



CONSTITUTION &
CANONS
THE EPISCOPAL CHURCH
THE DIOCESE OF BETHLEHEM

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ARTICLE I

The Church in the Diocese of Bethlehem, being a constituent part of the Protestant Episcopal Church in the United States of America, accedes to, recognizes, and adopts the Constitution and Canons of that Church, and acknowledges its authority accordingly.

ARTICLE II

There shall be a stated Convention of the Church in this Diocese every year, convening on such day and at such place as the preceding Convention may have appointed; and if no appointment shall have been made, then the Bishop and the Standing Committee shall appoint the day and the place. The Bishop and the Standing Committee shall have the power to change the place and time of Convention.

ARTICLE III

The Bishop may call Special Conventions when he shall judge it conducive to the good of the Church; and he shall do so when requested by a vote of three-fourths of the Standing Committee. If the Episcopate be vacant, the Standing Committee shall have power to call a Special Convention; such call to be made by a circular letter to all the Clergy and Parishes, and issued not less than thirty days previous to the day appointed for the Convention, stating the special business for which the Convention is called.

ARTICLE IV

Every Convention shall be opened with Prayers, as directed by the Bishop, and at every Convention there shall be a celebration of the Holy Communion.

ARTICLE V

Section 1. The Convention shall be composed of Clergy and Lay Deputies.

Section 2. Every member of the Clergy canonically resident in the Diocese and actually engaged in Church work with the previous written sanction of the Ecclesiastical Authority shall be entitled to a seat and a vote in the Convention. Provided, that no member of the Clergy once entitled to a seat and a vote shall be deprived of them by reason of retirement, disability, sickness, or by fulfilling duties in an approved institution of learning, or as an officer or employee of the Executive Council of the Protestant Episcopal Church, or of the National Council of Churches, or by serving as a chaplain in the armed services or in the Veteran's Administration.

Section 3. The Lay members shall consist of the Secretary, Treasurer, and Chancellor of the Diocese, if they be lay members; and of one Lay Deputy from each Parish and Organized Mission in union with the Convention, with one additional Lay Deputy for each two hundred lay members or fraction thereof over one hundred in such Parish or Organized Mission as reported in the annual Parochial Report for the year ending December 31st preceding; the Laity in all cases, like the Clergy, voting as individuals; but no Parish or Organized Mission shall be entitled to representation in the Convention which: (a) for the space of two years shall not have employed member of the Clergy as

its Parish Minister or applied to the Bishop for the services of a Missionary; or, (b) shall have failed to pay the assessment laid upon it by the authorities of the Diocese on or before the first day of the annual Convention; or, (c) failed to provide an audit as required under the Canons.

Furthermore, with respect to any Parish or Organized Mission which shall have failed to pay the assessment laid upon it as herein before mentioned, in furtherance of Title I, Canon 7, Section 4 of the Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America (Rev. 1991), the Bishop may, in his discretion, suspend the jurisdiction of the vestry of the delinquent Parish or the Executive Committee of the delinquent Organized Mission until such time as said delinquency is satisfactorily resolved.

But any such Parish shall again be entitled to representation, if on its own application, accompanied by a report of its condition satisfactory on the points herein named, the Convention shall agree thereto, and this right shall take effect immediately upon the Convention so agreeing.

The term "lay member," as used in this Article V, and in Article VIII below, shall in every case mean baptized lay members of the Church in good standing.

ARTICLE VI

The Bishop shall preside in the Convention, but in case of absence or vacancy in the Episcopate, the Convention shall elect a President from among the Clergy.

ARTICLE VII

A Secretary, a Treasurer, a Chancellor, a Registrar, and a Historiographer shall be chosen at each annual Convention and shall remain in office until their successors be appointed and whose duties shall be defined by Canon.

ARTICLE VIII

There shall be a Standing Committee consisting of five clergy and five lay members, who when there is no Bishop, or when he is incapable of acting, shall perform such duties not peculiar to the Episcopate as are in the Constitution and Canons assigned to the Bishop. A member of the Standing Committee may be elected for a second consecutive term of five years but then shall not be eligible for further re-election as a member of the Committee before the annual Convention next following completion of that member's second consecutive term. At each annual Convention, one member of clergy and one lay member shall be elected for a term of five years.

The Standing Committee shall have the authority to fill all vacancies that may occur during the recess of the Convention, in their own body, and also such other offices as are held by election at the annual Convention. If the unexpired term is two years or less, the person so appointed shall fill the unexpired term. If the unexpired term is more than two years, then the Standing Committee shall appoint a person to serve until the next Convention, at which time the Convention shall fill the office.

In addition to the powers already vested in them, they shall also have authority to transact such executive business as may be brought before them during the recess of the Convention.

It shall be the duty of the Standing Committee to see that a report on the State of the Church in the Diocese of Bethlehem is on hand and kept up-to-date as part of the planning data of the Diocese.

ARTICLE IX

The Clergy and Lay Deputies in Convention shall deliberate in one body, and shall vote as such, except when it is required otherwise by five members. In such a case the Convention shall vote as two distinct Orders, and a majority of the votes of each Order taken separately shall be necessary to give validity to a measure. In all elections a vote by orders shall not be required except as provided in this Article.

Twenty members of the Clergy together with Lay Deputies from Twenty Parishes and Organized Missions, duly assembled in Convention, shall be a quorum, and on every question the votes of a majority of those present, or (when a vote by Orders is required) the votes of a majority of those present of the two Orders respectively shall decide.

In all elections, except the election of a Bishop, Convention shall vote as one body through the use of a marked ballot, voting machine or other mechanical or electronic devices. The mode of election shall be as provided by Canon. Any amendment to the elections Canon can only become effective at the Convention next succeeding the Convention in which the Canon is amended.

ARTICLE X

Section 1. To entitle a Parish or Congregation to admission into union with the Protestant Episcopal Church in this Diocese, it shall be required that the Vestry submit to the Convention their original Charter, or an authenticated copy thereof, if the Parish is already incorporated, or their proposed Articles of Incorporation if said Parish has not yet been incorporated; and it shall appear therein that such Parish accedes to the Constitution and Canons of this Diocese; and it shall appear further that the said Charter or said proposed Articles have been submitted to the Bishop and Standing Committee at least thirty days before the meeting of the Convention, and by them respectively approved; or if the approbation of either the Bishop or Standing Committee, or both, is withheld, he or they shall report to the Convention with the Charter or said proposed Articles, the reason of his or their disapprobation. But no deputation from any Parish shall be entitled to vote in the same Convention at which the Parish shall be admitted as a member unless such Parish was in union with the Convention as an Organized Mission. Promptly the Parish, if already incorporated, shall file any required Articles of Amendment, and, if not yet incorporated, shall file said proposed Articles of Incorporation in the appropriate Court. Similar procedure shall be followed with respect to any amendment of Charter.

