thereof shall be submitted to the Bishop and Standing Committee, together with a copy of the agreement of the merger or combination and bylaws of the resultant Congregation, which bylaws shall be in conformity with the Constitution and Canons of the Protestant Episcopal Church in the Diocese of Delaware, and a petition for approval of the merger or combination signed by not less than a majority of the members of the governing bodies of such Congregation entitled to vote at meetings thereof;
- (d) The Bishop shall refer the proposed bylaws of the surviving Congregation to the Committee on Constitution and Canons for study, following which the said Committee shall certify in writing as to the conformity of the bylaws to the Constitution and Canons of the Protestant Episcopal Church in the Diocese of Delaware;
- (e) Thereafter, the Bishop shall refer the petition to the Standing Committee for its advice and approval. If the Bishop and Standing Committee both approve, they shall give their consents; and
- (f) At the next Annual Convention there shall be laid before the Convention (i) a copy

of the petition of the constituent Congregations; (ii) the consents of the Bishop and Standing Committee, and (iii) the Certificate of Election of lay delegates and lay alternates in accordance with the Constitution and as may result from the form of the merger or combination.

Sec. 2. The Convention may thereupon, by majority vote, resolve that the merged or combined Congregations be admitted to union with the Convention and its or their elected lay delegates be seated.

## CANON 17

### Organizations, Institutions and Other Agencies in Affiliation with the Diocese

Sec. 1. Any organization, institution or agency heretofore or hereafter organized may be identified as being affiliated with the Diocese, provided:

- (a) it shall be operated not for profit and its charter, constitution or bylaws shall specify its purpose;
- (b) at least a majority of its governing board (or in the case of an ecumenical organization, at least some members of its governing board) shall be communicants in good standing of the Episcopal Church;
- (c) it shall file with the Secretary of the Convention copies of its constitution, charter and bylaws and all amendments thereto;
- (d) it shall make a written annual report to the Annual Convention;
- (e) it shall have requested affiliation with the Diocese, and its status as an affiliated organization, institution or agency shall have been approved by resolution of the Convention; and
- (f) it shall permit the Bishop or the Bishop's designee to visit it and to examine its books, minutes, records and affairs, to determine whether it conforms, and continues to conform, to the provisions of this Canon and whether its standards and performances of work and service warrant continued recognition. If in the opinion of the Bishop it shall fail to meet such requirements, the Bishop may so report to the Convention, whereupon the Convention may take such action as, in its discretion, may be deemed appropriate, either to correct undesirable conditions or to end its status as an organization, institution or agency in affiliation with the Diocese.

Sec. 2. The Secretary of the Convention shall annually publish the names of all organizations, institutions or agencies in affiliation with the Diocese in the Diocesan Journal.

## CANON 18

### The filling of Vacant Cures

Sec. 1. When the cure of a Congregation becomes vacant the Church Wardens or other proper officers shall give notice of such fact to the Bishop and Standing Committee within thirty days from the happening of such vacancy. If the authorities of the Congregation shall for 30 days have failed to make provisions for regular worship and pastoral ministry, it shall be the duty of the Bishop to take such measures as may be deemed expedient for the temporary maintenance of the same.

Sec. 2. Upon notice of a vacancy in the Cure of a Congregation the Bishop and Standing Committee shall consult with the proper representatives of the Congregation. Together they shall define the cure to be filled, the options of which are the Tenured Pastor, defined as a Rector who is considered to have life tenure subject to the provisions of Title III of the Canons of the Episcopal Church, or the Covenanted Pastor, defined as a Rector or Member of the Clergy in charge of one or more congregations, the term of whose call or appointment is defined in a Covenant of Agreement between the Covenanted Pastor, the Congregation and the Bishop or Ecclesiastical Authority which includes a statement of the responsibilities of congregations and the Pastor, provisions for mutual evaluation and review, the dates for the inception and expiration of the Covenant and procedures for renewal of the Covenant if desired. The Bishop and Standing Committee shall then by concurrent action nominate two or more Members of the Clergy who are, in their opinion, suited to the opportunities and needs of the Congregation. If none of the Members of the Clergy so nominated is satisfactory to the Congregation, the Bishop and Standing Committee shall, after further consultation with the Congregation representatives, by like concurrent action nominate other Members of the Clergy, qualified as aforesaid, and continue so to do until the election be made. Provided, however, if a vacancy occurs in the Cure of a Congregation and there be no Bishop, or if the Bishop be incapable of acting, the Standing Committee shall make the nominations provided for in this Sec. 2.

Sec. 3. For reasonable cause and with the consent of the Standing Committee the Bishop may give written consent to a Congregation to fill a vacancy by election without nominations by the Bishop and Standing Committee.

Sec. 4. Written notice of the election signed by the Church Wardens or the Secretary of the Vestry shall be sent to the Ecclesiastical Authority of the Diocese.

