

**DIOCESE OF CALIFORNIA**

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**CANONS OF THE DIOCESE**

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REVISED AND RESTATED TO INCLUDE ALL AMENDMENTS  
ADOPTED THROUGH THE 156TH CONVENTION — 2005

# CANONS OF THE DIOCESE OF CALIFORNIA

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# **CANONS OF THE DIOCESE OF CALIFORNIA**

## **CANON I**

### **DATE OF CONVENTION**

Sec. 1.01. Date. The Annual Convention shall be held within the last two weeks of October of each year at the time and place fixed by the Bishop.

## **CANON II**

### **CLERICAL MEMBERS OF CONVENTION**

Sec. 2.01. List of Clerics. At least 30 but not more than 90 days before the meeting of any Annual or Special Convention of this Diocese, the Bishop shall cause to be prepared a list of all Clerics Canonically Resident in the Diocese, containing the names of their respective parishes, missions, or other ministries in which they may be engaged, or in the case of those who are not so engaged, their places of residence. Such list shall be presented to the Convention on the first day of the meeting and be appended to the Journal. Clerics named in such a list shall be entitled to seats and votes in the Convention as and to the extent specified in Article VI of the Constitution of the Diocese.

Sec. 2.02. Standing Committee Responsibility. In case the Episcopate is vacant, or in case the Bishop is absent or incapable of acting, the Standing Committee shall prepare the list of Clerics and the list of clerical Members of the Convention.

Sec. 2.03. Disputes. When the right of any Cleric to seat, voice, or vote in the Convention is claimed or disputed, the question shall be determined by the Convention on the basis of the Constitution of the Diocese after consideration of the findings and recommendations of the Committee on Credentials.



## CANON III

### **LAY DELEGATES TO CONVENTION**

Sec. 3.01. Certification. The election of Delegates and alternates to any Diocesan Convention shall be certified in writing by the Cleric in charge of the congregation of which they are to be the representatives; or, in the absence of the Cleric, by a Warden or by the Secretary of such congregation. The certificate of the election of Delegates and alternates shall be in the form prepared and distributed by the Secretary of Convention.

Sec. 3.02. Certificates Sent to Convention Secretary. The certifications of election of Delegates and alternates shall be forwarded to the Secretary of Convention as soon as possible after their election and at least 20 days prior to the date of the Convention. From these certificates the Committee on Credentials shall, in accordance with Article VI of the Constitution of the Diocese, prepare a list of the Delegates and alternates entitled to seat and vote in the Convention.

Sec. 3.03. Disputes. When the right of any lay person of this Diocese to seat, voice, or vote in the convention is claimed or disputed, the question shall be determined by the Convention on the basis of the Constitution of the Diocese after consideration of the findings and recommendations of the Committee on Credentials.

Sec. 3.04. Acts Binding. It shall be the duty of Delegates to attend sessions of that Convention of which they are elected to serve as Delegates, and to act for and in the name of the body delegating them, and their acts shall be binding upon the congregation which they represent. If, for whatever cause, a congregation is not represented in any Convention, or in any of the sessions thereof, such congregation shall nevertheless be bound by all acts of such Convention.

Sec. 3.05. Vacancies. Any vacancy in the representation of any congregation shall be filled either temporarily or permanently by an alternate Delegate, who shall be designated to the Secretary of the Convention by the Cleric in charge of such congregation.

#### CANON IV

### **QUORUM IN CONVENTION**

Sec. 4.01. Quorum Necessary. No business shall be transacted in any Annual or Special Convention unless a quorum be present. A quorum shall consist of one Cleric affiliated with each of a majority of all congregations entitled to representation and one Delegate representing each of a majority of all congregations entitled to representation.

#### CANON V

### **OFFICERS OF THE CONVENTION**

Sec. 5.01. President. The Bishop shall be, *ex officio*, the President of the Convention. In the absence of the Bishop, the office shall be filled as provided in Section 4.2 of the Constitution of the Diocese.

Sec. 5.02. Chairman.

(a) At each Annual Convention, a Chairman may be elected who shall hold office from the close of the electing Convention until the close of the following Annual Convention and shall chair such following Annual Convention and any Special Convention which may be held during such term; *provided, however*, that the President of Convention may choose to chair the Convention at any time.

(b) The Chairman of Convention shall be either a Cleric who is a Member of the Convention or a lay person who is a communicant in good standing of The Episcopal Church registered in a congregation of the Diocese.

(c) In the event of a vacancy in the office of Chairman, the Bishop may propose one or more nominees to the Diocesan Council, which may elect a successor who shall remain in office for the remainder of the term.

Sec. 5.03. Secretary.

(a) At each Annual Convention, a Secretary shall be elected from among the Members of the Convention or from communicants in good standing registered in a congregation of the Diocese. The Secretary shall take office 60 days following the close of the Annual Convention at which such officer is elected and shall continue in office until 60 days following the close of an Annual Convention at which the Secretary's successor is elected. The retiring Secretary shall be responsible for the preparation of the minutes of every Diocesan Convention during which the Secretary was in office.

(b) The Secretary shall appoint one or more Assistant Secretaries. In the absence of the Secretary the duties of that office shall be performed by a person appointed by the President of Convention.

(c) The Secretary shall send to the Cleric in charge of each congregation in union with the Convention forms of certificates of election of Delegates and alternates at least 30 days prior to the time appointed for any Annual or Special Convention. If any such congregation be without a Cleric in charge, said forms shall be sent to a warden of the congregation.

(d) The Secretary shall cause minutes of the proceedings to be prepared, and, after they have been approved, recorded in a book, and shall preserve the journals and records, attest the public acts of Convention, and deliver to the incoming Secretary all books and papers relating to the Convention.

(e) The Secretary shall send annually a printed copy of the Journal of the convention to each Bishop of the Eighth Province of The

Episcopal Church, to the Secretary of the General Convention, to each Cleric in charge of a congregation, and to each Cleric and Delegate who, not later than the closing day of Convention, shall have requested a copy in writing. The Journal may be issued in one or more volumes and may be supplemented as appropriate.

(f) The Secretary shall send to the Secretary of the General Convention a certificate of the election of clerical and lay deputies and shall perform such other duties as may from time to time be required of him by authority of the General Convention.

Sec. 5.04. Treasurer.

(a) At each Annual Convention a Treasurer shall be elected, who shall be a communicant in good standing of The Episcopal Church registered in a congregation of the Diocese. The term of office of the Treasurer shall continue until the close of the next Annual Convention or until a successor is elected. When not a Delegate to the Convention, the Treasurer shall, *ex officio*, be entitled to a seat and a voice in the Convention, but not to a vote.

(b) The Treasurer shall be the chief financial officer and shall have charge of all Diocesan funds. He shall give to the Diocese a bond in an amount and by a surety satisfactory to the Diocesan Council to secure the faithful discharge of his duties.

(c) The Treasurer shall present at each Annual Convention an audited financial report of the operations of the Diocese for the preceding fiscal year and of its financial condition at the close of such year. The Treasurer shall present interim unaudited financial reports to the Department of Finance for approval and subsequently to the Diocesan Council. The fiscal year of the Diocese shall be the calendar year.

(d) A Controller, one or more Assistant Treasurers and other financial officers may be appointed by the Department of Finance after consideration of the recommendation of the Treasurer. The salaries of the Controller, Assistant Treasurer and staff shall be fixed through the normal Program and Budget procedure.

(e) A vacancy in the office of Treasurer of the Diocese shall be filled by nomination by the Bishop and approval by Diocesan Council. Any staff vacancy in the Treasurer's Office shall be filled by the Treasurer, with the concurrence of the Department of Finance and of the Diocesan Council.

Sec. 5.05. Registrar. At each Annual Convention the Bishop shall appoint a Registrar, who shall be one of the Presbyters of the Diocese. The Registrar shall procure, catalogue, maintain and preserve safely all journals, reports and other documents relating to The Episcopal Church in the Diocese and such other journals, histories and records of The Episcopal Church and other dioceses belonging to the Diocese or which may hereafter be received by the Registrar.

Sec. 5.06. Chancellor. At each Annual Convention the Bishop shall appoint one or more Chancellors, who shall be persons learned in the law and communicants in good standing of The Episcopal Church, to act as advisors to the Bishop in legal affairs. When not a Delegate, a Chancellor shall, *ex officio*, be entitled to a seat and voice in the Convention, but not to a vote.

## CANON VI

### **COMMITTEES OF CONVENTION**

Sec. 6.01. Regular Committees. The Regular Committees of Convention shall consist of the Committee on Credentials, the Committee on Admissions, the Committee on Program and Budget, the Committee on Canons, the Committee on the Dispatch of Business, the Committee on Resolutions, the Committee on Nominations, and the Committee on Elections.

Sec. 6.02. Appointment. Members of the Regular Committees of the Convention, other than the Committee on Program and Budget, shall be appointed annually by the Bishop within 90 days following the close of the preceding Annual Convention, and shall serve until their successors are appointed. Any vacancies in these committees shall be filled by the Bishop's appointment.

Sec. 6.03. Committee on Program and Budget. The Committee on Program and Budget shall consist of the members of the Division of Program and Budget of the Diocese.

Sec. 6.04. Committee on Credentials. The Committee on Credentials, to which shall be referred all claims affecting the right to seat or representative privilege in the Convention, shall consist of the Secretary of the Convention and two lay persons

Sec. 6.05. Committee on Admissions. The Committee on Admissions, to which shall be referred all applications for admission into union with the Convention, shall consist of one Cleric and two lay persons.

Sec. 6.06. Committee on Canons. The Committee on Canons, to which shall be referred all proposed amendments of the Constitution and of the Canons of the Diocese, shall consist of three Clerics and three lay persons.

Sec. 6.07. Committee on Dispatch of Business. The Committee on Dispatch of Business shall consist of three persons, one of whom may be the Chairman of Convention. The duties of the Committee on Dispatch of Business shall be:

(a) to maintain and publish "Rules of Order for the Convention of the Diocese of California," as most recently adopted by Convention (the "Rules of Order");

(b) to arrange the calendar for sessions of Convention;

(c) to expedite business; and

(d) to see that all unfinished or deferred business of the present or prior Conventions receives the attention of the Convention.

Sec. 6.08. Committee on Resolutions. The Committee on Resolutions, the duties of which shall be as set forth in the Rules of Order, shall consist of four Clerics and six lay persons.

Sec. 6.09. Committee on Nominations. The Committee on Nominations, which shall present nominations for all elective offices except the offices of Bishop, Bishop Coadjutor and Bishop Suffragan, shall consist of three Clerics and three lay persons.

Sec. 6.10. Committee on Elections. The Committee on Elections, which shall supervise each vote taken during a Convention, shall include one Cleric, one lay person and, *ex officio*, an Assistant Secretary, who shall chair the Committee. There shall be two sets of tellers, each consisting of three or more persons, to receive and count the votes of each order. The tellers may all be lay persons, communicants in good standing of The Episcopal Church registered in a congregation of the Diocese, but need not be Members of Convention.

## CANON VII

### **BUSINESS OF CONVENTION**

Sec. 7.01. Rules of Order. In addition to the provisions of the Constitution and the Canons of the Diocese, legislative action shall be governed by the Rules of Order, which, having been once adopted, shall continue in force until they shall have been amended, suspended, or repealed in whole or in part.

Sec. 7.02. Amendment, Suspension and Repeal. The Rules of Order may be amended, suspended or repealed only by affirmative vote of two-thirds of the Members present at a Convention.

Sec. 7.03. Order of Business. The order of business shall be as prescribed by the Rules of Order; *provided, however,* that, upon the recommendation of the Committee on the Dispatch of Business, the prescribed order of business may be amended by majority vote of the Convention taken immediately upon the organization of the Convention. Once adopted or amended as provided above, the prescribed order of business shall not be further amended except upon vote of two-thirds of the Members present.

Sec. 7.04. Nominations and Elections. The procedure for nominations and elections shall be as prescribed in the Rules of Order.

Sec. 7.05. Voters to Cast Individual Ballots. Each voter shall cast a ballot containing only the vote of that person.

Sec. 7.06. Voting.

(a) In all elections by the Convention, the Clerical and lay orders shall vote separately.

(b) No person shall be declared elected on the first ballot unless such person shall have received a majority of the votes cast by each order, considered separately. If the number of nominees receiving the required majorities exceeds the number of offices to be filled, those who received the highest total vote shall be declared elected.

(c) If any offices are not filled on the first ballot as provided above, those nominees who, on the first ballot, received a total vote equal to a majority vote of both orders combined, but who failed of election on the first ballot, shall be deemed nominated for the second ballot.

(d) On the second ballot, the votes of both orders shall be combined and those receiving the highest total vote shall be declared elected; *provided, however,* that on the second ballot, those receiving a majority in both



orders shall prevail over those who have a higher total vote but have failed of a majority in one of the orders.

Sec. 7.07. Election by Unanimous Consent. If, at the time for voting, the number of nominees for any office equals the number of vacancies to be filled, the Secretary of Convention may be directed to cast a unanimous ballot for such office.

## CANON VIII

### **DIOCESAN COUNCIL**

Sec. 8.01. Scope. The Bishop and Council of the Diocese ("Diocesan Council") shall exercise such powers of the Diocesan Convention between the meetings thereof as are necessary to develop and implement the policies, programs and budgets approved and adopted by the Diocesan Convention.

Sec. 8.02. Membership. The Diocesan Council shall be composed of the Bishop; the Bishop Coadjutor, if there be one; the Bishop(s) Suffragan, if there be any; and one Cleric and two lay persons who shall be elected by each Deanery for a two-year term.

Sec. 8.03. Deanery Representatives. The Deaneries shall elect their representatives to Diocesan Council at convocations held between the Annual Convention and January 15 of the succeeding year. The terms of office for the elected representatives shall begin following the adjournment of the regular January meeting of the Diocesan Council, but not later than February 1, and shall continue until their successors are elected. No elected representative who has served two consecutive terms shall be eligible for re-election until one year after the second term has expired. Elections shall be scheduled so that at least one representative of the deanery is elected each year.