Section 2. To entitle an Organized Mission to admission into union with the Protestant Episcopal Church In this Diocese, it shall be required that the Executive Committee submit to the Convention their original Articles of Association and application for organization, or a copy thereof, duly authenticated; and it shall appear therein that such Organized Mission accedes to the Constitution and Canons of this Diocese; and it shall appear further, that the said Articles and

application have been submitted to the Bishop and Standing Committee at least thirty days before the meeting of the Convention, and by them respectively approved, but no deputation from any Organized Mission shall be entitled to vote in the Convention at which it shall be admitted as a member. Similar procedure shall be followed with respect to any amendment to the Articles of Association of an Organized Mission.

ARTICLE XI

When a Bishop is to be elected, the election shall be at the regular Annual Convention or at a Special Convention duly called for that purpose. No person shall be declared elected unless he shall receive a majority of the votes cast in each Order voting separately at the same ballot; provided, that two-thirds of all the Clergy entitled to votes be present and two-thirds of all the Parishes entitled to votes be represented; otherwise a vote of two-thirds shall be necessary.

ARTICLE XII

This Constitution or any part thereof may be altered in the following manner only: The proposed alteration or amendment shall be submitted in writing to the Annual Convention, and if approved by a majority of each Order, shall lie over to the next Annual Convention, and if then approved by a majority of each Order, the Constitution shall stand altered or amended as proposed.

CANON I

Clergy Entitled to Seats

Within one week before the meeting of every Convention of this Diocese, the Bishop shall deliver to the Secretary a list of all the clergy canonically resident in the Diocese, entitled to seats in the Convention, with the names of their respective cures, parishes, stations, or places of residence. This list shall determine the right of any member of the Clergy to a seat, subject, however, to correction by the Convention in accordance with the Constitution and Canons.

CANON II

Lay Delegates

Each Parish and each Organized Mission may elect one Lay Delegate and one additional Lay Delegate for each two hundred lay members or fraction thereof over one hundred in such Parish or Organized Mission as reported in the annual Parochial Report for the year ending December 31 preceding, to represent said Parish and Organized Mission in Convention; and may also elect Alternates, equal in number to the Delegates to which the Parish or Organized Mission is entitled, to take the place of the regular Delegates in case of absence. The Lay Delegation shall report to the Vestry or Executive Committee the actions of each Convention and discuss how those actions will be implemented in the parish or Mission. The report of the lay delegation may be presented in writing, or orally, and shall be presented at a meeting of the Vestry or Executive Committee not more than sixty (60) days following the adjournment of the annual Diocesan Convention.

Each Parish or Organized Mission may elect its Lay Delegates at its annual congregational meeting, a special congregational meeting or by its Vestry or Executive Committee pursuant to its By-Laws.

The term "lay member" as used in this Canon II and subsequent canons of these canons shall in every case mean baptized lay member of the Church in good standing.

The appointment of Lay Delegates to the Convention shall be certified in writing by the Secretary or Clerk of the Vestry or Executive Committee of the proper Parish or Organized Mission; and the certificate shall state that the Delegates therein named was chosen from the number of those who have been, for not less than six months before the election, lay members in the Parish or Organized Mission to be represented. The certificate shall be forwarded to the Secretary of the Convention not later than four months prior to Convention. If during the year, and prior to Convention, there shall be any change in elected Lay Delegates, prompt notification shall be given.

In addition to the foregoing Lay Delegates, four (4) youth "lay members" shall be elected at large by the youth assembled at the annual Bishop's Day or other such youth event specified by the Bishop, who shall serve at the Diocesan Convention next ensuing and until their successors qualify.

The Bishop or the Missioner for Youth Ministries shall certify said elections in writing to the Secretary of the Convention within thirty (30) days thereafter.

CANON III The Call of the Convention

Not less than forty-five days notice of each meeting of the Convention shall be given by the Secretary to every member of the Clergy of the Diocese, and to every Parish in union with the Church in this Diocese.

CANON IV The Business of the Convention

First Day: Every Convention shall be opened with prayers as directed by the Bishop. After the Convention shall be called to order, the Secretary shall call the names of the Officers of the Diocese, and the Clerical and Lay Deputies claiming seats in the Convention. By the unanimous consent of the Convention, this roll call may be omitted both here and as elsewhere ordered, the attendance being determined by personal registration with the Secretary. The Bishop's Address shall be in order at any time during the Convention.

1. Election of a Secretary, who may appoint an Assistant Secretary.
2. Appointment by the President of Regular Committees as follows:
Each committee shall consist of four to eight persons; clergy canonically resident in the diocesan and lay members in good standing in this diocese; who shall continue in office until their successors are appointed. Appointments may be from one to three years with provision for annual rotation of a portion of the committee membership.
 - I. Claims of Clergy and Lay Deputies to Seats.
 - II. Charters and Admission of New Parishes and Missions.
 - III. Constitution and Canons.
 - IV. Unfinished Business.
 - V. Resolutions.
 - VI. Nominations.
3. Reference of business to committees.
4. Nominations to offices to be filled by the Convention.
5. Resolutions respecting only reference or facilitating business.
6. Elections shall be by a majority vote of the valid votes cast for each office. A majority of the valid votes cast for each office shall be computed by dividing the total number of votes cast by twice the number of offices or positions to be filled and adding one (1) vote. Each delegate shall have one vote on each ballot for each office or position to be filled.

If, upon the first ballot there is no majority cast for one or more of the offices to be filled, or if there is a tie existing among the candidates receiving a majority, a second ballot will be cast. The nominees on such ballot shall be the candidates receiving the highest number of votes on the preceding ballot, not to exceed twice the number of offices to be filled; except in the case of a tie vote in the last

place, in which event the candidates receiving the tie vote shall also be candidates on the succeeding ballot. Similarly ballots shall be cast until all the offices shall be filled.

When elections are for different terms of office, the nominee first elected shall be the one elected for the longest term; or if two or more are elected on the same ballot, the candidate receiving the highest number of votes shall be the one or ones elected. In the event of a tie, in such instances the determination shall be made by the drawing of lots.

Second and Succeeding Days

1. Reports of Regular Committees.
2. Reports of Special Committees.
3. Report of Elections.
4. Report of the Standing Committee.
5. Reports of the Treasurers of the various Funds.
6. Proposed alteration of the Constitution and Canons.
7. Unfinished Business.
8. Miscellaneous Business.

CANON V The Regular Committees

The regular Committees named in Canon IV, Section 2, may be appointed by the President at any time between meetings of the Convention. Their duties and responsibilities shall be as follows:

Section 1. The Committee on Claims of Clergy and Lay Deputies to Seats in the Convention shall receive from the Secretary any reports of disputed or uncertain claims to seats in the Convention. The Committee shall meet promptly and consider the matters laid before it, and recommend to the Convention such action, as it deems proper.