Sec. 5. No election or appointment of an Assistant Member of the Clergy shall be had until the name of the person whom it is proposed to elect or appoint shall have been made known to the Bishop and Standing Committee and their consents thereto obtained. In case of a vacancy in the Episcopate the consent of the Standing Committee shall be sufficient.

## CANON 19

### Ecclesiastical Trial Court

Sec. 1. There shall be an Ecclesiastical Trial Court consisting of three members of the clergy and two lay communicants in good standing. One member will be elected at each Annual Convention to serve a term of five years.

A vacancy in the membership of the Ecclesiastical Trial Court, other than from challenge as provided in Title IV of the National Canons, shall be filled by the Bishop and Standing Committee, acting together, such appointee to serve until a successor is elected by the Annual Convention. The person chosen to fill a vacancy by the Annual Convention shall serve the balance of the unexpired term of the office which was vacated.

Sec. 2. The Ecclesiastical Trial Court shall, within two months following the Annual Convention, elect a Presiding Judge from among its members.

Sec. 3. The Bishop and Standing Committee, acting together, shall appoint one or more Church Attorneys.

## CANON 20

### Nominations and Elections at the Diocesan Convention

Sec. 1. The Secretary of the Convention shall, not less than ninety days before the Annual Convention, notify each canonically resident Member of the Clergy and Vestry of the elective offices to be filled at the Annual Convention.

Sec. 2. Nominations for all elective offices, other than that of Bishop, Bishop Coadjutor or Suffragan Bishop, shall be submitted to a Nominating Committee.

Sec. 3. The Nominating Committee shall consist of one clerical or one lay communicant member from each area of the Diocese as defined in Article IX of the Constitution. They shall be appointed by the Bishop and Diocesan Council. No more than a bare majority of the members of the Nominating Committee shall be of the same order. No member of the Diocesan Council or the Standing Committee shall serve as a member of the Nominating Committee.

Sec. 4. Any lay communicant or canonically resident Member of the Clergy may submit to the Nominating Committee in writing, at least thirty days prior to the Annual Convention, the name of a possible nominee, together with a statement of not more than fifty words as to the qualifications of the person whose name is being submitted. Nothing in the foregoing shall prevent other nominations for elective offices from being made at the Annual Convention.

Sec. 5. It shall be the duty of the Nominating Committee to:

- (a) announce in a timely and appropriate fashion prior to the Annual Convention the opening of nominations for those offices to be filled by election at the Convention and the eligibility requirements for each such office;
- (b) invite the submission of nominations to the Nominating Committee for each office together with the consent of the nominee and a statement of the nominee's qualifications;
- (c) submit the names of all consenting nominees received by the Nominating Committee, together with statements of their qualifications, arranged alphabetically, to the Secretary of the Convention at least fifteen days prior to the Annual Convention, including at least one nominee for each office to be filled; and
- (d) cause to be distributed by the Secretary of the Convention to each Member of the Clergy and the lay delegates and alternates, the name and the statement of qualifications of each nominee, by elective office, at least ten days prior to the Annual Convention.

Sec. 6. All nominations shall be printed in alphabetical order on the ballot, together with sufficient blank space below the printed names to provide for names to be written thereon of other nominations which may be made at the Annual Convention.

Sec. 7. A blank ballot shall not be counted as a vote.

Sec. 8. Except as specifically provided in any Article of the Constitution of this Diocese, whenever provision is made in the Constitution or Canons for the election of any officer, trustee or committee member for a fixed or certain term (whether for one (1) or more years), such term shall be deemed to begin on the first of September following the adjournment of the Annual Convention.

## CANON 21

### Duties of Diocesan Council

Sec. 1. The Diocesan Council shall have charge of the unification, development and prosecution of the missionary work, Church extension, religious education and Christian social service of the Church in the Diocese, and such other matters as may be committed to it by the Convention of the Diocese.

Sec. 2. The Diocesan Council shall organize itself in such manner as it deems appropriate to carry out the duties and responsibilities committed to it by the Convention.

Sec. 3. The Diocesan Council shall meet at least bimonthly, except during the months of July and August, and at such other times as the Bishop shall convene it. A majority of the elected members with the Bishop (or other presiding officer who is not an elected member) shall constitute a quorum. If any member of the Diocesan Council fails to attend three (3) consecutive meetings, such person shall be deemed to have vacated his office unless good cause can be shown for such member's absence. The members of the Diocesan Council shall be sole judge of whether the person has shown good cause. Any vacancy created pursuant to this Canon shall be filled under Article IX, Sec. 2. of the Constitution.

Sec. 4. The Diocesan Council shall be incorporated in order more effectually to carry out the present and future provisions of the Constitution and Canons.

Sec. 5. The Diocesan Council shall annually elect a Treasurer and a Secretary, neither of whom need be elected members of Diocesan Council, and from time to time prescribe their duties and fix their compensation, and it may from time to time select and appoint other officers and agents and fix their compensation and duties.