Sec. 8.04. Qualifications. All members of the Diocesan Council shall be Clerics or communicants in good standing of The Episcopal Church registered

in a congregation of the Diocese. Each Deanery may, in its bylaws, prescribe additional qualifications of eligibility of its representation. Vacancies in either Clerical or lay representations to the Diocesan Council shall be filled by special election of the Deanery or by such other method as the Deanery in its bylaws may provide.

Sec. 8.05. Offices; Bylaws. The Diocesan Council shall elect a President from among the members of the Council, a Secretary, and such other officers as may be required. The Council may enact bylaws for its governance subject to the provisions of these Canons.

Sec. 8.06. Authority and Duties. The Diocesan Council shall have authority:

(a) to approve the formation of all departments, divisions, committees and other agencies as may be necessary for the work of the Diocesan Council, to define the scope of their work and to require reports from them;

(b) except where Convention has acted, to approve the Bishop's appointments of chairmen of the foregoing organizations;

(c) to approve all appointments by the Bishop of any officers of organizations who receive a salary from Diocesan funds;

(d) to make adjustments in the current budget of the Diocese upon recommendation of the Division of Program and Budget and of the Department of Finance, consistent with the program and policies of Diocesan Convention;

(e) to adopt financial policies with respect to the operating fund of the Diocese as recommended by the Treasurer and approved by the Department of Finance.

The Diocesan Council shall make an annual report concerning its work to the Diocesan Convention.

Sec. 8.07. Department of Finance.

(a) The Diocesan Council shall organize and supervise a Department of Finance. The Department shall be composed of two persons designated by Diocesan Council and such other persons as are appointed by the Bishop, the Bishop's appointees not to exceed five in number, including the Chairman. The Treasurer, Controller and Chancellor of the Diocese shall be members *ex officio* without vote. The Bishop shall appoint the Chairman.

(b) Members of the Department of Finance shall be appointed for regular terms of three calendar years and may be reappointed for one succeeding term and may be reappointed after an absence of one year.

(c) The duties of the Department of Finance shall be

(1) to assist the Division of Program and Budget in the performance of its duties, to provide financial and statistical information for its use in preparation of proposed budgets, to review such proposed budgets for financial integrity and to report its recommendations to Diocesan Council and to Convention;

(2) to maintain general supervision of the financial affairs of the Diocese;

(3) to direct that an annual audit be made of the financial records of all parishes, missions and other organizations carrying out Diocesan programs;

(4) to require compliance by custodians of trust and endowment funds and of securities held by or for any parish, mission or

organization of the Diocese with standard business practices prescribed by the Canons of The Episcopal Church and of the Diocese;

(5) to act as adviser on financial matters to the Bishop, and, upon request, to individual parishes within the Diocese;

(6) to require that adequate insurance be maintained on all property owned by the Diocese, the Corporation Sole and each parish;

(7) to require adequate bonding of all persons handling funds of the Diocese and of any organization under its jurisdiction; and

(8) to perform such other duties relating to the business affairs of the Diocese as may be referred to it.

Sec. 8.08. Division of Program and Budget.

(a) The Diocesan Council shall organize and supervise the Division of Program and Budget. The Division shall be composed of one member of Diocesan Council from each Deanery, appointed by the President of Diocesan Council, and three members of the Department of Finance, designated by vote of that Department, together with a Chairman, nominated by the Bishop and confirmed by Diocesan Council. All such members of the Division shall be designated not later than March 1 of each year.

(b) The Division shall have responsibility for initially evaluating all requirements and requests for funding from the Diocesan Operating Fund, subject to review and approval by Diocesan Council. The Division, in accordance with the procedures approved by Diocesan Council, shall consult with such representatives of departments, commissions, deaneries, committees, organizations, agencies and programs receiving or requesting funding from the Diocesan Operating Fund as the Division may deem appropriate and necessary.

(c) Prior to approval by the Diocesan Council, the proposed budget shall be reviewed for its financial integrity by the Department of Finance, which shall report its recommendations to the Diocesan Council. The proposed budget, as recommended by the Diocesan Council, shall be made available to all members of the Diocesan Convention at least ten days prior to the date of such Convention, either by mail or at pre-convention Deanery meetings.

Sec. 8.09. Department of Missions.

(a) The Diocesan Council shall organize and supervise a Department of Missions. The Department shall be composed of the Bishop or a person designated by him; a Cleric and lay person designated by each Deanery; and such other persons appointed by the Bishop, not to exceed seven in number. The Bishop shall appoint the Chairman.

(b) The duties of the Department of Missions shall be (1) to assist the Bishop in the development of missions and specialized mission projects; (2) to make recommendations to the Department of Finance and Diocesan Council concerning the use, management and preservation of real and personal property devoted to mission use; and (3) to originate, coordinate and supervise policies concerning the temporal affairs of missions in accordance with these Canons, and resolutions of Diocesan Convention and Diocesan Council.

(c) All decisions and actions of the Department of Missions shall be subject to approval of the Bishop.

Sec. 8.10. Regulations. The Diocesan Council may make such regulations as it deems necessary for the taking of special collections for the several funds of the Diocese.

CANON IX  
**DEANERIES**

Sec. 9.01. Name and Area. There shall be six Deaneries in the Diocese, with the following titles and encompassing the areas set forth below:

- San Francisco: The City and County of San Francisco.
- Marin: The County of Marin.
- Alameda: The Cities of Richmond and El Cerrito and all that part of Contra Costa County north and west of a straight line drawn from Port Costa to the most easterly point of the city limits of the City of Richmond all of Alameda County except that part included in the Deanery of Southern Alameda.
- Contra Costa: All of Contra Costa County except that part thereof included in the Deanery of Alameda.
- Peninsula: The County of San Mateo including the parish of St. Mark's, Palo Alto, the parish of Christ Church, Los Altos, and the unincorporated area of Stanford University.
- Southern Alameda: That part of Alameda County south of the southerly city limits of Oakland.

Sec. 9.02. Convocation. There shall be a convocation for each Deanery at least twice a year, one of which shall be held prior to February 1 of each year, to elect representatives to Diocesan Council. All Clerics serving parishes, missions and institutions or who have been assigned by the Bishop to duties within the deanery, and all Delegates and alternates shall be entitled to a vote. The convocation shall be open to all other Clerics Canonically Resident in the Diocese and residing in the deanery and to all communicants in good standing of The Episcopal Church registered in a congregation in the deanery, who shall have seat and voice.

Sec. 9.03. Vacancies. At any convocation, the Cleric in charge of the congregation concerned shall have authority to fill vacancies in the delegation

of any congregation from among those not elected Delegates or alternates, but present from such congregation.

Sec. 9.04. Objectives. The principal objectives of convocations of the Deanery shall be the development and implementation of the policies and plans of the Diocesan Convention and of the Diocesan Council.

Sec. 9.05. Rules. The convocation of the Deanery may make rules and bylaws in the furtherance of its purposes and not inconsistent with these Canons.

Sec. 9.06. Officers. Each Deanery shall elect a President and other officers and prescribe their respective duties.

## CANON X

### **CATHEDRAL CHURCH**

Sec. 10.01. The Cathedral. Grace Cathedral shall be the Cathedral Church of the Diocese.

Sec. 10.02. Governing Body. The Bishop and Trustees of Grace Cathedral shall constitute the governing body of Grace Cathedral Corporation, and shall be empowered and authorized to manage the affairs and conduct the business of the Corporation pursuant to its articles of incorporation and other governing documents.

Sec. 10.03. Membership. The Bishop of Trustees shall consist of the *Ex officio* Trustees, the Elected Trustees, and the Honorary Trustees, as follows.

(a) *Ex officio* Trustees. The *Ex officio* Trustees shall consist of the following individuals:

- (1) The Bishop;
- (2) Any Bishop Coadjutor;

- (3) The Dean;
- (4) The Chair of the Cathedral's Congregation Council;
- (5) The Chair of the Board of Trustees of the Cathedral School for Boys; and
- (6) The President of Standing Committee.

(b) Elected Trustees. In addition to the *Ex officio* Trustees, the Board of Trustees shall include:

(1) Up to nine (9) lay persons who shall be elected by the Cathedral congregation from the members thereof ("Congregational Trustees"). Three of such members may be elected annually at the annual meeting of the Cathedral congregation, each to serve for a single Term of three (3) years. A Trustee elected by the Cathedral congregation shall not be eligible for election for more than one (1) consecutive term, and thereafter one (1) full year shall elapse before he or she shall again be eligible for election by the Cathedral congregation.

(2) Up to thirty one (31) persons who shall be nominated by the Board of Trustees and, with concurrence by the Bishop elected by the Board of Trustees, not less than twelve (12) of whom shall be members of the Episcopal Church (the "Board-Elected Trustees").

(3) The Board of Trustees may nominate and elect persons as honorary trustees in recognition of their past and/or current extraordinary services to the Cathedral, the Diocese, or The Episcopal Church (the "Honorary Trustees"). Unless otherwise determined by the Board of Trustees, Honorary Trustees shall have seat and voice, but not vote, at meetings of the Board of Trustees; they shall not be counted for purposes of determining whether a quorum is present at any meeting; and they may be appointed and reappointed



for such terms, including for life, as may be deemed appropriate by the Bishop and the Board of Trustees.

Sec. 10.04. Governing Documents. The Constitution and Canons of The Episcopal Church and the Constitution of the Diocese and these Canons shall, unless they be contrary to the laws of the State of California or of the United States, always form part of the bylaws, statutes, constitution or articles of incorporation of Grace Cathedral Corporation, and shall prevail against anything elsewhere therein contained that may appear to be in conflict with such Constitutions and Canons. The Bishop and Trustees of Grace Cathedral shall adopt statutes for the government of the Cathedral and its Clerics.

Sec. 10.05. Annual Meeting Date. The Annual Meeting of the Congregation of the Cathedral shall be held after the beginning of the new fiscal year on a date determined by the Bishop on recommendation of the Dean.

## CANON XI

### **PARISHES**

Sec. 11.01. The Applicant. A congregation applying for admission as a parish in union with Convention shall meet the requirements of these Canons.

Sec. 11.02. The Application. The application for admission as a parish shall be addressed to the Bishop and the Standing Committee, shall be signed by at least a majority of the Bishop's Committee, including the vicar and a warden, and shall be in the form prescribed by the Bishop. The application shall contain the following commitments on behalf of the prospective parish:

(a) that all activities of the parish shall forever be in conformity with the Constitution and the Canons of The Episcopal Church and with the Constitution and Canons of the Diocese of California and with the doctrine, discipline and worship of The Episcopal Church;

(b) that the said Constitutions and Canons shall always expressly form a part of the governing documents of the parish and, insofar as they are not contrary to the laws of California, shall prevail against anything elsewhere contained in said governing documents;

(c) that all property, real and personal, shall be held in trust for The Episcopal Church and the Diocese in which the parish is located and subject to the authority and control of its Bishop and Standing Committee as specified in the Constitution and Canons of The Episcopal Church and of the Diocese of California; and

(d) that, when incorporated, the articles of incorporation of the parish shall provide that it is a subordinate corporation instituted under the authority of the Diocese of California; and that the corporation shall dissolve whenever the Diocesan Convention has dissolved the parochial relationship with the parish.

Sec. 11.03. Supporting Information. The application shall be accompanied by the following information:

(a) Financial statements showing that the mission has been fully self-supporting for the three calendar years next preceding the year in which the application is made;

(b) a pro forma budget containing projections of income by sources, and of expenses by category, for the calendar year in which the application is made and for the next two calendar years, demonstrating that the proposed parish can be self-supporting;

(c) a statement that the mission has paid, or provided for the payment of, all its financial obligations and for the release from or indemnity for all financial obligations incurred on behalf of such mission by the Diocese and by the Corporation Sole;

(d) a statement demonstrating that, during the three calendar years preceding the year of application and during the year application is made, the services of the church have been maintained in accordance with the doctrine, discipline and worship of The Episcopal Church and that the congregation of the mission has had effective and continuous leadership;

(e) a description of the territorial limits of the proposed parish;  
and

(f) such additional information in support of the application as the Bishop, the Standing Committee, the Department of Missions or the Department of Finance shall request.

Sec. 11.04. Parish Boundaries. In case any portion of the proposed parish shall lie within the territorial limits of any existing parish or parishes, the Secretary of the Standing Committee shall notify such parish or parishes that application for the organization of the proposed parish has been made, and that any objections to the organization of the proposed parish must be made in writing to the Bishop, with copies to the Standing Committee and to the applicant, within 30 days from the date of the notice. Within 90 days after the issuance of such notice by the Secretary, the Bishop and the Standing Committee shall make known their joint decision, after consideration of the objections and of any responses thereto.

Sec. 11.05. Approval. If the Bishop and a majority of the Standing Committee approve the organization of the proposed parish, and are satisfied, after consultation with the Department of Missions and the Department of Finance, that the proposed parish fulfills the requirements of Section 11.03 and is able to support a rector and properly maintain the services of the church without financial aid, the Bishop shall issue a certificate evidencing such approval and specifying the parish boundaries, a copy of which certificate shall be incorporated in the minutes of the Standing Committee.

Sec. 11.06. Organization.

(a) Upon receipt of the approval of the Bishop and of the Standing Committee, the matter of organization of the parish shall be considered at a public meeting of the members of the proposed parish at which the Bishop or a Cleric appointed by the Bishop shall preside. If the application, and the undertakings and declarations made therein, are ratified and confirmed by the vote of a majority of the members of the proposed parish present at that meeting, then the sponsors of the proposed parish shall proceed to organize the same as a California nonprofit religious corporation.

(b) The articles of incorporation of the corporation so formed shall state:

(1) the name of the parish, which shall include the words "Episcopal Church" or "Episcopal Parish" and the name of the city or other geographic location in which the parish is located;

(2) that the parish corporation is a subordinate corporation instituted under the authority of the Diocese of California and that the corporation shall dissolve whenever its status as a parish has been terminated; and

(3) that the property of the parish is held in trust for The Episcopal Church and the Diocese.