Section 2. The Committee on Charters and the Admission of New Parishes and Missions shall receive from the Secretary all documents pertaining to the adoption of or changes in the Charters of Parishes, or the Articles of Association of Missions. Its manner of procedure is described in Article X of the Constitution. But any deputation from any Parish or Mission, duly authorized by action of the Vestry or Council of Advice for this purpose shall be entitled to be heard by this Committee if it so requests, provided that its presence at the Convention is made known to the Committee by the end of the first Business Session of the Convention.

Section 3. The Committee on Constitution and Canons shall receive from the Secretary all proposed changes in the Constitution and Canons of the Diocese, and shall consider the same. It shall report said changes to the Convention with approval, with disapproval, with amendments, or without comment. In every case it shall take care that the material in its report shall be in proper canonical form. It may approve or disapprove the form or substance of a resolution, or either of them, according to its own judgement. The report of this Committee in both form and substance shall take precedence over the original resolution submitted to it.

Section 4. The Committee on Resolutions shall receive from the Secretary resolutions not referred by the President of the Convention to any other Committee. Such resolutions must always be presented in writing at least 60 days before the meeting of the Convention unless a majority consent is given by the Convention to a later presentation. The Committee shall consider them as to form, substance, and language, and shall report its recommendations to the Convention.

Section 5. The Committee on Unfinished Business shall receive from the Secretary a report of all business initiated in previous Convention, which is to come before the current Convention. Whenever it shall appear that matters which the Convention is bound to consider may be inadvertently omitted, it shall notify the President and the Secretary. It may always make recommendations for the furtherance of the business of the Convention.

Section 6. Not later than four months before each annual Convention the Nominating Committee shall notify all clergy canonically resident in the Diocese, and the Secretary or Clerk of every Parish and Organized Mission, of the offices to be filled by election at the Convention and request that names and addresses of candidates for such offices be nominated to the Committee. Each name shall be accompanied by a brief biography and a statement that the individual so nominated to the Committee has consented, and is willing to serve if elected. Not later than two months before the date set for Convention the Nominating Committee shall prepare a list of nominees who are in the consideration of the Committee well qualified for such offices. In determining nominees for Diocesan Council, the committee shall nominate persons who represent diverse geographical areas of the Diocese, taking into consideration the existing membership of Diocesan Council.

The list of nominees presented by the Committee to the Convention shall include the names of the Parishes or Organized Missions to which the respective nominees belong, and the number of terms, if any, during which each of them has held the office for which nominated. The Committee shall not later than 45 days in advance of the date set for Convention send a copy of the list of nominees to all clergy canonically resident in the Diocese and to the Secretary or Clerk of every Parish and Organized Mission.

Nominations from the floor of the Convention shall be accepted, provided that the person nominated has given prior approval and has agreed to serve if elected and provided further that a biography of the person of not less than twenty-five words nor more than one hundred is available at the time of nomination for distribution to each clerical and lay deputy to the Convention.

CANON VI On Non-Parochial Clergy

Section 1. A member of the clergy canonically resident in this diocese who desires to exercise a full-time ministry in a non-parochial capacity, or who desires to take secular employment without relinquishing the ministry, shall make that desire known to the Bishop or the Ecclesiastical Authority of the Diocese. The Bishop, with the advice and consent of the Standing Committee, after satisfying himself and them that the applicant will have appropriate opportunities for the exercise of such ministry, may give his approval, on the following conditions:

(a). The Minister shall report annually, in writing, his or her occasional services; or if there have been none, the causes or reasons which have prevented the same.

(b). The Minister shall, on his or her own initiative, appear in person before the Bishop semi-annually, in Easter-tide and in the season of Advent, at such times and places as may be mutually agreed upon.

Section 2. Any non-parochial minister, who for a period of two years does not comply with the above provisions, may be removed by the Bishop from the roll of clergy canonically resident in the Diocese and transferred to the Special List of the Secretary of the House of Bishops.

Section 3. Any non-parochial Minister removing from the Diocese to another jurisdiction, shall, before requesting Letters Dimissory, secure a statement in writing from the Bishop of such jurisdiction that he is willing to accept such Letters. If the said Bishop is unwilling to receive such a Minister as a member of the clergy of his Diocese, the said Minister shall so notify the Bishop of the Diocese of his or her canonical residence. It shall be competent for the said Bishop of the Diocese of canonical residence either to retain the Minister on the diocesan roll of clergy, or to transfer such minister to the Special List of the Secretary of the House of Bishops. If the Bishop chooses to retain canonical supervision of a Minister geographically removed from the Diocese, the provisions of Section 1 above may be modified as the circumstances may require.

CANON VII Reports of the Standing Committee

It shall be the duty of the Secretary of the Standing Committee to prepare a report of its proceedings from year to year, and present the same to the Convention at its annual meeting.

CANON VIII Parish Vestries

Section 1. The Vestry in every parish shall cooperate with the rector in promoting the spiritual welfare of the parish and shall aid the rector in the initiation, conduct and development of the program of the Church both within and without the parish.

Section 2. (a). The Vestry shall accept responsibility for the mission of the Church in the community, the diocese, the nation and the world; and shall be a means by which the General Church and the Diocese communicate with the parish.

(b). Each year before the second Friday in November the Vestry shall determine the parish's proportionate share in the financial support of the program of the General Church and the Diocese for the ensuing year, and shall inform the Bishop and Diocesan Council of the exact amount of this obligation.

Section 3. (a). The Vestry shall represent the parish in its relations with the rector.

(b). The Vestry shall serve as a Council of Advice for the rector upon request, or whenever In the judgment of both Wardens there are matters that should be brought to the attention of the rector.

Section 4. (a). When a parish becomes vacant, the Senior Warden shall notify the fact to the Bishop. The Vestry shall then make provision for the maintenance of divine services in the parish during the vacancy.

(b). It shall be the duty of a Vestry to elect a rector when there is a vacancy. But no election of a rector shall be had until the name of the priest whom it is proposed to elect has been made known, in writing, to the Bishop and the Bishop has acted thereon. The Bishop may approve, or disapprove, the election of the candidate proposed by the Vestry and shall within thirty days of the date of receipt by him of notice of the candidate's name advise the Vestry in writing of such approval or disapproval. If he shall disapprove the candidate, he shall state in writing the reasons for his disapproval. Failure of the Bishop either to approve or disapprove the candidate within such thirty-day period shall constitute approval of the candidate by him.

(c) A call to a priest in the event of a vacancy in a clerical position shall be made in the form of a written Letter of Agreement, which shall include all items required by the Bishop, including a clause that the Letter of Agreement may be revised by mutual agreement. The Letter of Agreement shall be submitted to the Bishop for approval.

Section 5. The Vestry shall encourage fit persons, under the inspiration of the Holy Spirit, to enter the ministry of the Church. The Vestry shall share with the Bishop and the Rector in the training and guidance of postulants and candidates of the parish in accordance with the Canons of the Church.