The Diocesan Council shall make and preserve a full record of its accounts and shall have the right to adopt bylaws, rules and regulations for its government and the government of its various officials, agents and departments.

Sec. 6. The Diocesan Council shall submit to each Annual Convention a budget for all the work committed to it. Provision shall be made therein for the reasonable expenses of Diocesan Council.

Sec. 7. As soon as practicable after the close of each fiscal year, the Diocesan Council shall make and publish to the Annual Convention a full report of its work. This report shall contain a statement of all receipts and disbursements and of all property in its possession or under its control.

Sec. 8. The income from all funds invested for the benefit of any of the work committed to

the Diocesan Council, and all gifts for such work, shall be paid to the Treasurer of Diocesan Council.

Sec. 9. It shall be the duty of Diocesan Council, if it shall determine an assessment is necessary, to recommend to the Convention an equitable assessment among the Congregations of the Diocese to pay the expenses of all or a part of the following:

- (a) the Episcopal Function
- (b) the Administrative Function
- (c) the diocesan contribution to the expenses of General Convention and the National Church; and
- (d) such other expenses as shall be fixed by the Convention.

The apportionment of the assessments among the Congregations shall require a two-thirds affirmative vote of the Convention.

It shall be the duty of Diocesan Council to publish in the Diocesan Journal all assessments so made upon the Congregations together with any balances or arrearage.

## CANON 22

### Congregational Indebtedness

Sec. 1. No indebtedness shall be incurred by a Congregation without the approval of the Bishop and Standing Committee, except:

- (a) indebtedness for permanent improvements, replacements or additions to real estate or equipment where the amount of such indebtedness, plus indebtedness of every kind already existing, shall not exceed 150% of the average annual receipts of such Congregation during the past three years; and
- (b) indebtedness for current expenses where the amount of such indebtedness, plus all indebtedness heretofore incurred for current expenses and still existing, shall not exceed 20% of the current total receipts of such Congregation during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the next ensuing fiscal year with reasonable expectation of its payment out of the receipts of the next two years.

Sec. 2. In computing receipts under Sec. 1, amounts from or for endowments or from or by bequests, except income therefrom not specially designated, and receipts for expenditures other than parochial, shall not be included.

Sec. 3. In computing indebtedness under section 1(a) of this canon, amounts incurred in connection with clergy housing loans shall not be included.

Sec. 4. In any circumstance for which approval is required under Sec. 1, it shall be granted only when the payment of all indebtedness shall be provided for in a plan of amortization or other method of payment to be submitted to and approved by the same authority.

Sec. 5. This Canon shall not apply to the refinancing of existing loans.

## CANON 23

### Insurance

Sec. 1. It shall be the duty of diocesan organizations (viz.: Congregations and other ecclesiastical organizations subject to the jurisdiction of the Convention) to participate in and contribute financially for their respective employees to such life, hospitalization and health insurance programs as may be adopted and approved by the Diocesan Council for diocesan organizations. The programs may benefit:

- (a) all active clergy who receive their principal compensation from such diocesan organizations, and the dependents of such clergy;
- (b) all retired clergy who at the time of their retirement received their principal compensation from a diocesan organization or who were canonically resident within the Diocese, and their dependents;
- (c) surviving spouses (who have not remarried) of all such active or retired clergy, and their dependents;
- (d) full-time lay employees who receive their principal compensation from a diocesan organization, and their dependents; and
- (e) canonically resident clergy of diocesan related agencies, and their dependents.

Sec. 2. The Diocesan Council shall have the authority to determine the type of such programs and to prescribe the qualifications of the beneficiaries thereof and of the terms and conditions of the obligations of such diocesan organizations.

Sec. 3. It shall be the duty of the diocesan organizations to inform the Diocesan Council, or its nominee, promptly of such facts and information as may be required by the Diocesan Council for the proper administration of such life, hospitalization and/or health insurance programs as may be so adopted and approved and to cooperate with the Diocesan Council in such other ways as may be necessary in order that the Diocesan Council may discharge its obligations in accordance with such programs.

Sec. 4. It shall be the duty of the diocesan organizations, each through its Treasurer or other proper official, to pay promptly to the Diocesan Council, or its nominee, such sums as may be required under the terms and provisions of such life, hospitalization and/or health insurance programs as may be so adopted and approved.

## **CANON 24**

### Amendments of Canons

To alter, or add to, the Canons of this Diocese, it shall be necessary that every proposition be considered by the Convention at a stated meeting and reported upon by the proper committee, and such alteration or addition must be approved during the same Convention by a majority vote.

It shall then be published in the Diocesan Journal and held over for consideration until the next Annual Convention when it may be adopted by a majority vote; provided, however, that such alteration or addition may be finally adopted by the Convention in which it is first proposed if two-thirds of the members present, constituting not less than a majority of all delegates in each order entitled to a vote, shall concur therein.

## **CANON 25**

### Repealing Former Canons

All former Canons of this Diocese, not included in these Canons, are hereby repealed.

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