(c) The bylaws of the corporation shall state that the rector shall, *ex officio*, be a voting member of the vestry and that the Constitution and Canons of the Church and the Constitution and the Canons of the Diocese shall, unless they be contrary to the laws of this state, always form part of its governing documents and prevail against anything contained in the governing documents that may appear to be in conflict with such Constitutions and Canons.

Sec. 11.07. Building Location. No parish or mission shall locate or change the location of its church building without the previous written consent of the Bishop and of the Standing Committee; *provided*, that if the proposed location or relocation of such building be within one-half air mile of the boundary line of any other parish or mission, then, before giving such consent, notice shall be given to the rector and to the vestry of such other parish or to the vicar and to the Bishop's Committee of such other mission, and they shall be given opportunity to be heard.

Sec. 11.08. Conversion of Parish to Mission.

(a) If, after notice to the parish and opportunity to be heard, the Bishop and the Standing Committee shall have determined that any parish:

- (1) cannot support a rector full time,
- (2) fails to provide the financial support necessary for the spiritual maintenance of and an adequate program for the parish,
- (3) fails adequately to insure and maintain its parish property, or
- (4) fails to observe the Constitution and Canons of The Episcopal Church and of the Diocese, and that such condition is not of a temporary nature, the parish shall, at the request of the Bishop, surrender its rights and privileges as an organized parish and become an organized mission upon such terms as the Bishop shall prescribe.

(b) Upon termination of its status as a parish, the parish, if so requested by the Bishop, shall forthwith take the steps necessary to transfer to The Episcopal Bishop of California, a corporation sole, all of its property to be held, managed or disposed of in such manner as the Bishop and the Standing Committee may determine.

Sec. 11.09. Aided Parishes. If the Bishop and the Standing Committee deem any condition described in Section 11.08 to be temporary, the parish may be allowed to continue its parochial relationship with the Diocese as an Aided Parish, upon such terms and with such financial assistance as the Bishop and the Diocesan Council may authorize.

Sec. 11.10. Conformity. Every parish within the Diocese shall maintain, and if necessary revise and amend, its governing documents so as to bring the same as nearly as may be into exact conformity with the Constitution and Canons of The Episcopal Church and of this Diocese, as such Constitutions and Canons may from time to time be amended. The Secretary of each parish shall keep and preserve, in the office of the parish, printed copies of the current text of the Constitutions and Canons of The Episcopal Church and of the Diocese, together with a copy of the governing documents of the parish.

Sec. 11.11. The Vestry. Subject to the provisions of law and the articles of incorporation and bylaws of the parish, the vestry of the parish (of which the rector shall be, *ex officio*, a voting member) shall constitute the board of directors of the parish corporation. The temporal activities and affairs of the parish corporation shall be conducted, and all corporate powers shall be exercised, by or under the direction of the vestry acting as the board of directors of the parish corporation. The powers of the vestry shall include, but not be limited to, the power to fill any vacancy or vacancies in that body the next annual parish meeting, and to call special parish meetings. The vestry may delegate the management of the temporal activities of the corporation to any person or persons, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the vestry.

Sec. 11.12. Number and Qualifications. The bylaws of the parish shall prescribe the number of members of the vestry, provided there shall not be less than six or more than fifteen elected members, the majority of whom shall be

communicants in good standing registered in the parish and all of whom shall be baptized lay persons age 18 or over. Where the articles of incorporation permit and the bylaws so provide, the number of members of the vestry may be a variable number, the exact number within the limits specified to be determined by action of the vestry or by the members of the parish. The bylaws may prescribe additional qualifications for membership on the vestry.

Sec. 11.13. Election and Term. Members of the vestry shall be elected at the annual parish meeting to be held at the time fixed by the bylaws. In the case of a newly organized parish, members of the vestry may be elected at a special parish meeting to serve until the first annual parish meeting. The maximum term for which a member of the vestry may be elected shall expire on the date of the third annual meeting following the meeting at which such person was elected or at such time, not exceeding three years, as the Parish may fix by bylaw for installation of members of the vestry. Each term of office shall be fixed so that, as nearly as practicable, one-third of the authorized number of lay members of the vestry to be elected for a full term shall be elected at each annual meeting. A retiring or resigning vestry member may not again serve on the vestry until one year has elapsed, except that a member completing less than one year of another's unexpired term may be elected to a full term.

Sec. 11.14. Notice of Meetings. Notice of the date, time and place of every parish meeting shall be mailed to the entire parish not less than 20 days prior to the date of such meeting. The results of any election or summary of any action taken at a special or annual meeting of the parish shall be posted in a conspicuous place on the parish premises within seven days after the meeting.

Sec. 11.15. Membership. All persons who have received the Sacrament of Holy Baptism with water in the name of the Father and of the Son and of the Holy Spirit and whose baptism has been duly recorded in the parish register

and all persons confirmed or received in the church whose confirmation, reception or transfer is duly recorded in the parish register are members of the parish.

Sec. 11.16. Voting.

(a) Each person aged 16 or over whose name shall have been registered on the parish register for six months preceding such meeting shall be entitled to vote; *provided*, that if the parish shall have been organized for less than six months, the period shall be the period beginning with the date of organization. The parish may in its bylaws specify, as an additional requirement for eligibility to vote, the commitment and observance of a stated pledge or other acts of donation or works of charity deemed satisfactory by the rector, but any such bylaw shall not be effective until six months after its adoption.

(b) No person shall be entitled to more than one vote or to vote by proxy or absentee ballot.

(c) In the election of members of the vestry, all voting shall be by ballot.

(d) If the number of candidates for election is equal the number of vacancies to be filled, the Secretary may be directed by the presiding officer to cast a unanimous ballot for the slate of nominees.

(e) A parish may, by bylaw provision, require that all nominations for election to the vestry or other proposals to be acted upon shall be submitted to the Secretary in writing on or before a specified date prior to the meeting and that no additional nominations or other proposals may be made except in such manner and within such time.

Sec. 11.17. Voting List. On the written request of any three qualified electors made at least ten days prior to an annual meeting, the rector or the



Cleric in charge, or a warden shall, within seven days after the receipt of such request, post in a conspicuous place on the parish premises a certified list of the qualified electors. Such list shall remain posted until after the election and shall be retained by the Secretary as part of the election records.

Sec. 11.18. Judges of Election. For each meeting at which members of the vestry are to be elected, unless the number of nominees equals the number of vacancies to be filled, the presiding officer shall appoint from the qualified electors three judges of the election. The judges shall canvass the ballot and certify in writing the result of the election. Whenever the right to vote is challenged, the challenged ballot shall be segregated and identified, and, after the person whose ballot has been challenged has had the opportunity to be heard, the judges shall indicate thereon whether the vote was allowed or rejected, and affix thereto their signatures. The Secretary shall retain all election records for delivery to the Bishop in the event an election is appealed. If no appeal is taken within the period specified for appeal, the election records may be destroyed.

Sec. 11.19. Appeal. Any appeal to the Bishop from the certified result of the election shall be made in writing within 30 days following the election. In the case of such appeal, the Bishop shall re-canvass the vote and declare the result of the election. The Bishop's decision on such appeal shall be final.

Sec. 11.20. Results of Election. The rector, or in his absence the Cleric in charge or one of the wardens, shall forward to the Bishop promptly after each annual meeting the names, addresses and telephone numbers of the wardens, other members of the vestry, Delegates to Convention and their alternates, and Treasurer and Secretary then in office. If any change occurs in any office, the Bishop shall be promptly notified of the same.

Sec. 11.21. Wardens. The officers of the vestry shall include a senior warden and a junior warden, both of whom shall be communicants in good

standing and members of the vestry. The rector shall appoint the senior warden who shall serve at the pleasure of the rector. At an organizational meeting following the annual meeting of the parish, the members of the vestry shall elect the junior warden. If the parish is without a rector, the senior warden shall be elected by the members of the vestry. If the parish is without a rector, or if the rector is absent, unable to act, or elects not to preside, the wardens, according to seniority, shall preside at meetings of the vestry and of the parish. No action shall be taken at a meeting of a vestry unless either the rector or a warden is present.

Sec. 11.22. Other Officers. A Secretary and a chief financial officer with the title of Treasurer shall be elected at an organizational meeting of the vestry immediately following the annual parish meeting and shall serve until their successors are elected. Such officers need not be members of the vestry. They shall have the powers and duties prescribed in these Canons and in the bylaws of the parish. The Treasurer shall be bonded in an amount and by a surety approved by the vestry.

Sec. 11.23. Corporate Officers. The corporate officers of a parish shall consist of the rector who shall be the President, the senior warden who shall be First Vice President, the junior warden who shall be Second Vice President, the Secretary, and the Treasurer who shall be chief financial officer of the parish corporation.

Sec. 11.24. Parish Register.

(a) Every Cleric in charge of a parish or mission, or if there is no Cleric, then one of the wardens, shall maintain custody and control of a register containing:

(1) a record of all baptisms, confirmations, receptions, marriages and burials solemnized in the parish or mission which shall include (i) a list of persons confirmed in the parish or mission; (ii) the names and dates

of birth of the persons baptized together with the names of parents and sponsors or witnesses; and (iii) the names of persons married or buried, and the date of every such rite performed; and

(2) the names of all communicants with the date of their reception, death, or removal.

(b) The parish register shall be preserved as part of the records of the parish or mission. This register shall be available to the Bishop for his examination at each visitation and at all reasonable times be available for inspection by the members of the vestry, the Bishop or any person designated by the Bishop.

Sec. 11.25. Vacancies. When the position of rector becomes vacant in a parish, the wardens shall promptly notify the Bishop, and consult with the Bishop with respect to the appointment of an interim Cleric for the maintenance of divine services and pastoral care of the congregation. The vestry shall also consult with the Bishop with respect to the procedure to be followed in the selection and call of a new rector.

Sec. 11.26. Election of the Rector. The election of a rector shall require an affirmative vote of two-thirds of the lay members of the vestry. No commitment shall be made by the vestry to anyone under consideration as a prospective rector, nor shall any formal call be issued, until the name of the Cleric under consideration as rector has been made known to the Bishop. If the Bishop has not responded within 30 days, or such additional time as has been agreed upon, from the date of notice to the Bishop, the vestry may proceed with the commitment and call. In case the Bishop objects to the choice of the vestry, a second meeting of the vestry shall be held and the person first proposed can be elected only by a unanimous vote of the whole vestry. If the vote is not unanimous, the same procedure shall be repeated for the election of another candidate. The call shall be in the form of an

agreement, which shall be signed by the wardens and, when accepted, signed by the new rector. The agreement shall, subject to the provisions of Title III, Canons 16.5 and 21, of The Episcopal Church and of this Canon XI, Sections 11.32 and 11.33, provide for life tenure. The signed agreement shall be sent to the Bishop who, when satisfied that the person chosen is a duly qualified Cleric and has accepted the office, shall approve the call and acceptance by causing copies of the agreement to be countersigned personally or by a designated representative and returned to the new rector and to the parish. The Bishop shall then notify the Secretary of the Convention, who shall record the appointment.

Sec. 11.27. Selection of Assistants to the Rector. In the selection of an assistant Cleric to the rector, the rector shall consult with the Bishop, and the two shall agree upon a list containing one or more names of suitable Clerics. The rector shall then nominate to the vestry, from the list, the name of the person chosen by the rector to serve as an assistant. The election of any such assistant shall require an affirmative vote of two-thirds of the entire vestry. The terms of employment of such an assistant shall, subject to these Canons, be determined by the vestry and incorporated in an agreement which constitutes the call and acceptance. Any such assistant shall serve at the pleasure of the rector, subject to the rights, if any, of such assistant under any contract of employment.

Sec. 11.28. Notice of Election. Written notice of the election of a Cleric assistant to the rector, signed by the wardens, shall be sent to the Bishop within ten days after such election. If the Bishop is satisfied that the person has accepted the office, the notice shall be sent to the Secretary of Convention who shall record it. Such record shall be sufficient evidence of the relation between the rector's assistant and the parish.

Sec. 11.29. Non-Stipendiary Assistants. The rector, with the Bishop's approval and the consent of the vestry, may appoint one or more non-

stipendiary assistants from among Clerics Canonically Resident in the Diocese, or who are in good standing and who are currently licensed to officiate in the Diocese. Any non-stipendiary assistant shall serve at the pleasure of the rector.

Sec. 11.30. Authority of Rector. The rector shall have exclusive charge of all things pertaining to or affecting the spiritual interests of the parish, subject to the Constitution and Canons of The Episcopal Church and of the Diocese, and to the authority of the Bishop. It shall be the rector's duty and right to direct all matters relating to public worship and the liturgy of the church in the parish. The rector shall at all times have access to the parish buildings and the keys of the same. The rector shall have the spiritual direction and control of all associations of the parish; and shall have the right to preside and vote at all parish and vestry meetings thereat.

Sec. 11.31. Reconciliation of Disagreements Affecting a Pastoral Relationship. Where the need therefor appears, a reconciliation of the pastoral relationship, as provided in Title III, Canon 20, of the Canons of The Episcopal Church, may be sought in accordance with the following procedure.

(a) Appeal to Bishop. In the event of differences between a rector and vestry an appeal may be made to the Bishop for his pastoral ministrations to reconcile those differences. The appeal may be made by the rector, a majority of the whole vestry, or jointly. The appeal shall state in writing that there are differences between rector and vestry and shall invite the Bishop's pastoral ministrations.

(b) Appeal by Rector. If made by the rector, a signed copy of the appeal shall be mailed or delivered to each member of the vestry.

(c) Appeal by Vestry. If made by the vestry, alone or jointly with the rector, the appeal shall state whether it emanates from a regular or special meeting of the vestry. Those voting in favor of the appeal shall sign it.

(d) Special Meetings. Notwithstanding any provision in the bylaws of the parish to the contrary, a special meeting of the vestry to consider the making of an appeal under this Canon may be convened by the rector, a warden, or at least one-quarter of the lay members of the vestry. A special meeting not convened by the rector or a warden shall consider no other business. The convenor(s) of the special meeting shall, at least ten days before the meeting, mail or deliver to each member of the vestry and to the rector a signed written notice of the purpose, time, date, and place of the meeting. A certificate of compliance with this requirement, signed by the convenor(s), shall accompany the appeal.