Section 6. (a). The Vestry shall be the agents and legal representatives of the parish in all matters concerning its corporate property, subject to the Canons of the Church and the appropriate laws of the Commonwealth of Pennsylvania.

(b). The Vestry shall supervise the care and maintenance of the buildings, furnishings and other properties of the parish, providing adequate insurance thereon.

(c). The Vestry shall be responsible for the proper care of the finances of the parish, including any trust funds, subject to the Canons of the Church and the appropriate laws of the Commonwealth of Pennsylvania.

(d). Each Vestry meeting shall be open to members of the congregation, except with respect to confidential personnel, legal or pastoral matters.

Section 7. When the jurisdiction of the Vestry of a delinquent Parish or the Executive Committee of a delinquent Organized Mission is suspended pursuant to Article 5, Section 3, of the Constitution of the Diocese of Bethlehem for failure to pay its assessment, during the time of suspension the duties of the Vestry or Executive Committee shall be conducted by such persons as the Bishop shall designate. If the suspension continues for two years, the Bishop, with the consent of the Standing Committee, may recommend to the Convention that the Parish or Organized Mission be no longer subject to this Church and its Constitution and Canons and its union with the Church and the Diocese shall be dissolved. Upon approval by a two-thirds vote by the Convention, the union with the Parish or Organized Mission shall be dissolved, and the Diocese shall take title to

all real and personal property of the Parish or Organized Mission and its subsidiaries and shall be the beneficiary of all trusts, estates, and endowments created for the benefit of the Parish or Organized Mission. The Bishop may, with the consent of the Standing Committee, reestablish the congregation as an Organized Mission, and appoint a Vicar and Executive Committee, which shall conduct the affairs of the Organized Mission in accordance with the Constitutions and Canons of this Church and Diocese.

CANON IX The Secretary

It shall be the duty of the Secretary to take minutes of the proceedings of all Conventions, to preserve the Journals and Records, to attest the public acts of the body, and faithfully to deliver into the hands of the successor all books and papers relative to the concerns of the Diocese, which may be in his or her possession. The Secretary shall cause one copy of every printed Journal to be certified, which shall be deposited as the official record of such Convention, and shall be preserved as such.

CANON X The Treasurer

The Treasurer shall be the treasurer and finance officer of the Diocese, the Diocesan Council, and the Incorporated Trustees of the Diocese of Bethlehem, and shall perform such duties as are usually and customarily incumbent on such offices. He or she shall keep such accounts, as may be required, which shall be audited annually, and make such periodic reports as may be deemed necessary. The Treasurer shall be required to give such security as may from time to time be required and prescribed.

CANON XI The Chancellor

The Chancellor shall be the legal adviser and chief law officer of the Bishop, the Diocese, the Diocesan Council, the Standing Committee, The Incorporated Trustees of the Diocese of Bethlehem, and all special committees appointed by the Convention, whenever they may require legal advice in questions affecting the interest of the Diocese.

CANON XII The Registrar and The Historiographer

Section 1. The Registrar shall keep in some suitable accessible place of deposit, subject to the direction of the Convention, a record of the consecrations of all the Bishops of this Diocese, and of the ordinations of all priests and deacons of this Diocese, in a suitable book, and the Registrar's certificate thereof shall be competent evidence of the fact of such consecrations and ordinations.

Section 2. The Historiographer shall be the custodian of all Journals of other dioceses and jurisdictions and of all files, papers, reports and documents that shall become the property of the Diocese and shall keep the same in some suitable, accessible place of deposit subject to the direction of the Convention.

CANON XIII

The Funds of the Diocese

Section 1. The Episcopal Endowment Fund. The Episcopal Endowment Fund shall consist of all monies and securities, which are held by the Incorporated Trustees in trusts with directions to credit the income therefrom on the Diocesan Assessments of certain designated Parishes and Missions for whose benefits the respective trusts are established.

Section 2. The Episcopal Diocesan Fund. The Episcopal Diocesan Fund shall consist of all other monies and securities which are not included in the Episcopal Endowment Fund but which are held by the Incorporated Trustees, in trust or otherwise, to use the principal or income therefrom to pay the expenses of the Episcopate, the Diocesan Convention, and such other purposes as are provided in the Canons.

CANON XIV

Business Methods in Church Affairs

Section 1. In every parish, mission, congregation or institution connected with the Diocese of Bethlehem, the following standard business methods shall be observed.

(a). Trust and permanent funds and all securities of whatsoever kind shall be deposited with a Federal or State Bank or an institution approved by the Securities Investor Protection Corporation (SIPC). Either a deed of trust or an agency agreement, providing for at least two signatures on any order of withdrawal of such funds or securities is required.

But this paragraph shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such small funds and securities shall be under the care of the persons or corporations properly responsible for them.

(b). Records shall be made and kept of all trust and permanent funds showing at least the following:

- (1). Source and date
- (2). Terms governing the use of principle and income.
- (3). To whom and how often reports of conditions are to be made.
- (4). How the funds are invested.

(c). Treasurers and custodians, other than banking institutions, shall be adequately bonded; except treasurers of funds that do not exceed five hundred dollars at any one time during the fiscal year.

(d). Books of account, including a double-entry general ledger and a balance sheet with assets and liabilities, shall be so kept using professional accounting software application as approved in writing by the Controller, so as to provide the basis for satisfactory accounting.

(e). All accounts shall be audited annually by a Certified or Independent Public Accountant, or by an audit committee of the parish following the guidelines in the Manual of Business Methods in Church Affairs as shall be permitted by the Diocesan Council. An audit committee from another parish may conduct the audit.

All reports of such audits, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or

proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Diocese not later than 30 days following the date of such report for review by the Finance Committee of Diocesan Council, and in no event, not later than September 1 of each year, covering the financial reports of the previous year. If a parish fails to provide an acceptable audit to the Diocese for two consecutive years, the clergy and lay delegates of that parish shall have seat and voice, but no vote, at the next Annual Convention of the Diocese, and at each succeeding Convention until such an acceptable audit is provided. In the event that an audit is not provided within thirty (30) days after notice from the Treasurer of the Diocese, the Diocese retains the authority to obtain an audit of the parish, mission or congregation by an independent certified of its choosing and the cost thereof shall be added to the next assessment of the parish, mission or congregation.

(f). All buildings and their contents shall be kept adequately insured.

(g). The Department of Finance of the Diocese may require copies of any or all accounts described in this section to be filed with it, and shall report annually to the Convention of the Diocese upon its administration of this Canon.

Section 2. No indebtedness shall be incurred by a Parish, Mission or Congregation without the approval of both the Bishop and Standing Committee, except:

(a). Indebtedness for permanent improvements, replacements or additions to real estate or equipment, where the amount of such indebtedness, plus indebtedness of every kind already existing, shall not exceed 150% of the average annual receipts of such Parish, Mission, or congregation during the past three years.

(b). Indebtedness for current expenses where the amount of such indebtedness, plus all indebtedness heretofore incurred for current expenses and still existing, shall not exceed 20% of the total current receipts of such Parish, Mission, or congregation during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the next ensuing fiscal year with reasonable expectation of its payment out of the receipts of next two years.

Provided that in computing receipts under paragraphs (a) and (1) hereof, amounts from or for endowments or from or by bequests, except income therefrom not specially designated, and receipts for expenditures other than parochial shall not be included; and provided further that under any circumstances under which approval is required, it shall be granted only when the payment of all indebtedness shall be provided for in a plan of amortization or other method of payment to be submitted to and approved by the same authority.

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

Section 3. A report of every parish and other congregation of the Church shall be prepared annually for the year ending December 31st preceding, upon the blank form adopted by the General Convention, and shall be sent no later than February 1st to the Bishop of the Diocese, or where there is no Bishop, to the Secretary of the Diocese. In every parish the preparation and delivery of this report shall be the joint duty of the Rector and Vestry, and in every other congregation, the duty of the Minister-In-Charge thereof. This report shall include the following information:

- (a). The number of baptisms, confirmations, marriages and burials during the year, the total number of baptized persons and communicants at the time of the report; and for all purposes the number of members of the Church shall be deemed to be the number of baptized persons;
- (b). A summary of all receipts and expenditures from whatever source derived and for whatever purpose used; and
- (c). A statement of the property held by the Parish, whether real or personal, with an appraisal of its value, together with a statement of the indebtedness of the Parish, if any, and of the amount of insurance carried.

Section 4. Real property held or administered by the Diocese of Bethlehem or by Institutions, Parishes or Congregations connected with it, shall be offered for sale, sold, or leased only on a non-discriminatory basis with respect to race, color, creed, or national origin, pursuant to the applicable laws of the Commonwealth of Pennsylvania and of the United States of America.

Section 5.

- (a). Each parish, mission or congregation shall hold an annual meeting, at which a report of its finances shall be given, including reports of all assets and liabilities and all income and expenditures of each parish, mission or congregation, including any subsidiary or related organization or entity, including (but not limited to) all trusts, endowments or other accounts.
- (b). A financial report shall be given at each regular meeting of the Vestry or Executive Committee, which shall include current income and expenditures. Following approval, the report shall be made available to members of the congregation by publicly posting or otherwise.

CANON XV The Diocesan Council

Section 1. Purpose of the Diocesan Council

- (a). The Diocesan Council shall be the executive agency of the Convention of the Diocese in the interim of meetings of the Convention, and shall be responsible to the Convention.
- (b). The Diocesan Council shall administer and advance the work of the Church in this Diocese, subject to the provisions of the Constitution and Canons of this Diocese.
- (c). As the executive agency of the Convention of the Diocese, the Diocesan Council may inaugurate, revise and enact policies that are not inconsistent with the Constitution and Canons of the Diocese.

Section 2. Membership of the Diocesan Council

- (a). The Bishop of the Diocese shall be, ex-officio, president of the Diocesan Council.
- (b). The Bishop Coadjutor, the Bishop Suffragan, the Assistant Bishop (if there be such), and the Treasurer, shall be, ex-officio members of the Diocesan Council.

(c). The Convention shall elect six persons, three clerical and three lay, to the Diocesan Council annually to serve for a term of three years. No one so elected shall be eligible for re-election after having served two consecutive terms until after the expiration of one year.

(d). The Bishop shall appoint a member of the Diocesan Council from among the Episcopal Churchwomen of the Diocese for a term of two years.

Section 3. The Duties of the Diocesan Council

(a). The Diocesan Council shall annually prepare and submit to the Convention for its consideration and approval a statement of diocesan strategy, together with programs and services to implement this strategy, including provision for those expenses formerly within the jurisdiction of the Committee for the Episcopate, setting these programs and services in an order of priority and including criteria and standards for evaluating same.

(b). The Diocesan Council shall prepare and submit annually to the Convention for its consideration and approval, subject to sub-section (c) herein, a proposed operating budget for all programs and services included in the proposed strategy, and the assessments and acceptances of the parishes and missions necessary to effect said strategy. The Council shall propose minimum salaries and cost of living increases for the grading system established by Convention.

This provision does not apply to positions filled by deacons, diocesan interns, lay readers or non-stipendiary clergy.

(c). At the first meeting of the Diocesan Council in each fiscal year, the aforementioned proposed operating budget shall be finalized and approved, in accordance with the strategy and priorities adopted by the Convention, which operating budget shall not be greater than the financial resources available for these purposes.

When unforeseen circumstances prevent Diocesan Council from convening in person, the budget may be finalized and approved via telephone conference call, mail ballot of the members or any other method chosen by Diocesan Council in accordance with its bylaws promulgated under subsection (f).

(d). Upon approval of the proposed operating budget by the Convention, notice shall be sent to the Rector or Vicar and Treasurer of each Parish and Mission of the assessment due and payable by the respective Parish or Mission, which shall be payable in monthly installments to the Treasurer of the Diocese commencing January of the fiscal year to which said budget is applicable.

Notice of the right of appeal from the amount of the assessment shall be printed in the notices sent to the Parishes and Missions. All requests for reduction or for exoneration shall be submitted to Diocesan Council, who shall act upon same in a timely fashion. At least one month before the close of the diocesan fiscal year and one month before any Special Convention, Diocesan Council shall notify all Parishes and Missions which may have failed to meet their assessments in full, stating the

amount still due, and shall add to the notice the clause in Article V of the Constitution, which bars representation in the Convention for certain financial delinquency.

(e). At the opening of each annual Convention, Diocesan Council shall present a written report stating in detail the fiscal condition of the Diocese, and a list of the Parishes and Missions which may have failed to pay their assessments, stating the amount still due from each.

(f). Diocesan Council shall have the power to devise and enact such bylaws for its own governance, as it deems suitable, not inconsistent with the Constitution and Canons of the Diocese.

Section 4. Programs, Services, Evaluation and Reports

(a). The Diocesan Council shall have the power to initiate and appoint such program units, service groups, committees and other agencies as are necessary to fulfill the diocesan strategy and policies.

(b). The Diocesan Council shall have continuing responsibility of evaluating the effectiveness of all programs, services and personnel.

(c). Program units, service groups, committees, agencies and personnel shall report regularly to the Diocesan Council in such ways as the Diocesan Council shall determine.

(d). The Diocesan Council shall annually report in full to the Convention.