(e) Nothing in this Section 11.31 shall preclude the application of Title III, Canon 19(b) of the Canons of The Episcopal Church.

Sec. 11.32. Dissolution of the Pastoral Relationship.

(a) Except upon mandatory resignation by reason of age, a Rector may not resign as Rector of a parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of a Parish be removed therefrom by the Vestry against the Rector's will, except as hereinafter provided.

(b) If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, and the parties cannot agree, either party may give notice in writing to the Ecclesiastical Authority of the Diocese. Whenever the Standing Committee is the Ecclesiastical Authority of the Diocese, it shall request the Bishop of another Diocese to perform the duties of the Bishop under this Canon.

(c) Within sixty (60) days of receipt of the written notice the Bishop, as chief pastor of the Diocese, shall mediate the differences between Rector and Vestry in every informal way which the Bishop deems proper and

may appoint a committee of at least one Presbyter and one Lay Person, none of whom may be members of the Parish involved, to make a report to the Bishop.

(d) If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:

(1) The Bishop shall give notice to the Rector and Vestry that a godly judgment will be rendered in the matter after consultation with the Standing Committee and that either party has the right within ten (10) days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.

(2) If a timely request is made, the President of the Standing Committee shall set a date for the conference, which shall be held within thirty (30) days of the request.

(3) At the conference each party shall be entitled to representation and to present its position fully.

(4) Within thirty (30) days after the conference, or after the Bishop's notice if no conference is requested, the Bishop shall confer with the Standing Committee, receive its recommendation, and thereafter, as final arbiter and judge, render a godly judgment.

(5) Upon the request of either party the Bishop shall explain the reasons for the judgment. If the explanation is in writing, copies shall be delivered to both parties.

(6) If the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the Rector and the Vestry.

(7) If the relation is to be dissolved:

(i) The Bishop shall direct the Secretary of the Convention to record the dissolution.

(ii) The judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.

(iii) In either event the Bishop shall offer appropriate supportive services to the Priest and the Parish.

(e) In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may impose such penalties as may be set forth in the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:

(1) In the case of a Rector, suspend the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.

(2) In the case of a Vestry, invoke any available sanctions including recommending to the Convention of the Diocese that the Parish be placed under the supervision of the Bishop as a Mission until it has complied with the judgment.

(f) For cause, the Bishop may extend the time periods specified in this Canon, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.

(g) Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Title IV of the Canons of The Episcopal Church, provided that this does not require the exclusion of evidence in any proceeding under the Canons of The Episcopal Church which is otherwise discoverable and admissible.

(h) In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under Section 1 of Title IV of the Canons of The Episcopal Church,



all proceedings under this Canon with respect to such charge shall be suspended until the charge has been resolved or withdrawn.

Sec. 11.33. Retirement. Clerics in the employ of a parish shall retire when they have attained the age of 72 years. Employment beyond that age shall only be pursuant to a yearly contract approved by the Bishop.

## CANON XII

### **MISSIONS**

Sec. 12.01. The Bishop's Authority. The Bishop shall be the rector of each mission, and as such shall, in his discretion (a) supervise and control all missionary activity within the Diocese; (b) in consultation with Diocesan Council and its Department of Missions, organize missions and authorize specialized missions, and (c) appoint, transfer, suspend or remove the vicars or other Clerics in charge, and any stipendiary or non-stipendiary assistants.

Sec. 12.02. Organizing a Mission.

(a) A mission may be organized in any area not included at the time in any parish or mission boundaries, or within such boundaries with the consent of the Bishop and the Standing Committee of the Diocese and after due notice and opportunity to be heard by any parish or mission affected.

(b) Organization of a mission shall require completion of the following:

(1) submission to the Bishop of a written application for the organization of a mission, signed by at least 25 persons, stating their readiness to undertake the duties and obligations of such organization and that all activities of the mission shall forever be in conformity with the Constitution and Canons of The Episcopal Church and of the Diocese of California and with the doctrine, discipline, and worship of The Episcopal Church;

(2) issuance by the Bishop of written authorization for the organization of the mission within the boundaries fixed by the Bishop and subject to such conditions as the Bishop may impose; and

(3) the holding of a meeting of those desiring the organization of the mission over which the Bishop or one authorized by the Bishop in writing for the purpose shall preside as organizer, and at which the prospective members of the mission shall affirm the commitments of the application and shall accept the conditions of the Bishop's authorization.

(c) Upon completion of the conditions specified in paragraph (b), above, (1) the Bishop shall give the mission a name, and shall appoint a senior warden, a junior warden, a Secretary, and a Treasurer of the mission who, with such other persons as the Bishop may appoint, shall serve as the Bishop's Committee of the mission until the first annual meeting of the mission and (2) the organizer shall complete a certificate of organization in triplicate, one for the mission, one for the Bishop and the third to be filed with the Secretary of the Convention.

#### Sec. 12.03. Governance of Organized Missions.

(a) An organized mission shall be governed by the Bishop's Committee, which shall perform such duties as may be required by the Bishop, the Diocesan Council and these Canons.

(b) The number of members of the Bishop's Committee shall be determined by the Bishop, who may increase or decrease such number at any time. Qualifications for members of the Bishop's Committee shall be those prescribed by these Canons for members of the vestry of a parish, except as the Bishop may otherwise permit.

(c) An annual meeting of the mission shall be held at the time and place set forth in a notice issued by the Bishop's Committee or at such other time or place as may be prescribed by the Bishop.

(1) The vicar shall, *ex officio*, be Chairman of the meeting, and in the vicar's absence, the senior warden shall serve as chairman *pro tempore*; if both the vicar and senior warden are unable to serve, the Bishop shall designate a chairman *pro tempore*.

(2) At the annual meeting there shall be nominated to the Bishop persons to serve on the Bishop's Committee. The qualifications of voters and conduct of the election of nominees to the Bishop shall, insofar as practicable, conform to the provisions of these Canons applicable to the election of members of a parish vestry.

(3) The nominees' names and a description of other actions taken at the annual meeting shall be posted in a conspicuous place available to the membership and sent to the Bishop within seven days after the annual meeting.

(d) The Bishop may reject any or all of the nominations made by the members of the mission and may appoint another or others, and may at any time remove from office any member or members of the Bishop's Committee and appoint another or others. The Bishop shall have exclusive authority to fill vacancies in the membership of the Bishop's Committee.

(e) The vicar shall have the right to vote, and may preside, at all meetings of the Bishop's Committee. If the vicar does not preside at a meeting of the Committee, the senior warden, or in his absence, the junior warden, shall preside. No action may be taken at a meeting of the Bishop's Committee unless there was present either the vicar or a warden, or other person appointed by the Bishop to serve as the Bishop's representative.

(f) At an organizational meeting following each annual meeting, the officers of the mission shall be designated for nomination to the Bishop. From among the members of the Bishop's Committee, the vicar shall nominate to the Bishop the senior warden, and the Bishop's Committee shall nominate to the Bishop the junior warden; if there be no vicar, the Bishop's Committee shall also nominate to the Bishop annually a Secretary and a Treasurer who may, but need not, be members of the Bishop's Committee. The wardens, Secretary and Treasurer shall perform the duties pertaining to like offices in a parish. The Treasurer shall be bonded in an amount and by a surety approved by the Bishop.

(g) The Bishop may reject any or all such nominations for wardens, Secretary and Treasurer and appoint another or others in their places, and may at any time remove any or all of such officers and appoint another or others in their places. The Bishop shall have exclusive authority to fill a vacancy in any office of the mission.

(h) In every mission there shall be kept by the vicar or Cleric in charge or, if there be none, by a warden or the Secretary, a register which conforms to all the requirements of the Canons of The Episcopal Church and the provisions of these Diocesan Canons relating to parish registers.

Sec. 12.04. Finances of Organized Missions. Every Bishop's Committee shall adopt a financial plan or budget for the mission, and the finances of the mission shall be administered in accordance therewith. The budget and any subsequent material amendment to it shall be subject to the written approval of the Bishop and the Department of Missions. A pledge of the mission for the Diocesan Operating Fund shall be included in each such budget, and the mission shall be obligated to the Diocesan Treasurer for the regular monthly proportion thereof. A failure of the mission to make such a pledge or to make such monthly payment shall be sufficient cause, on recommendation of the Diocesan Council, for discontinuance by the Bishop of the services of the vicar

or for such other action, including the dissolution of the mission, as the Bishop may determine.

Sec. 12.05. Specialized Missions. Where particular needs are to be met, a specialized mission may be authorized by the Bishop in consultation with Diocesan Council and the Department of Missions.

(a) Proponents of such a specialized mission shall submit to the Bishop an application which shall include the following:

(1) A description of the nature, scope and leadership of such specialized mission;

(2) Evidence that at least five persons desire to establish and continue the work of such specialized mission; and

(3) Evidence that the work may continue without causing interference with existing cures in the same geographic area.

(b) If the proposed specialized mission proposes work within the territorial limits of any existing parish or mission, the Secretary of the Standing Committee shall notify the parish or mission of such application. Any objections to the organization of the proposed specialized mission shall be made in writing to the Bishop and to the Standing Committee. Within 90 days after the issuance of such notice by the Secretary, the Bishop and the Standing Committee, after consideration of the objections and any responses, shall make known their joint decision, and if it be in favor of the organization of the proposed specialized mission, they shall authorize its formation.

(c) Such authorization shall specify the nature and extent of the ministry of the specialized mission, the rights, responsibilities and system of governance of the mission; and the obligation, if any, to pledge annually to the Diocesan Operating Fund.

(d) The Bishop may terminate the authority of a specialized mission at any time and for any reason.

(e) The Cleric in charge of a specialized mission shall submit reports of mission activities as required by the Bishop.

Sec. 12.06. Parochial Missions. On the recommendation of the Department of Missions, and with the approval of the Bishop and of the Diocesan Council, a parish of the Diocese may organize a mission upon the conditions set forth in such approval. Upon the establishment of such a mission, the parish shall cause a copy of a certificate of organization to be forwarded to the Bishop and to the Secretary of the Diocesan Convention. The Diocesan Council may, in its discretion, adjust the parish's assessment for the Diocesan Operating Fund to reflect the parish's missionary undertakings. The Cleric in charge of a parochial mission shall be appointed by the rector with the consent of the Bishop, shall be subject to the direction of the rector, and shall serve at the pleasure of the rector. Title to property and funds allocated to a parochial mission shall be held in the name of the parish which shall be financially responsible for all operations of the mission. No parochial mission shall be entitled to representation in the Convention, but any parochial mission may apply to become an organized mission or, if it fulfills the requirements, a parish in union with the Diocesan Convention.

Sec. 12.07. Mission Clerics.

(a) Clerics in charge of a mission shall be known as vicars. Clerics appointed by the Bishop to missionary duties may be assigned to the charge of organized missions, or to work in places not within any parish or mission boundaries; *provided*, that a vicar may be assigned to two or more missions or other missionary charges. With the approval of the vestry, a rector of a parish may be assigned to duty as a vicar outside the boundaries of the parish of which he is rector and be given a stipend therefor.

(b) The duties of a vicar in charge of a mission shall be as far as practicable the same as those of the rector of a parish, as prescribed by these Canons.

### CANON XIII

#### **CLERICS AND THEIR DUTIES**

Sec. 13.01. Resident Clerics. All Clerics Canonically Resident and in good standing in the Diocese shall perform the duties of their respective orders in accordance with these Canons and the Canons of The Episcopal Church. The Bishop shall maintain a current list of Clerics Canonically Resident in the Diocese, which list shall be published annually in the Convention Journal.

Sec. 13.02. Pastoral Cure. The pastoral cure of a Cleric shall extend to all persons affiliated with the congregation, institution or other ministry over which the Cleric has charge regardless of the residence of the person, and such Cleric may provide pastoral ministrations to such person within the boundaries of another congregation. Any person may become affiliated with any congregation, institution or other ministry regardless of such person's place of residence.

Sec. 13.03. License to Officiate. Clerics who are not Canonically Resident in the Diocese may not officiate more than one day by preaching, administering the sacraments or holding any public service, without first obtaining a license to do so from the Bishop.

Sec. 13.04. Minimum Stipend. The minimum stipend which shall be paid any Cleric employed full time by the Diocese or any parish or mission, together with the minimum allowances for housing, utilities and transportation, shall be fixed from time to time by the Convention, which may fix separate levels of compensation for (1) Clerics serving as rector or vicar, (2) Clerics serving as assistants, and (3) deacons.

Sec. 13.05. Other Appointments. Clerics appointed by the Bishop to specialized ministries not associated with parishes or organized missions shall report at least annually to the Bishop in the manner prescribed by the Bishop and the Canons of The Episcopal Church.

Sec. 13.06. Archdeacons. Archdeacons of the Diocese may be appointed by the Bishop, subject to confirmation by the Convention of the Diocese, or, when the Convention is not in session, by the Diocesan Council and the Standing Committee. They may be removed by the Bishop at any time, with the concurrence of the Standing Committee. The duties of the archdeacon shall be those specified by the Bishop, in consultation with the Diocesan Council. The salaries of those appointed to serve as archdeacons shall be fixed by the Convention.

Sec. 13.07. Retirement. Vicars and other Clerics in the employ of the Diocese shall retire when they have attained the age of 72 years. Employment of those who desire to continue in service beyond this age shall be pursuant to a yearly contract with the Bishop.

#### CANON XIV

#### **COMMISSION ON MINISTRY**

Sec. 14.01. Membership. There shall be a Commission on Ministry consisting of four classes, each member of which shall serve a four-year term. Members shall be appointed by the Bishop, subject to confirmation by the Convention. Each class shall consist of one Cleric and one lay person, together with an additional Cleric or an additional lay person appointed in alternating years to maintain a balance of clerical and lay members. Present members shall be reassigned to the new classes by agreement among them. Members may be reappointed for up to two successive terms.

Sec. 14.02. Powers. The Commission shall have the powers prescribed in Title III, Canon 2, of the Canons of The Episcopal Church, together with



such additional powers, duties and responsibilities, not inconsistent with the Canons of The Episcopal Church, as the Bishop may from time to time specify.

Sec. 14.03. Examinations. Under the guidance and oversight of the Bishop, the Commission shall conduct examinations of postulants for holy orders, as prescribed by the Canons of The Episcopal Church. The Commission may act through subcommittees in the conduct of any or all such examinations.

Sec. 14.04. Commission Reports. The commission shall make a separate written report to the Bishop with respect to each candidate setting forth the results of all interviews and examinations conducted by or for it. The Bishop shall transmit these reports to the Standing Committee, which shall in no case recommend a postulant for admission as a candidate for holy orders or recommend a candidate for ordination until the report of the Commission has been considered by the Committee.

Sec. 14.05. General Ordination Examination. When a candidate for holy orders takes the general ordination examination administered by the General Board of Examining Chaplains, the Commission on Ministry and the Standing Committee shall in no case recommend such candidate for ordination to holy orders until it has considered the report of the examination from the General Board in the manner and form prescribed by Title III, Canon 31, Section 4, of the Canons of The Episcopal Church.

Sec. 14.06. Other Appointments. With the advice and consent of the Bishop, the Commission may designate other persons, both Clerical and lay, to assist and act with any subcommittee of the Commission.

Sec. 14.07. Annual Report. The Commission shall make an annual report concerning its work to the Diocesan Annual Convention.

CANON XV  
**ECCLESIASTICAL DISCIPLINE -  
ESTABLISHMENT OF ECCLESIASTICAL COURT**

Sec. 15.01. National Canons Govern. All matters of ecclesiastical discipline shall be governed by Title IV of the Canons of The Episcopal Church, to which the provisions of this Canon XV shall be expressly subject. In the event of a conflict between this Canon and Title IV of the Canons of The Episcopal Church, Title IV of the Canons of The Episcopal Church shall in all cases govern the application and interpretation of this Canon XV. Capitalized words or groups of words appearing in this Canon XV shall, unless otherwise specifically defined in these Canons, have the meanings ascribed to them in Canon 15 of Title IV of the Canons of The Episcopal Church.

Sec. 15.02. Diocesan Review Committee. The Standing Committee shall serve as the Diocesan Review Committee in accordance with Title IV, Canon 3(A), Section 1 of the Canons of The Episcopal Church. No Presentment may be issued to the Ecclesiastical Trial Court except by the Standing Committee, serving in its capacity as the Diocesan Review Committee, which shall carry out its responsibilities in this regard as provided in Title IV, Canon 3(A), of the Canons of The Episcopal Church.

Sec. 15.03. Ecclesiastical Court; Purview. An Ecclesiastical Court shall be established and maintained in this Diocese for the trial of any Priest or Deacon subject to its jurisdiction. The activities and authority of the Ecclesiastical Trial Court shall be subject to and as set forth in Title IV of the Canons of The Episcopal Church.

Sec. 15.04. Election of Members of the Ecclesiastical Trial Court. The Ecclesiastical Trial Court shall consist of seven members, of whom four shall be Priests or Deacons, and three shall be lay persons. Members of the Ecclesiastical Trial Court shall be elected by the Annual Convention for terms

of three-years each; *provided* that at the convention at which the Ecclesiastical Trial Court is first established, two members shall be elected for one-year terms, two members shall be elected for two-year terms, and three members shall be elected for three-year terms. Members may not serve for more than two consecutive terms, and shall not thereafter be subject to re-election until the passage of at least one year from the conclusion of service as a member.

Sec. 15.05. Vacancies. The death, disability (as determined by the Bishop or other Ecclesiastical Authority) rendering a person unable to act, resignation, or declination to serve as a member of the Ecclesiastical Trial Court shall create a vacancy on the Court. The Bishop (or other Ecclesiastical Authority if there is no Bishop) shall fill vacancies, other than vacancies created for cause as provided in Section 15.09 of this Canon, on the Ecclesiastical Trial Court by appointment; *provided* that if the remaining term of the person so appointed shall exceed two years, such appointment shall be subject to ratification at the next Diocesan Convention.

Sec. 15.06. Presiding Judge, Church Attorney, and Church Public Defender.

(a) The members of the Ecclesiastical Trial Court shall annually elect from among themselves a Presiding Judge, who shall hold office until the expiration of the term for which chosen, and shall provide for the appointment of a Church Attorney and a Church Public Defender, within two months following the Annual Convention.

(b) The Church Public Defender shall represent the Respondent at all stages of the proceedings, unless the Respondent chooses to retain private counsel at his or her own expense. The Standing Committee shall notify the Church Public Defender upon the filing of a Charge with the Standing Committee at the same time it notifies the Respondent. Nothing in this Canon shall preclude the Bishop (or, if appropriate pursuant to Article III,

Section 3.03 of the Constitution of the Diocese, the Standing Committee) from allocating the cost of the Church Public Defender (if any) to the parish, mission, or other diocesan institution which employed the Respondent, if appropriate. The allocation may be appealed within 60 days following the close of the Diocesan Convention which follows the allocation in accordance with the provisions of Canon XVIII, Sections 18.03 and 18.04.

Sec. 15.07. Resignation/Declinations. Notice of resignations or declinations to serve shall be given by members of the Court in writing to the Presiding Judge of the Court.

Sec. 15.08. Change of Status. If any Priest elected to the Ecclesiastical Trial Court is elected a bishop, or if any lay person elected to the Ecclesiastical Trial Court is ordained prior to the commencement of a Trial, that person shall immediately cease to be a member of the Ecclesiastical Trial Court. If either event occurs following the commencement of a Trial, the person shall continue to serve until the completion of the Trial and the rendering of a Judgment thereon.

Sec. 15.09. Challenges. The members of the Ecclesiastical Trial Court may be challenged by either the Respondent or the Church Attorney for cause stated to the Court. The Ecclesiastical Trial Court shall determine the relevancy and validity of challenges for cause. Vacancies caused by challenges determined by the Ecclesiastical Trial Court shall be filled by majority vote of the Court from persons otherwise qualified to serve on the Court under these Diocesan Canons. Vacancies filled by the Ecclesiastical Trial Court shall be from the same order as the person challenged was when first elected to the Court.

Sec. 15.10. Application of the Rules Procedure. The Ecclesiastical Trial Court shall be governed by the Rules of Procedure set forth in Appendix A to

these Canons, and such other procedural rules or determinations as the Ecclesiastical Trial Court deems appropriate.

Sec. 15.11. Federal Rules of Evidence Apply. The Federal Rules of Evidence shall govern the Ecclesiastical Trial Court in the conduct of the Trial.

Sec. 15.12. Clerks. The Ecclesiastical Trial Court shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Priests or Deacons or adult confirmed communicants in good standing of this Church and who shall serve at the pleasure of the Court.

Sec. 15.13. Reporter. The Ecclesiastical Trial Court shall appoint a Reporter, who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court.

Sec. 15.14. Lay Assessors. The Ecclesiastical Trial Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Court an opinion on any question of law, procedure, or evidence, but not on any question of doctrine, upon which the Court or any member thereof, or either party, shall desire an opinion. Any question of whether a question is a matter of doctrine shall be decided by the members of the Court by a majority vote.

Sec. 15.15. Record of Proceedings. The Ecclesiastical Trial Court shall keep a record of the proceedings in each case brought before it, and the record shall be certified by the Presiding Judge. If the record cannot be authenticated by the Presiding Judge by reason of the Presiding Judge's death, disability or absence, it shall be authenticated by a member of the Court designated for that purpose by majority vote of the members of the Court.

Sec. 15.16. Due Process. The Ecclesiastical Trial Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own

selection. In every Trial the Ecclesiastical Trial Court may regulate the number of counsel who may address the Court or examine witnesses.

Sec. 15.17. Receipt of a Presentment; Respondent's Answer; Right to Make a Defense; Respondent's Failure to Answer.

(a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member of the Court a copy of the Presentment.

(b) Within not more than three calendar months from the Presiding Judge's receipt of the Presentment, the Presiding Judge shall summon the Respondent to answer the Presentment in accordance with the Rules of Procedure.

(c) The Respondent's answer or other response to the Presentment in accordance with the Rules of Procedure shall be duly recorded and the Trial shall proceed; *provided*, that for sufficient cause the Ecclesiastical Trial Court may adjourn from time to time; and *provided, also*, that the Respondent shall, at all times during the Trial, have liberty to be present, and may be accompanied by counsel and one other person of his or her own choosing, and in due time and order be allowed to produce testimony and to make a defense.

(d) If the Respondent fails or refuses to answer or otherwise enter appearance, except for reasonable cause to be allowed by the Ecclesiastical Trial Court, the Church Attorney may, no sooner than 30 days after the answer is due, move for Summary Judgment of Offense, in accordance with the Rules of Procedure. If the motion is granted, the Respondent shall be given notice that Sentence of Admonition, Suspension, or Deposition will be adjudged and pronounced by the Ecclesiastical Trial Court at the expiration of 30 days after the date of the Notice of Sentence, or at such convenient time thereafter as the Court shall determine. Sentence of

Admonition, Suspension, or Deposition from the Ordained Ministry may, thereafter, be adjudged and pronounced by the Ecclesiastical Trial Court.

Sec. 15.18. Counsel. In all Trials, the Church Attorney shall appear on behalf of the Diocese, which shall then be considered the party on one side and the Respondent the party on the other. Each Complainant and alleged Victim shall be entitled to be present throughout and observe the Trial, and each may be accompanied by counsel of his or her own choosing and another person of his or her own choosing.

Sec. 15.19. Instructions. Before a vote is taken on the findings, and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall (a) declare which of the proposed instructions shall be issued, (b) instruct the members of the Court as to the elements of the Offense, and (c) charge them that (i) the Respondent must be presumed not to have committed the Offense alleged until established by clear and convincing evidence, and that unless such standard of proof is met the Presentment must be dismissed, and (ii) the burden of proof to so establish the Respondent's commission of the Offense is upon the Church Attorney in the name of the Diocese.

Sec. 15.20. First Vote. A separate vote shall be taken first upon the findings as to the commission of an Offense by the Respondent.

Sec. 15.21. Manner of Voting: No Disclosure. Voting by members of the Ecclesiastical Trial Court on the findings shall be by secret ballot. No member shall disclose his or her vote or the vote of any member.

Sec. 15.22. Vote on Judgment. For a Judgment that the Respondent has committed an Offense, the affirmative vote of two-thirds of the members of the Ecclesiastical Trial Court then serving for that Trial shall be necessary. Failing such two-thirds vote, the Presentment shall be dismissed.

Sec. 15.23. Notice of Findings. The Presiding Judge shall cause the Respondent, the Church Attorney, each Complainant, and (unless waived in writing) the Victim, to be advised of and provided with a copy of the findings of the Court.

Sec. 15.24. Sentencing: Respondent's Rights. No vote shall be taken on the Sentence to be adjudged until at least 30 days from the date the Respondent, the Church Attorney, each Complainant, and (unless waived in writing) the Victim have been informed of the Judgment, and each has had a reasonable opportunity to offer to the Ecclesiastical Trial Court matters in excuse or mitigation, or to otherwise comment on the Sentence.

Sec. 15.25. Service of Matters in Connection with the Sentence. All matters in excuse or mitigation or comments on the Sentence shall be served on the Respondent, the Church Attorney, the Complainants, and (unless waived in writing) the Victim. The Ecclesiastical Trial Court shall provide a reasonable time for responses to the Court, which shall also be served as provided above. The Court may schedule hearings on the submissions.

Sec. 15.26. Two-Thirds Vote Needed to Impose Sentence. The concurrence of two-thirds of the members of the Ecclesiastical Trial Court then serving for that Trial shall be necessary to adjudge and impose a Sentence upon a Respondent found to have committed an Offense.

Sec. 15.27. Vote; Recordation of Sentence. Following communication of all matters in excuse or mitigation, and all comments thereon, as provided in Sections 15.23 through 15.25 of this Canon, the Court shall then vote upon a Sentence to be adjudged and imposed upon the Respondent, and if the necessary two-thirds concurrence is received, the decision so approved shall be recorded as the Judgment of the Ecclesiastical Trial Court.



Sec. 15.28. Written Decision Required. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 15.29. Notice of Decisions. The Judgment, and any Sentence adjudged on a Judgment, shall be communicated promptly to (a) the Bishop of the Diocese wherein the Trial was held, or the Ecclesiastical Authority, if there is no Bishop; (b) the Standing Committee of the Diocese wherein the Trial was held; (c) the Ecclesiastical Authority of the Diocese in which the Respondent is Canonically Resident; (d) the Respondent; (e) each Complainant; and (f) unless waived in writing, the Victim.

Sec. 15.30. Written Notice of Judgment. The Ecclesiastical Authority of the Diocese shall cause written notice to be served on the Respondent, the Church Attorney, the Complainants, and (unless waived in writing) the Victim, of (i) the Judgment, (ii) the Sentence adjudged, and (iii) the Sentence to be pronounced by the Bishop.

Sec. 15.31. Pronouncement of Sentence. Notwithstanding Judgment by the Ecclesiastical Trial Court, the Bishop shall not pronounce Sentence on the Respondent before the expiration of 30 days after the Respondent has been served with the written notice set forth in Section 15.30, above. In the event that an appeal is taken in accordance with Section 15.32 of this Canon, below, the Bishop shall not pronounce the Sentence pending the hearing and final determination of the appeal.

Sec. 15.32. Right of Appeal to Court of Review. Within 30 days after the service of the foregoing notice, the Respondent may appeal to the Court of Review of the Eighth Province, by serving a written notice of appeal on the Ecclesiastical Authority of the Diocese, and a copy on the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review. The notice of appeal shall be signed by the Respondent or the Respondent's

counsel, and shall briefly set forth the decision from which the appeal is taken and the grounds of the appeal. A copy of the decision of the Ecclesiastical Trial Court shall be attached to the notice of appeal.

## CANON XVI

### **DIOCESAN ORGANIZATIONS AND REPRESENTATIVES**

Sec. 16.01. Standing Committee. The Standing Committee, which shall be comprised of four Clerics and four lay persons, shall be the council of advice to the Bishop and shall perform such duties as are required by and in conformance with the Constitution and Canons of The Episcopal Church and the Constitution and Canons of this Diocese.