CANON XVI Diocesan Staff

Section 1. An Archdeacon, who shall be called the Archdeacon of Bethlehem, may be appointed by the Bishop, with the advice and consent of the Diocesan Council, which appointment shall be confirmed by ballot at a regular meeting of the Council. The Archdeacon shall be in priest's orders and shall hold office until the tenure thereof be terminated, by the vote of the Bishop and the Diocesan Council, by resignation, or otherwise and during tenure in that office shall receive a stated salary and expenses, to be paid by the Treasurer of the Diocese. The Archdeacon shall be ex-officio a member of the Diocesan Council of the Diocese.

Section 2. (a). The Bishop may, with the advice and consent of the Diocesan Council create other diocesan staff positions. In each instance the Bishop shall provide the Diocesan Council with a full description of the proposed position and the functions to be performed by it.

(b). Wherever a diocesan staff position shall be so created or be vacant, the Bishop shall have the power of appointment to that position.

CANON XVII Commission on Ministry

Section 1. Membership.

(a). The Bishop shall ex-officio be a member of the Commission on Ministry. The Bishop Coadjutor, the Bishop Suffragan and the Assistant Bishop (if there be such) shall ex-officio be members of the Commission on Ministry.

(b). The Convention shall elect twelve (12) persons, six clerical and six lay, to the Commission on Ministry; one third in each order to be elected annually to serve for a term of three years. No one so elected shall be eligible for re-election after having served two consecutive terms until after the expiration of one year.

(c). The Bishop may annually appoint not more than two additional members for a term of three years, except for the initial appointments wherein the Bishop may appoint two persons for one year terms, two persons for two year terms and two persons for three year terms. Such appointments shall be confirmed by the Convention or by the Diocesan Council. Such appointments need not be of communicants of the Church.

Section 2. The duties of the Commission on Ministry shall be those prescribed in the Canons of the Episcopal Church; and such other duties relating to the ministry of this diocese as shall be assigned by the Bishop.

Section 3. The Commission on Ministry shall have the power to devise and enact by-laws for its own governance, not inconsistent with the Constitution and Canons of the diocese.

Section 4. The Commission on Ministry shall annually report in full to the Convention of the diocese.

CANON XVIII Organized Missions

Section 1. The power to establish an Organized Mission in any town or district is hereby vested in the Bishop of the Diocese. An Organized Mission is, for the purpose of this Canon, an incipient organization over which a Missionary may at any time be placed by the authority of the Bishop. But an Organized Mission shall not be established in any town or district until an application shall have been made by not less than ten adult persons, declaring their attachment to the Protestant Episcopal Church, and their purpose to sustain the services of said Church; they shall furthermore pledge the payment of a specified sum for the maintenance of the Vicar whom the Bishop shall appoint.

Section 2. All property of an Organized Mission shall be vested in The Incorporated Trustees of the Diocese, who shall hold the same for the benefit of said Mission, until such time as it shall be duly organized as a Parish, when the said property may be transferred to the Parish Corporation; provided that when a property is vested in a parent Parish it shall retain the same until the Mission be organized as a Parish and as such be admitted into union with the Convention.

Section 3. There shall be annually elected in every Organized Mission not less than four nor more than ten adult members who, with the Vicar, shall constitute the Executive Committee of the Mission, and whose duty it shall be to promote the temporal and spiritual interests of the Mission. The date of the election, the qualifications of an elector and the terms of office of the members of the Executive Committee shall be fixed by the By-laws of the Mission.

Section 4. The Vicar shall appoint from the Executive Committee a Warden, and the Executive Committee shall elect a Secretary and Treasurer. The Treasurer need not be a member of the Executive Committee.

Section 5. The Lay Deputies from the Organized Mission shall be chosen from among the members thereof in the manner provided in Canon II.

CANON XIX **DELETED**

CANON XX The Church Pension Fund

Section 1. It shall be the duty of this Diocese and of the Parishes, Missions and other ecclesiastical organizations therein, each through its treasurer or proper official, to inform the Church Pension Fund of all salaries and other compensation paid to members of the clergy; and of any changes in such salaries and other compensation, as they occur: and to pay promptly to the Church Pension Fund the pension assessments required thereon under the Canon of the General Convention.

Section 2. It shall be the duty of every member of the clergy canonically resident in this Diocese to inform the Church Pension Fund promptly of such facts as dates of birth, of ordination or reception, of marriage, births of children, deaths, and changes in cures or salaries, as may be necessary for its proper administration and to cooperate with the Church Pension Fund in other ways as may be necessary in order that the Fund may discharge its obligations.

CANON XXI Deputies to General Convention

At every annual meeting of the Convention held in the calendar year preceding a meeting of the General Convention, four clergy and four lay communicants shall be elected by ballot as deputies and four of each order shall be elected as alternates of this Diocese to the General Convention of the Episcopal Church. On the election of the four deputies in each order, the next four candidates receiving the highest number of votes shall be considered elected as alternates in the order of their votes.

In case any of those elected deputies shall decline such election or will be unable to attend, such individual shall forthwith inform the Ecclesiastical Authority of the Diocese and the said Ecclesiastical Authority shall thereupon appoint one of the alternates in the order of their election; if none of the alternates elected shall accept such appointment, the Ecclesiastical Authority may appoint a deputy of the same order as the deputy who resigned. The Diocesan Council shall make a reasonable allowance for the expenses of the deputies of the General Convention, to be paid out of the Episcopal Diocesan Fund.

CANON XXII The Incorporated Trustees

Section 1. There shall be a Pennsylvania non-profit corporation known and designated as The Incorporated Trustees of the Diocese of Bethlehem.

Section 2. The members of said The Incorporated Trustees of the Diocese of Bethlehem and its Board of Trustees shall be the Bishop, for the time, of the Diocese of Bethlehem, who shall be ex-officio chief executive officer thereof, the Bishop Coadjutor, the Bishop Suffragan and the Assistant Bishop (if there be such), the Chancellor of the Diocese, the Treasurer of the Diocese, and

nine lay persons of the Diocese of whom three shall be elected Trustees by the Diocesan Convention each year for a term of three years, and three members of the clergy of the Diocese of whom one shall be elected Trustee by the Diocesan Convention each year for a term of three years.

Section 3. The powers and duties of the said corporation shall be: to buy and sell, either in its own name or as trustee, real estate, securities and other investments, to receive, hold, administer, and properly dispose of all property, real and personal, which may be given, granted, conveyed, devised, bequeathed, or transferred to it, including but not limited to the Episcopal Endowment Fund and the Episcopal Diocesan Fund, either in its own name or in trust, for any religious, charitable or educational use of purpose connected with the Protestant Episcopal Church in said Diocese or any portion thereof, or for the aid, benefit, or advancement of any parish, congregation, or religious, charitable or educational association of Episcopalians in said Diocese.