(a) The term of office of members of the Standing Committee shall be four years. At each Annual Convention one Cleric and one lay person shall be elected for such term. No person who has served for a full term of four years, or for more than two years in an unexpired term, shall be eligible for election until after the expiration of one full year. Vacancies may be filled by the Standing Committee to serve until the next Annual Convention, which shall elect a member for the unexpired term. The Secretary shall promptly notify the Bishop of any vacancies, and of the names of persons appointed to fill such vacancies.

(b) The officers of the Standing Committee shall be a President, a Vice President and a Secretary, to be elected from and by the members thereof at the first meeting during the Annual Convention of the Diocese.

(c) The Standing Committee shall make a full report of its activities to each Annual Convention.

Sec. 16.02. Deputies to the Provincial Synod. The deputies and alternate deputies representing the Diocese at the Synod of the Eighth Province shall be elected at least six (6) months prior to the scheduled date of the

Provincial Synod. Eligibility for such offices shall be in accordance with the Canons of The Episcopal Church and the Ordinances of the Eighth Province. Deputies and alternates so elected shall serve at all meetings of the Provincial Synod for which elected during the two (2) years subsequent to the date of the Synod, and until their successors are elected. Any vacancy in such deputation shall be filled by the Bishop with the concurrence of Diocesan Council.

Sec. 16.03. Diocesan Corporation. The corporation organized under California law as "The Episcopal Church in the Diocese of California" shall be composed of the Bishop and nine other persons who shall constitute the Board of Directors and members of the corporation. The directors shall be divided into three classes, each class being elected for a term of three years. At each Annual Convention, three directors shall be elected. Directors whose terms are expiring shall be eligible for re-election. The Board of Directors of the said corporation shall have responsibility for the control and investment management of funds of the Diocese, apart from the budget and management responsibility for the operating fund which shall belong to Diocesan Council. The Board of Directors of the said corporation shall also act as a council of advice to the Bishop in fiscal matters. The said corporation shall provide for proper audit of all accounts of the Treasurer, shall review the same, and shall report its findings to each Annual Convention.

Sec. 16.04. Corporation Sole. The Bishop is authorized to maintain a corporation sole, entitled "The Episcopal Bishop of California" (the "Corporation Sole"), under California law for the administration of the real property of missions, and of such other real or personal property and funds as may have been, or may be, granted or committed to the Bishop for the use of The Episcopal Church in this Diocese, or of any of its related, constituent or subordinate units or institutions, or for any religious, benevolent or educational objects connected with any of the foregoing.

Sec. 16.05. Commission on Church Architecture and Furnishings. The Commission on Church Architecture and Furnishings shall include two Clerics and four lay members, three of whom shall be architects or engineers skilled in church design. These members shall be appointed by the Bishop at each Annual Convention. In addition, the Bishop and any Bishops Coadjutor or Suffragan, the Controller, and the Chancellor shall be, *ex officio*, members of the Commission on Church Architecture and Furnishings. The Commission on Church Architecture and Furnishings shall have the following functions:

(a) At the request of the Bishop, it shall advise about site selection for mission buildings.

(b) It shall review and approve the plans of any mission or Aided Parish for any work of improvement, repair or remodeling. No mission or Aided Parish shall commence the work to build, remodel, furnish or decorate a church, chapel or other parish or mission structure until the plans for such work have been so reviewed and approved.

(c) At the request of any parish, it shall review and give its advice about site selection, or any building, remodeling, furnishing or decorating project contemplated by the parish.

## CANON XVII

### **DIOCESAN INSTITUTIONS**

Sec. 17.01. Eligibility. No group or entity within this Diocese shall represent that it is sponsored by or connected with The Episcopal Church or the Diocese unless it has met the provisions of this Canon and only so long as it continues to be so qualified.

Sec. 17.02. Purposes. A Diocesan Institution may be created for any charitable or educational purpose.

Sec. 17.03. Qualification. A group or entity may be recognized as a Diocesan Institution by Convention if the Bishop and Standing Committee have first recommended such action and the Chancellor has certified that its articles of incorporation and bylaws meet the requirements of this Canon.

Sec. 17.04. Corporate Requirements. Each Diocesan Institution shall be a corporation in good standing under the Nonprofit Corporation Law of California. Except as otherwise provided herein, the articles of incorporation or bylaws of each Diocesan Institution shall provide that

(a) the Bishop, or some other person appointed by the Bishop, shall be a member of the governing board;

(b) the election of any person to the governing board shall be subject to the written consent of the Bishop and of the Standing Committee; and

(c) at least a majority of the members of the governing board shall be Clerics Canonically Resident in the Diocese or persons eligible, under Article VI, Section 6.4, of the Constitution of the Diocese, for election as Delegates to the Convention.

Sec. 17.05. Exceptions.

(a) Section 17.04(b) and Section 17.04(c) shall not apply to any Diocesan Institution owning or operating facilities in more than one diocese, provided that a majority of the members of the governing board are members in good standing of The Episcopal Church in one or another of those dioceses.

(b) Upon written petition of an institution, the Bishop and Standing Committee may waive the requirements of Section 17.04 for institutions in which the Church participates with other denominations on an ecumenical basis, or in which community or other considerations justify such exception.

Sec. 17.06. Reports. The Bishop may require annual or special reports from any Diocesan Institution.

Sec. 17.07. Termination. After consideration of a report from the Bishop and the Standing Committee that a Diocesan Institution does not conform to the requirements of this Canon XVII or that its standards of performance do not warrant continued recognition, the Convention may revoke the status of any group or entity as a Diocesan Institution, or take other action as it deems appropriate. The report of the Bishop and Standing Committee, which shall be prepared after notice and opportunity for hearing, shall set forth the facts and conclusions upon which the recommendation is based.

Sec. 17.08. List of Institutions. The Secretary of Convention shall certify the names of all Diocesan Institutions in the Journal of Convention.

Sec. 17.09. Disclaimer. The acceptance, under the provisions of this Canon, of any group or entity as a Diocesan Institution, or the continued recognition of any such Diocesan Institution heretofore accepted, is made without any warranty, representation or assurance of any kind of any responsibility whatever on the part of the Bishop, the Diocese, or any committee, department, constituent part of the Diocese or any of its employees, agents or representative for any financial, contractual or legal obligation now existing, or which may hereafter be incurred, by or on behalf of any such Diocesan Institution, except as may be expressly undertaken in a written agreement duly executed pursuant to appropriate corporate action authorized by the Diocesan Corporation or by the Corporation Sole, as the case may be, and specifically approved by the Bishop.

Sec. 17.10. Exceptions. This Canon XVII shall not apply to organizations authorized by religious communities, to organizations chartered by the Corporation Sole, or to a parish, a mission, the Cathedral, The Episcopal Church, or the Eighth Province of The Episcopal Church.

CANON XVIII

**FUNDS AND FINANCIAL MATTERS**

Sec. 18.01. Diocesan Operating Fund. There shall be a Diocesan Operating Fund from which shall be paid all expenses incurred for functions required by the Constitution and Canons of The Episcopal Church and of the Diocese and for such programs and activities as are approved by Diocesan Convention.

Sec. 18.02. Support of Diocesan Operating Fund.

(a) It is the unqualified obligation of each parish and organized mission in union with the Convention of this Diocese to provide its proportionate share of the expenses of the Diocese as set forth in the budget for the Diocesan Operating Fund adopted by the Diocesan Convention.

(b) Such proportionate share of expenses not otherwise provided by endowment income, grants and other sources shall be assessed upon each parish and organized mission in proportion to its total annual operating income as recorded in the financial section of the annual parochial report of each such parish and organized mission, except as modified below:

(1) Excluding any amounts received by an organized mission from the Diocesan budget through the Department of Missions;

(2) In the case of the Cathedral, "total annual operating income" shall be all amounts received through pledges by the Cathedral congregation; and

(3) In the event that a parish, or an organized mission (with the approval of the Department of Missions and the Bishop), create a new full or part time position which has a scope of responsibilities solely devoted to the professional, programmatic life of said parish or mission (as opposed to clerical, janitorial, or non-programmatic responsibilities), the calculation of

income of said parish or mission for purposes of the Diocesan assessment shall not include the total compensation plus related employee benefits for said employee in the first two years of his or her employment, 50% of said cost in the third year, and 25% of the cost in the fourth year. This subsection shall be limited to the equivalent of one full-time employee per congregation; it shall not apply to the Cathedral.

(c) Assessments under this section shall be assigned to each parish and organized mission on a graduated basis, so that units having a lower total operating income will be assessed a lesser percentage of their total operating income. The Department of Finance shall recommend to Diocesan Convention each year a schedule of two or more levels of total operating income and corresponding percentages of such income as the basis for assigning assessments to each parish and organized mission. Such schedule shall be effective for assessments for the ensuing year, unless modified by resolution of Diocesan Convention.

(d) If a parish or organized mission fails to pay its full assessment for the twelve full months immediately preceding Convention, the voting privileges of its Delegates to the Diocesan Convention may, at the discretion of the Bishop, be suspended in proportion to the unfilled obligation, provided that no such suspension shall result in reducing the voting representation of any such parish or organized mission below one Delegate.

(e) Any proposed amendment to the Canons concerning support of the Diocesan Operating Fund or the methodology for Diocesan assessments shall be submitted to the Department of Finance on or before the first day of April. The Department of Finance shall consider the potential effect of the proposed amendment on the Diocesan Operating Fund and the operations of the Diocese, and report its conclusions to the Diocesan Convention, prior to any vote on the proposed amendment.



Sec. 18.03. Appeal of Assessment.

(a) Within 30 days following the close of the Diocesan Convention, the Treasurer of the Diocese shall send to the vestry of each parish and to the Bishop's Committee of each organized mission a statement of its assessment for the forthcoming year, and each vestry and Bishop's committee shall, within 60 days following such close, return to the office of the Treasurer of the Diocese its written commitment for payment of the amount assessed or a notice of appeal of the amount of the assessment.

(b) The Treasurer shall report to Diocesan Council at its January meeting all notices of appeal and the amounts involved, together with the recommendation of the Department of Finance for any adjustments in the total budget required by reason of the pendency of such appeals.

(c) With the concurrence of the Bishop, Diocesan Council may adjust the budget in such manner as it deems proper.

Sec. 18.04. Committee on Appeals.

(a) Any appeal of an assessment shall be referred to the Committee on Appeals, except clerical or computational errors which may be corrected by the Treasurer's office. Promptly following each Annual Convention, the Committee on Appeals shall be established as follows: a Chairman, appointed by the Bishop and confirmed by the Diocesan Council, one person appointed by the President of Diocesan Council, one person appointed by the Department of Finance, and six persons appointed by the Bishop and confirmed by Diocesan Council, two of whom shall be members of parishes or organized missions whose total operating income for the prior year was less than the average total operating income of all parishes on which the assessment was based, and two of whom shall be members of parishes or organized missions whose total operating income for the prior year was equal to

or greater than the average total operating income of all parishes on which the assessment was based. At least three of such six shall be lay persons.

(b) A parish or organized mission, having given notice of appeal within the period specified in Section 18.03, shall perfect such appeal by providing the Chairman of the Committee on Appeals, not later than March 1 of the year considered, with a written statement of grounds for appeal and copies of its current budget and financial statements for the two previous years. The Committee on Appeals is not empowered to consider an appeal not noticed in accordance with Section 18.03 and not perfected in accordance with this subsection.

(c) The Committee on Appeals shall take such action as it deems appropriate to investigate, hear and determine each appeal, including but not limited to informal conferences by one or more Committee members with an officer or officers, or the vestry or Bishop's committee of the parish or organized mission appealing, or a formal hearing before the Committee. After such consideration as the Committee on Appeals deems appropriate, with or without a formal hearing, the committee may by vote of a majority of its members dismiss the appeal or recommend to the Diocesan Council an adjustment of the assessment.

(d) The Diocesan Council may accept or reject the recommendation of the Committee on Appeals, or it may return the matter to the said Committee for further consideration. The action of the Diocesan Council under this subsection shall be subject to the concurrence of the Bishop.

#### Sec. 18.05. Monthly Payments.

(a) Each parish and mission of the Diocese shall pay to the Treasurer of the Diocese, each month, one-twelfth of its assessment for the Diocesan Operating Fund. The payments between the beginning of the fiscal

year and the publishing of the assessments for that year shall be on the basis of the assessment for the preceding year, and adjustments shall be made the following month.

(b) Each month, the Treasurer of the Diocese shall provide the Treasurer of each parish and mission with a statement of the balance then due on, and each parish and mission shall pay to the Treasurer of the Diocese one-twelfth of, their respective assessments. The Treasurer of the Diocese shall provide a final statement to each parish and mission not later than the tenth day of-December and shall indicate the balance due as of December 31.

Sec. 18.06. The Episcopate Fund. There shall be an Episcopate Fund consisting of such donations and contributions as shall be made thereto from private and public sources which shall be paid to and held in trust by the Diocesan Corporation. The interest on such fund shall be appropriate to the support of the Bishop of this Diocese, and of the Bishop Coadjutor and the Suffragan Bishops, if there be any.

Sec. 18.07. Clergy Emergency Fund.

(a) The Clergy Emergency Fund shall be derived from donations, contributions and collections, which may be taken for that purpose, in any parish or mission in this Diocese.

(b) The principal of the Clergy Emergency Fund shall be invested in the name of and remain under the control of the Diocesan Corporation, and only the revenue from the fund and any special contributions expressly designated may be used for current relief. The Bishop shall have charge of all disbursements from the Fund and shall report at least annually to Diocesan Council concerning it.

(c) Except as described in the following paragraph, the income of the Clergy Emergency Fund shall be used only for the relief of those Clerics

in good standing in the Diocese who are Canonically Resident therein, and of their surviving spouses and dependent children. Such relief may include the payment of premiums for Diocesan group health insurance coverage for retired, unemployed or disabled Clerics, and dependents of such Clerics including surviving spouses or dependent children.

(d) In the discretion of the Bishop, any such income not required for the foregoing purpose may be used for the relief of lay persons who are members of the Church and who are or have been regularly employed by the Diocese, the Cathedral or a parish or an organized mission of the Diocese.

Sec. 18.08. Other Funds. The Diocesan Corporation is authorized to establish and maintain such other separate or consolidated funds as may be appropriate properly to manage and invest trust funds of the Diocese, including any such funds given or bequeathed to the Corporation Sole, and any funds held by the Diocesan Corporation for the use and benefit of any parish, mission, institution or other organization affiliated with the Diocese in accordance with the terms and conditions of any such trust or endowment.

## CANON XIX

### **BUSINESS PRACTICES IN CHURCH AFFAIRS**

Sec. 19.01. Transfer or Encumbrance. Except as provided in Section 19.02 of this Canon, no vestry, trustee or other body authorized by civil or canon law to hold, manage or administer real property for any parish, Diocesan Institution or other organization connected or affiliated with the Diocese, shall transfer, lease for a term exceeding one year, or encumber such real property, or any part thereof, without first obtaining the written consent of the Bishop and the Standing Committee. In the case of real property held by the Corporation Sole for a mission over which the Diocesan Council has general supervision, the prior consent and authorization of the Bishop and Diocesan Council shall be required for any transfer, lease for a term exceeding

one year, or encumbrance, except that when the property contains a consecrated church or chapel, or a church or chapel which has been used solely for divine services, the prior consent of the Bishop and Standing Committee shall be required.

Sec. 19.02. Exceptions. The prior consent of the Bishop and Standing Committee to an encumbrance, as described in Section 19.01 of this Canon, is not required in the following cases:

(a) An encumbrance of property of a parish other than a consecrated church or chapel to secure indebtedness incurred for permanent improvements, replacements, additions, fixtures or equipment of a capital nature when the amount of such indebtedness, plus all other indebtedness then existing, does not exceed 150 percent of the average annual receipts of the parish during the three preceding calendar years;

(b) Indebtedness incurred by the Corporation Sole which has been authorized by Diocesan Council for the use or benefit of a mission;

(c) Indebtedness, guaranty obligations, or other similar commitments secured by any lien, deed of trust, pledge, security interest or other encumbrance on real property or any part thereof, incurred or assumed facility or other facility in which healthcare and residential services are provided to patient and/or residents, where such indebtedness, guaranty obligations or commitments are incurred or assumed in furtherance of the mission of the organization, or any other indebtedness, guaranty, obligation, transfer or transaction as otherwise agreed to by the Bishop and Standing Committee.

Sec. 19.03. Trust. All real and personal property held by or for the benefit of any parish, mission or other congregation is held in trust for the Episcopal Church and the Diocese of California. The existence of this trust, however, shall not limit the authority of the parish, mission or other

congregation otherwise existing over such property, except as may be specified in these Canons, so long as the particular parish, mission or congregation remains a part of The Episcopal Church and the Diocese of California, and subject to their respective Constitutions and Canons.

Sec. 19.04. Permanent Funds.

(a) Permanent funds, endowments, and trust funds and securities of a parish or mission shall be deposited with a national or state bank, savings and loan association, mutual fund, professional investment advisor, the Diocesan Corporation or other agency approved by the Department of Finance, and shall be held under agreements providing for at least two signatures for withdrawal of such funds or securities. This section shall not apply to funds and securities refused by depositories as too small for acceptance; such small funds shall be under the care of the persons or corporations responsible for them.

(b) Records shall be kept of all permanent and trust funds showing source and date and terms governing the use of principal and income. The fiduciary responsible shall report the condition of such funds at each annual meeting of the parish or mission.

Sec. 19.05. Accounting Records. Books of account shall be so kept as to provide the basis for satisfactory accounting, including appropriate records of all sub-groups of a parish or mission authorized by the vestry or Bishop's committee to solicit, receive or disburse funds.

Sec. 19.06. Annual Audits. All accounts, including discretionary accounts, of parishes, missions or other Diocesan Institutions or bodies carrying out Diocesan programs shall be audited annually by a certified independent public accountant or by such accounting agency or audit committee as shall be approved by the Department of Finance (provided that in auditing discretionary funds, appropriate procedures may be implemented to

safeguard the confidential nature of pastorally sensitive expenditures from such funds). The Department of Finance may direct any parish, mission or other congregation to provide copies, when asked, of any and all audit reports and of any memoranda relating to internal controls, together with a summary of action taken correct deficiencies or implement recommendations.

Sec. 19.07. Property Insurance. All buildings belonging to or used by parishes, missions, and other Diocesan Institutions, and their contents, shall be kept adequately insured.

Sec. 19.08. Reports. The Department of Finance shall report to each Annual Convention upon its administration of its duties under this Canon.

Sec. 19.09. Personnel Practices Committee. Subject to confirmation by the Annual Convention, the Bishop shall appoint a personnel practices committee which shall review existing minimum stipends and allowances and shall recommend, not less than 60 days prior to Convention, appropriate changes. In addition, the committee is charged with the ongoing education of members and organizations of the Diocese in responsible personnel practices and with recommending to Convention programs to implement such practices for both Clerics and lay employees.

Sec. 19.10. Diocesan Archives. There shall be an Archive of the Diocese of California, the purpose of which shall be to preserve by safekeeping, arrange and have available necessary legal documents and items, and useful historical papers and materials of the Diocese of California, its bishops, officials and agencies.

(a) The day-to-day activities and work of the Archive shall be conducted by an Archivist who shall be selected by the Bishop and confirmed by Diocesan Council. The Archivist shall serve at the pleasure of the Bishop.

(b) The work of the Archivist shall include, but not be limited to, the following: securing, organizing, safeguarding and controlling access to the material in the collection; preparing and proposing operating policies for approval by the Bishop and Diocesan Council; reporting on the condition and work of the Archives; and advising congregations and Diocesan Institutions and other organizations as to records retention and archive policies regarding their documents and materials.

(c) The general records retention policies of the Diocese shall be as follows:

(1) Records and materials of the Diocese and its departments, commissions, committees and other organizations designed to represent and/or interact with the whole Diocese shall be retained by the Diocesan Archives.

(2) Records and materials of defunct Diocesan organizations, including congregations, shall be retained by the Diocesan Archive, subject to applicable policies.

(3) Active separate organizations, such as congregations and institutions, are expected to retain their own papers and materials.

(d) When papers and materials are transferred to the Archives, the originator shall indicate any materials which are to be considered confidential and they shall be subject to applicable policies.

(e) Access to materials is left to the discretion of the Archivist, the Bishop and the Executive Officer of the Diocese, and subject to applicable policies.



CANON XX

**HEALTH AND LIFE INSURANCE, LAY PENSIONS**

Sec. 20.01. Group Coverage. The Diocese shall provide group coverage of the following plans of insurance:

- (a) Hospital and medical;
- (b) Dental;
- (c) Long-term disability;
- (d) Life;

Sec. 20.02. Eligibility. The following persons, and their immediate family dependents, are eligible for coverage, and premiums shall be paid as specified:

(a) Every active Cleric who is personally resident within the Diocese, and regularly employed 30 hours or more per week on a permanent basis, in the general work of The Episcopal Church in this Diocese; premiums for such insurance to be paid by the source of the Cleric's salary;

(b) Members of religious orders and Clerics on leave of absence authorized by the Bishop for a specific period of time; premiums to be paid by the source of ecclesiastical salary, or as directed by the Bishop;

(c) Every retired Cleric who shall have attained age 65 and who shall have been Canonically Resident in this Diocese and regularly employed full time in the general work of the Diocese for the five years immediately preceding retirement, and who has ten years of credited service with the Church Pension Fund; premiums to be paid by the Diocese;

(d) All regular, lay employees of the Diocese, of the Cathedral, parishes and missions working and paid for 30 hours or more per week on a

permanent basis: premiums to be paid by the source of salary or the employing entity;

(e) Other employees of parish and Diocesan Institutions that elect to participate upon such terms as may be approved by the insurer as to the employees covered and the source of the premium payments.

Sec. 20.03. Mandatory Participation. Each of the persons described in Section 20.02 shall be covered for all coverages available under the group plans listed in Section 20.01 of this Canon to the extent required by each such plan. The source of salary shall not be required to pay that portion, if any, of the premium specified for voluntary life insurance under the group life plan.

Sec. 20.04. Voluntary Participation.

(a) Upon individual application, any Cleric and his or her immediate family dependents may participate effective as of the date of Canonical Residence in the Diocese, and upon payment of the applicable premium. Any Cleric and immediate family dependent eligible may, in the event of change of classification, continue coverage upon payment of applicable premiums so long as canonical residence is maintained.

(b) For purposes of this Canon, immediate family dependents shall include domestic partners, provided that an eligible Cleric or employee complies with the requirements of the Personnel Manual.

Sec. 20.05. Administration. The group health and life insurance plans shall be administered under the supervision of the Department of Finance, which shall have authority to grant exceptions for good cause when the terms of a particular plan so permit. The Department of Finance shall review and update plans and recommend to Diocesan Council such modifications of coverage, terms and benefits as may be appropriate.

Sec. 20.06. Personnel Practices. The Diocese shall provide, to lay and Clerical employees working 20 hours or more per week and continuously employed for a minimum of 90 days, a salary continuation benefits program similar to the State Unemployment Insurance Program for the benefit of those employees whose employment within the Diocese of California is discontinued for reasons beyond the control of such employee. The terms and conditions of eligibility for such coverage and the benefits provided shall be determined and administered by the Personnel Practices Committee under such rules and regulations as they may from time to time adopt, amend or modify, consistent with sound actuarial practice. The Personnel Practices Committee is authorized to determine and to recommend to Convention not less than 60 days prior to Convention the level of benefits and the assessment upon employers necessary to fund such benefits on a sound actuarial basis.

Sec. 20.07. Lay Pensions. All regular lay employees of the Diocese, the Cathedral, parishes, and missions working and paid for 20 hours or more per week on a permanent basis shall be entitled to a pension benefit equal to not less than five percent (5%) of cash salary, plus up to an additional four percent (40) of such cash salary to the extent matched by employee contributions, such benefit to be paid by the source of salary. The source of salary may impose a minimum employment period, not to exceed one (1) year, before this benefit shall commence.

## CANON XXI

### **AMENDMENTS**

Sec. 21.01. Filing Proposed Amendments. These Canons may be amended at any Annual or Special Convention by the vote of a majority of those Clerics and Delegates who are entitled to vote as set forth in Canons II and III, above and are present and voting at such Convention; *provided, however,* that except as provided in Section 21.04, below, no proposed amendment shall be considered or affirmatively acted upon by any Convention

(other than by reference to the Committee on Canons or to a special committee to report to a succeeding Convention) unless duplicate copies of such proposed amendment shall have been filed with the Secretary of Convention at least 60 days before the meeting of the Convention.

Sec. 21.02. Reference to Committee. The Secretary shall deliver copies of all proposed amendments which have been filed in accordance with Section 21.01, above, to the Chairman of the Committee on Canons. The Committee shall report thereon on the first day of the Convention. The Committee shall have the proposed amendments printed and distributed among the parishes and missions prior to the meeting of Convention.

Sec. 21.03. Committee Report. The Committee to which any amendment may have been referred may, in its judgment, report a substitute for, or change, any proposed amendment, and shall report such other amendments to other sections of the Canons as may be required to make the Canons consistent, in the event the proposed amendment or addition should be adopted.

Sec. 21.04. Emergency Amendments. Notwithstanding the notice and other requirements set forth in Sections 21.01 and 21.02 of this Canon, upon recommendation of the Committee on Canons by its unanimous vote, a new Canon, or an amendment to an existing Canon, may be adopted by the Convention upon the following conditions: first, the adoption of a resolution by the Convention on the first day by a two-thirds affirmative vote declaring that an emergency exists for the proposed action; second, fixing an hour for voting upon the proposed amendment or new Canon; and third, its adoption without an opposing vote.

Sec. 21.05. Effective Date of Amendments. All Canons hereafter enacted, and all amendments to these Canons, unless otherwise determined by

the vote of the Convention, shall take effect upon the close of the Convention at which they are enacted.

CANON XXII

**GENDER**

Sec. 22.01. Gender. Whenever the masculine gender of any term is used herein, it shall also be deemed to include the feminine gender, and vice versa.

CANON XXIII

**REPEAL**

Sec. 23.01. Repeal. Upon the concurrence of the Bishop following approval and adoption of these Canons by the Convention, the Canons previously in effect shall be repealed.

**BISHOP'S CONCURRENCE**

I hereby concur in the action of the 156th Convention of the Diocese of California taken on October 22, 2005, amending the Canons of the Diocese of California in the form dated October 22, 2005 to which this concurrence is attached.

Dated as of:           October 22, 2005

WILLIAM E. SWING  
Bishop of California

**CERTIFICATE**

We hereby certify that the foregoing is a true and correct copy of the Canons of the Diocese of California as the same were amended through the 156th Convention of the Diocese of California held on October 22, 2005.

Dated as of:           October 22, 2005

WILLIAM E. SWING  
Bishop and Ordinary  
President of the Convention

NIGEL RENTON  
Secretary of the Convention

## **APPENDIX A**

*NOTE: Appendix A is based on Appendix A to Title IV of the 2000 version of the "Constitution & Canons for the Government of the Protestant Episcopal Church in the United States of America," pages 166 to 168.*

### **RULES OF PROCEDURE OF THE ECCLESIASTICAL TRIAL COURTS**

#### **RULE 1**

These Rules of Procedure (the "Rules"), to the extent they are not inconsistent with provisions of Title IV of the Canons of The Episcopal Church, shall govern proceedings held in the Ecclesiastical Trial Courts. Such Courts may adopt further rules of procedure not inconsistent with the Constitution and Canons of The Episcopal Church, with the power to alter or rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties. Capitalized terms used in this Appendix have the meanings given to such terms (a) first, in Title IV of the Canons of The Episcopal Church, and (b) second, if not so defined, in Appendix B to the Canons of the Diocese. Unless otherwise indicated, the Title referred to in this Appendix is Title IV of the Canons of The Episcopal Church, as adopted in General Conventions from 1785 through 2000 and as revised by the 2000 General Convention, and all referenced Canons are the Canons which comprise that Title.