Section 4. The said Board of Trustees shall have power to make such statutes, by-laws, rules and ordinances as may from time to time be deemed necessary or expedient for the government of said corporation; provided, always, that the said by-laws, rules and ordinances, or any of them be not repugnant to the constitution and laws of the United States, to the constitution and laws of the Commonwealth of Pennsylvania, to the constitution and canons of the Protestant Episcopal Church in the United States of America, and to the constitution and canons of the Diocese of Bethlehem.

CANON XXIII Failure to Perform Duties

If any officer of the Diocese shall in the judgment of the Bishop fail to perform the duties or function of the office to which elected for a period of three (3) consecutive calendar months, or if any elected member of any committee or other body of the Diocese shall be absent from three or more consecutive meetings of that committee or other body without reasonable excuse then the Standing Committee may, on the application of the Bishop or of the committee or body in question, declare, by a two-thirds vote of the entire committee, that his or her office is vacant.

CANON XXIV The Cathedral

Section 1. The Church of the Nativity in the City of Bethlehem is the Cathedral Church of the Bishop and the Diocesan Church of the Diocese of Bethlehem for the use of the clergy and laity of the Diocese, and it is also a House of Prayer for all people who may resort thereto for worship. The Cathedral is the official seat of the Bishop, and the center of Diocesan worship and work. It shall set an example of constant and well-ordered worship, of effective preaching, of missionary zeal, of religious education and Christian Social Service.

Section 2. The Rector of the Cathedral, when duly elected by the Parish and installed as such, shall be the Dean thereof.

Section 3. The title of the property of the Cathedral shall be held by the Rector, Church Wardens and Vestry thereof who shall, subject to these and the Canons of the National Church, administer said property, supervise and direct the activities of the Cathedral Church and exercise all the duties and functions entrusted to a parish church by those Canons.

Section 4. Assistant ministers on the staff of the Cathedral may, at the discretion of the Dean and with the consent of the Bishop, be designated as Canons of the Cathedral.

Section 5. The Cathedral shall be at the Bishop's disposal for special services, whereof due notice shall be given to the Dean. He shall take such part in religious services as is mutually agreed upon by the Bishop and the Dean, shall have the use of the pulpit of the Cathedral on giving due notice to the Dean and shall always have the privilege to celebrate the Holy Communion and to preach in the Cathedral on Easter Day and on Christmas in each year.

Section 6. (1). There shall be in the Diocese a Cathedral Chapter, which shall consist of:

(a). The Dean and Canons of the Cathedral.

(b). As many priests of the Diocese as there are Districts of the Diocese, one from each District, and a equal number of lay persons, one from each District to be appointed by the representative District Council, severally, each for a term of three years.

In the event any District fails to appoint either clerical or laypersons to the Chapter, such may be appointed by the Bishop upon recommendation of the Chapter.

(c). The Senior and Junior Wardens of the Vestry of the Cathedral.

(d). Two lay persons who shall be appointed, annually, at the time of Convention, by the Bishop with the approval of the Diocesan Council.

(2). The Chapter shall be responsible to the Bishop and to the Diocesan Council for development of that portion of the Cathedral Program which relates to the corporate life of the Diocese and shall be authorized to receive and administer funds allocated to it by the Diocesan Council, or otherwise inuring to it, solely in the development of the Cathedral program for Diocesan functions; the Chapter shall not have the right, except with the prior approval of Convention, to engage in any general appeal for funds. The Chapter may adopt its own by-laws not inconsistent with these Canons and elect a Secretary from among its members.

(3). The Dean shall be Head of the Chapter and shall preside at its meetings, except that if the Bishop shall be in attendance he shall preside during deliberations of the Chapter but shall not have any vote. Each member of the Chapter shall have equal vote without regard to orders.

(4). The Bishop or Bishops of Bethlehem shall be given due notice of all meetings of the Chapter and shall be entitled to attend and be heard in the deliberations of such meetings, and the Bishop of Bethlehem shall have the right to convene the Chapter in meeting at his call when it appears to him that it is necessary or advisable so to do.

(5). It shall be the responsibility of the Chapter to report, once in each calendar year at least one calendar month before the date set for the date of Convention in that year, to the Bishop and the Diocesan Council on its activities and proceedings during the year since its last such report. The Bishop may make call for that report and set the date for it.

CANON XXV

Ecumenical Congregations

Section 1. (a). When a priest of this Church is, by the direction, or with the consent, of the Ecclesiastical Authority of the Diocese, engaged in an ecumenical ministry within the jurisdiction of the said Ecclesiastical Authority, the Congregation served by such a Priest may be admitted to a special membership in the Convention of the Diocese, with seat, voice, and vote.

(b). Such membership shall not imply that the said Congregation is in communion with this Church.

(c). Such membership must be approved by formal action of the Diocesan Convention and have the consent of the Ecclesiastical Authority.

Section 2. An ecumenical congregation which is located within the jurisdiction of an Ecclesiastical Authority of the Diocese and which is not in communion with this Church, and is without the Ministry of a Priest of this Church, upon application to the said Ecclesiastical Authority, may be admitted to special membership in the Convention of the Diocese, with seat, voice, and vote, provided that such membership is approved by formal action of the Diocesan Convention and has the consent of the Ecclesiastical Authority.

CANON XXVI

Ecclesiastical Discipline

Section 1. **Title IV of General Canons.** Those provisions of Title IV of the General Canons, which are applicable to the Diocese, are hereby incorporated as part of this Canon. To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

Section 2. **Discipline Structure.**

Section 2.01. Disciplinary Board. The Board shall consist of seven persons, four of who are members of the Clergy and three of who are Laity. No member of the Standing Committee **or member of Diocesan Staff** shall serve as a member of the Disciplinary Board.

Section 2.02. Clergy Members. The Clergy members of the Board must be canonically and geographically resident within the Diocese.

Section 2.03. Lay Member. The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident in the Diocese,

Section 2.04. Election. The members of the Board shall be elected by the Convention. Each member shall be elected for a three (3) – year term; except, if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The term of the members shall commence on the first (1st) day of the year following election provided that, the terms of office of all members elected in 2010 shall commence on July 1, 2011. The terms of office of the Board shall be staggered and arranged into three classes, with the first class of membership first expiring on December 31, 2011, the second class on December 31, 2012, and the third class expiring December 31, 2013. Members of each class shall be selected by lot by the members within sixty (60) days following the 2010 Convention. No member shall be eligible for reelection for a year after the end of his or her second three (3) – year term. **However, there shall be no change in the**

composition of a Disciplinary Board as to a proceeding pending before it while that proceeding is unresolved except for just cause as determined by the Disciplinary Board.

Section 2.05. Vacancies. Vacancies on the Board shall be filled as follows:

(a) Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.

(b) The Bishop shall appoint a replacement Board member ~~in consultation with~~ **with the advice and consent of** Standing Committee.

(c) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.

(d) With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the term of any person selected as a replacement Board member shall be until the next annual Convention. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the elected Board member is not serving as a result of the challenge.