#### **RULE 2: Summons.**

(a) **Form.** The summons shall be signed by the Presiding Judge of the Ecclesiastical Trial Court, identify the Court and the parties, be directed to the Respondent, and state the name and address of the Church Attorney. It shall state the time within which the Respondent must file an Answer to the Presentment with the Court, and notify the Respondent that failure to do so will result in a Judgment that an Offense was committed by he Respondent and place the Respondent at risk for Sentence to be pronounced at a later date. The Court may allow the Summons to be amended.

(b) **Service.** The service of the Summons and a copy of the Presentment shall be made in accordance with Title IV. The Respondent may waive personal service in writing.

(c) **Proof of Service.** The person effecting service shall make proof of service by affidavit or sworn statement to the Court. If service is waived, the written waiver of service shall be filed with the Court.

**RULE 3: Service and Filing of Pleadings and Other Papers.**

Except as otherwise provided in these Rules, every pleading, paper, motion, and notice required to be served on a party shall be served upon the attorney for the party unless otherwise ordered by the Court. Service upon the attorney or upon a party shall be made by delivering a copy to the attorney or party or by mailing it to the attorney or party at the attorney's or party's last known address. Service by mail is complete upon mailing. The filing of papers with the Court shall be made by filing them with the clerk of the Court unless otherwise directed by the Court.

**RULE 4: General Rules of Pleading.**

(a) **Presentment.** The content of the Presentment shall conform to the applicable provisions of Title IV. It shall contain a short plain statement of the allegation of each Offense with reference to applicable provisions of Canon 1 of Title IV, and a plain and concise statement of the facts upon which each allegation is made.

(b) **Answer.** The Answer shall state in short and plain terms the Respondent's defenses to each allegation of the Presentment, and shall admit or deny the factual allegations of the Presentment. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, the Respondent shall so state and this has the effect of a denial. Denials may also be made in part or with qualification.

(c) **Style.** Pleadings are to be direct and concise. No technical forms of pleadings or motions are required.



(d) **Construction.** All pleadings shall be so construed as to do substantial justice.

(e) **Forms of Pleadings.** Every pleading shall identify the name of the Court, name of the Respondent, and file number, if any. All allegations of fact or defense shall be made in separately numbered paragraphs. Exhibits may be attached and identified by reference within the pleading.

(f) **Signature.** All pleadings shall be signed by the attorney for the party on whose behalf it has been prepared, or the party if not represented by an attorney. Each paper shall state the signer's address and telephone number.

**RULE 5: Defenses and Objections.**

(a) **When Presented.** Unless a different time period is prescribed, a Respondent shall serve an Answer to the Presentment upon the Church Attorney and the Court within 30 days after being served a Summons and Presentment.

(b) **How Presented.** The following defenses may be asserted by motion: (1) Insufficiency of service or process, (2) lack of jurisdiction (3) failure to state the factual basis of an Offense; and (4) expiration of the applicable period of limitations as stated in Title IV. The Respondent may also move for a more definite statement before filing an Answer if the Presentment is so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

**RULE 6: Amended and Supplemental Pleadings.**

The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings.

**RULE 7: Voluntary Disclosures, Discovery.**

(a) **Voluntary Disclosures.** The Parties shall provide to each other and the Court not later than 60 days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

(b) The Parties may conduct discovery through written or oral depositions or written interrogatories. The Ecclesiastical Trial Court may limit the number, length and scope of depositions or interrogatories. The Respondent shall not be required to make any statement or admission against himself or herself in any discovery procedure.

**RULE 8: Taking of Testimony.**

In all trials, the testimony of witnesses shall be taken orally in open Court, unless otherwise provided by the Federal Rules of Evidence or other rules adopted by the Court. Such testimony shall be given under oath or solemn affirmation.

**RULE 9: Summary Judgment of Offense.**

(a) **How Made.** If the Respondent fails or refuses to Answer the Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than 30 days after, the Answer is due, move with or without supporting affidavits for Summary Judgment of Offense. The Church Attorney shall file the motion with any supporting affidavits with the Court, serve a copy of the same on the Respondent, and provide copies to each Complainant and, unless waived in writing, the alleged Victim. The motion shall be served upon the Respondent at least 20 days before the time fixed by the Court for a hearing on the motion.

(b) **Opposing Affidavits.** Respondent may, prior to the day of hearing, serve opposing affidavits upon the Court and Church Attorney, and shall provide copies of such affidavits to each Complainant and, unless waived in writing, the alleged Victim.

(c) **Proceedings Thereon.** The court shall convene a hearing to consider the motion and may, in the Court's discretion, receive oral testimony. If the Presentment, together with affidavits, if any, and any oral testimony or other admissible evidence presented to the Court show that there is no genuine issue as to any fact material to a determination that the Respondent committed

an Offense, the Court shall render Judgment on the matter of the Offense or Offenses described in the Presentment.

(d) **Form of Affidavits.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify as to the matters stated in the affidavit. Copies of papers referred to in an affidavit shall be attached to and served with the affidavit.

(e) **Defense Required.** When a motion is made and supported as provided in these Rules, the opposing party may not rest upon mere allegations or denials of the adverse party's pleading but must, by affidavits or otherwise provided in this rule, set forth specific facts to show that there is a genuine issue for Trial.

## APPENDIX B

**NOTE:** *Appendix B is based on Appendix B to Title IV of the 2000 version of the "Constitution & Canons for the Government of the Protestant Episcopal Church in the United States of America," pages 169 to 171. References herein to "FRAP" refer to the Federal Rules of Civil Appellate Procedure.*

### **FEDERAL RULES OF CIVIL APPELLATE PROCEDURE**

*(as modified and adopted for use in the administration of Title IV,  
The Canons of the Protestant Episcopal Church in the United States)*

**Rule 1. Scope of Rules.** These rules govern procedure in appeals to Courts of Review as provided in Title IV, Canon 4.46 and Title IV, Canon 6.12. Courts of Review shall, in addition to these rules, be guided by the Federal Rules of Appellate Procedure.

**Rule 2. Suspension of Rules.** [FRAP 2 as written.]

#### **Rule 10. The Record of Appeal.**

**(d) Agreed Statement as the Record on Appeal.** In lieu of the Record on Appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided by the Trial Court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the statement conforms to the truth, it, together with such additions as the Court may consider necessary fully to present the issues raised by the appeal, shall be approved by the Trial Court and shall be transmitted to the Court of Review as the Record on Appeal.

**(e) Correction or Modification of the Record on Appeal.** Any dispute as to whether the Record on Appeal truly discloses what occurred in the Trial Court shall be addressed to and resolved by the Trial Court.

#### **Rule 25. Filing and Service.**

**(a) Filing.** A paper required or permitted to be filed in the Court of Review must be filed with the Clerk of the Court of Review. Filing may be

accomplished by mail addressed to the Clerk. Filing is not timely unless the Clerk receives the papers within the time fixed for filing, except that briefs and appendices are treated as filed when mailed. A Court of Review may permit filing by facsimile or other electronic means.

**(b) Service of All Papers Required.** [FRAP 25(b) as written.]

**(c) Manner of Service.** [FRAP 25(c) as written.]

**(d) Proof of Service.** [FRAP 25(c) as written, substituting "Rule 25(a)" for "Rule 25(a)(2)(B)"]

**Rule 26. Computation and Extension of Time.** [FRAP 26 as written, substituting "Court of Review" for "Court of Appeals" and deleting the second sentence of subdivision (b) ]

**Rule 28. Briefs.**

**(a) Appellant's Brief.** The brief of the appellant must contain, under appropriate headings and in the order here indicated:

- (1) A table of contents with page references, and a table of cases, canons or authorities with page references.
- (2) A statement of the issues presented for review.
- (3) A statement of the case, including a description of the course of proceedings and a statement of the facts relevant to the issues presented for review, with appropriate references to the record.
- (4) A brief summary of the argument.
- (5) An argument. The argument must contain the contentions of the appellant on the issues presented and the reasons therefor, with citations to the authorities and parts of the record relied on.
- (6) A short conclusion stating the precise relief sought.

**(b) Appellee's Brief.** The brief of appellee must conform to the requirements of paragraphs (a)(1), (4), (5), and (6)

**(c) Reply Brief.** Appellant may file a brief in reply to the brief of appellee, and if the appellee has cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues presented in the cross-appeal. All reply briefs shall contain a table of contents and a table of authorities cited with page references.

**(g) Length of Briefs.** Except by permission of the Court of Review, principal briefs shall not exceed fifty (50) pages and reply briefs must not exceed twenty-five (25) pages exclusive of pages containing the table of contents, table of authorities, proof of service and any addendum.

**Rule 29. Brief of an Amicus Curiae.** A brief of an amicus curiae may be filed only by leave of the Court of Review granted on motion or at the request of the Court. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

**Rule 30. Appendix to the Briefs.** The appellant must prepare and file an appendix to the briefs containing (1) any relevant portions of the pleadings or presentment; (2) the decision or opinion in question; and (3) any other parts of the record to which the parties wish to direct the particular attention of the Court of Review. The appendix must be filed with the brief, unless an extension is granted by the Court of Review.

**Rule 32. Forms of Briefs, the Appendix and Other Papers.** Briefs, appendices and other papers filed with the Court of Review may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. All printed matter must appear in at least 11 point type on unglazed, white paper, and shall be bound in volumes having pages not exceeding 8 1/2 by 11 inches, typed matter must be double spaced, with numbered pages. The front cover shall contain (1) the name of the court; (2) caption of the case; (3) nature of the proceedings in the court; (4) title of the document; and (5) the names and addresses of counsel representing the party on whose behalf the document is filed.

**Rule 34. Oral Argument.**

**(a) In General.** Oral argument, if requested, shall be allowed in all appeals.

**(b) Notice of Argument.** The Presiding Judge of the Court of Review shall provide at least thirty (30) day's written notice of the time and place of oral argument to all parties to the appeal.

**(c) Order and Content of Argument.** The hearing of oral argument shall proceed with the argument of appellant, argument of appellee, and rebuttal by appellant. Additional opportunities to present argument may be afforded by the Court so long as the appellant receives the final opportunity to speak. During the oral argument, the Court may address questions to any participant in the oral argument, but shall not receive any evidence not contained in the Record of Appeal.

## **APPENDIX C**

### **CERTAIN DEFINED TERMS**

*This Appendix is intended to assist in the understanding and interpretation of certain terms which appear in the Constitution or the Canons of the Diocese of California. Unless otherwise indicated, references in this Appendix to the Constitution or Canons are intended as references to the Constitution and Canons of the Diocese of California.*

"Aided Parish" has the meaning set forth in Canon XI, Section 11.09.

"Annual Convention" means the annual Convention of the Diocese of California as described in Article V of the Constitution.

"Bishop" means the Bishop of the Diocese of California.

"Bishop Coadjutor" has the meaning set forth in Title III, Canon 25, of the Canons of The Episcopal Church.

"Bishop Suffragan" has the meaning set forth in Title III, Canon 26 of the Canons of The Episcopal Church.

"Bishop's Committee" means the committee described in Canon XII, Section 12.02(c).

"Canons of The Episcopal Church" means such Canons as adopted in 1785 and as amended from time to time through the date of the most recent General Convention of The Episcopal Church.

"Canonically Resident" means resident in a specified diocese for the purposes of the Canons of The Episcopal Church, as established by ordination to that diocese or letters dimissory accepted by that diocese.

"Cathedral" and "Cathedral Church of the Diocese" mean Grace Cathedral.

"Cleric" means a Bishop, Priest, or Deacon ordained by The Episcopal Church, unless the context shall exclude a Bishop.



"Commission" means the Commission on Ministry, as described in Canon XIV, above.

"Constitution of the Diocese" means such Constitution as adopted by the 134th Diocesan Convention and as revised to date.

"Constitution of The Episcopal Church" means such Constitution as adopted in General Conventions from 1785 through 2000 and as revised to date.

"Convention" means an Annual or Special Convention of the Diocese of California.

"Corporation Sole" means the corporation described in Canon XVI, Section 16.04, above.

"Court of Review" means the court described in Title IV, Canon 3(B), of the Canons of The Episcopal Church.

"Deacon" means any person who has been ordained as a Deacon pursuant to Title III of the Canons of The Episcopal Church.

"Delegate" means a lay person delegated to represent at a Convention the congregation of the Cathedral, any Parish. or any Mission.

"Delegation" means a group of Delegates representing a particular congregation.

"Diocese" means the Diocese of California, as defined in Article I of the Constitution.

"Diocesan Council" means the Bishop and Council of the Diocese, as described in Canon VIII of the Canons of the Diocese.

"Diocesan Corporation" means the corporation organized under California law as "The Episcopal Church in the Diocese of California", as described in Canon XVI of the Canons of the Diocese.

"Diocesan Institution" means an institution meeting the conditions specified in Canon XVII of the Canons of the Diocese.

"The Episcopal Church" means the Protestant Episcopal Church in the United States of America.

"Episcopate" means the office of the Bishop of the Diocese of California.

"General Convention" means the General Convention of The Episcopal Church, as described in Article I, Section 1, of the Constitution of The Episcopal Church.

"Members" means those Clerics and Delegates to a Convention who are entitled, in accordance with Canon II or Canon III of the Canons of the Diocese, to a seat and vote at the Convention.

"Mission" means a congregation of the Diocese which has not been accepted as a Parish and is led by a Vicar under the direction of the Bishop.

"Parish" means a parish within the Diocese which has been admitted into union with the Convention pursuant to Article X of the Constitution of the Diocese.

"Presbyter" means a priest ordained under the Constitution and Canons of The Episcopal Church and Canonically Resident in the Diocese.

"Rules of Order" means the Rules of Order for the Convention of the Diocese of California, as described in Section 6.07 of Canon VI.

"Special Convention" means any Convention of the Diocese, other than the Annual Convention.

"Standing Committee" has the meaning set forth in Article VIII, Section 8.1, of the Constitution of the Diocese.

"Warden" means a person described in Canon XI, Section 11.21.