Section 2.06. Preserving Impartiality. In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subject of the challenge shall promptly consider the motion and determine by **clear and convincing evidence** whether the challenged Panel member shall be disqualified from participating in that proceeding.

Section 2.07. President. Within sixty (60) days following the annual Convention, the Board shall convene to elect a President to serve for the following calendar year.

Section 2.08. Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop in consultation with the Standing Committee who shall serve at the pleasure of the Bishop. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

Section 2.09. Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may, but need not, be a member of the Church.

Section 2.10. Church Attorney. Within sixty (60) days following each annual Convention, the Bishop in consultation with the Standing Committee shall appoint an attorney to serve as Church Attorney to serve for the following calendar year. The person so selected may, but need not, be a Member of the Church and shall be a duly licensed attorney, but need not reside within the Diocese.

Section 2.11. Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this Title. The Pastoral Response Coordinator may be an Intake Officer (provided that the Intake Officer has had no prior connection with the matter), but shall not be a person serving in any other appointed or elected capacity under this Title.

Section 2.12. Advisors. In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this canon or Title IV of the General Canons, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceedings.

Section 3. Clerk. The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

Section 4. Records.

Section 4.01. Records of Proceedings. Records of active proceedings before the Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.

Section 4.02. Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings under this Title at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

Explanation:

At the 2009 General Convention of the Episcopal Church a revised Title IV of the Canons of the Episcopal Church dealing with Ecclesiastical Discipline was enacted. As a result, the existing Canon XVI of the Diocesan Canons is obsolete. In addition, it is necessary under then new Title IV that each Diocese adopts certain enabling provisions in its canons.

CANON XXVII Amendments to the Canon Law

All proposals, other than proposals originating with the Committee on Constitution and Canons, to amend the Constitution or the Canons of the Diocese shall be referred without debate to the Committee on Constitution and Canons for consideration and report. No existing Canon shall be changed, and no new Canon shall be enacted on the day on which the change or the enactment may be proposed.

CANON XXVIII Parishes under Review

Section I Policy

It is the policy of the Diocese that all Parishes should be ‘Sustainable’. A Parish (including yoked parishes or a cluster of parishes) which is ‘Sustainable’ is defined as a Parish or parish ministry initiative that exhibits these characteristics –

1. It is mission-focused and able to come into alignment with Diocesan strategic priorities.
2. It is outward-looking and seeks to make an impact on its surrounding community.
3. It has clergy (full or part-time) and active lay leadership with the skills to manage the programs and property of the parish ministry to meet its own sense of mission.

4. It has the energy and resources to meet the challenges of the community it serves and to provide for the future well-being of parish life.
5. It relies mainly on the freewill offering of its members and its own resources for its core financial support.
6. It does not endanger its future well-being by depleting its capital assets.

Section 2

A Parish may be declared to be a Parish Under Review when one or more of the following conditions exist, as determined by the Bishop with the consent of the Standing Committee:

1. The Vestry or Rector of a Parish request the Bishop to declare it to be an Parish Under Review;
2. The Parish has violated the Constitution or Canons of the Diocese or the National Church, including for employing a member of the clergy under ecclesiastical censure or process, permitting a church edifice to be used for purposes incompatible with its consecration, or engaging in any persistent course inconsistent with the doctrine, discipline, or worship of the Church;
3. The Parish has refused or neglected to elect a Vestry, or failed to provide representation at any Annual Convention of this Diocese, or refused or neglected to pay its Diocesan Assessment;
4. The Parish has failed to call a Rector after a reasonable period of time and without having made reasonable efforts;
5. The Parish has failed to comply with the provisions of the Canons of this Diocese pertaining to Business Methods in Church Affairs or the Church Pension Fund;
6. The Parish has repeatedly invaded the principal portion of endowment funds for regular operating expenses, evidenced substantial financial instability, or otherwise is not 'Sustainable'.

Section 3

The Bishop shall appoint a Committee of three (3) persons who are not members of the Parish to investigate and seek to ameliorate the conditions, and to report to the Bishop. The Committee, with the Parish, may enlist the advice and assistance of Diocesan resources, including but not limited to the Standing Committee, Incorporated Trustees, Evangelism Committee, Stewardship Committee, Diocesan Council, Congregational Development Committee, and others. The Bishop shall have the right to have the books and records of the congregation audited.

Section 4

When a Parish is under Review, it shall be the obligation of all parties to labor to restore the Parish to a greater degree of health, setting forth problems to be addressed in an open, honest manner, and working toward the resolution of such problems in a climate of respect and charity, and for the greater good of the Church's witness to its Lord.

CANON XXIX Parishes at Risk

Section 1

If the conditions set forth in Section 2, CANON XXVIII ('Parishes Under Review') shall persist for more than one year, or if conditions warrant immediate action, the Bishop, with the consent of the Standing Committee and the Diocesan Council, may declare the Parish to be a Parish at risk, and may require the application of one or more of the following measures to restore health to the Parish:

1. Appointment, by the Bishop, of three (3) to five (5) persons, some or all of whom may be adult communicants of the Parish to govern the affairs of the Parish as the Vestry, replacing the current Vestry, notwithstanding any other provisions for such governance or the election of a Vestry in the Canons of this Diocese;
2. Designation of the Rector as Vicar;
3. Conveyance of title of all property to the Incorporated Trustees of the Diocese, who shall hold the same while these conditions exist;
4. Such other measures which the Bishop, with the concurrence of the Standing Committee, determines to be appropriate.

Section 2 Restoration to Canonical Status

1. At least yearly, the Bishop (together with such other persons or Committees as the Bishop may designate) and the Vestry will evaluate the progress toward correcting the conditions that led to the Parish being declared at risk.
2. When the conditions which have led to the decision to declare a Parish at risk have been substantially ameliorated, the Parish or the Bishop may petition for restoration of the Parish to regular canonical status.
3. The Standing Committee and the Bishop shall together decide to approve the restoration of the Parish to regular canonical status.

CANON XXX Closing of a Parish

Section 1

1. A Parish may voluntarily determine to close, if such action is:
 - a. approved by two-thirds (2/3) of the Vestry;
 - b. approved by a two-thirds (2/3) of the Members at a special or regular meeting;
 - c. approved by the Rector, if one is in place; and
 - d. approved by the Bishop.

Upon closing, title to all property thereof shall vest in the Incorporated Trustees of the Diocese.

2. Other than as set forth in Paragraph (1.) above, no Parish shall be closed except upon the affirmative vote of two-thirds (2/3) of the Members of any Convention of the Diocese.
3. Such vote shall be upon a special report of the Diocesan Council, which shall consider the issues and evidence of conditions warranting a declaration of dissolution. Such report shall contain a statement of the issues and evidence of conditions placed before the Committee.
4. Upon the affirmative vote of the Convention, such Parish shall be closed, and title to all property thereof shall vest in the Incorporated Trustees of the Diocese.