

CONSTITUTION AND CANONS
OF THE
DIOCESE OF WESTERN NEW YORK
AND
STANDING RULES OF ORDER
OF
CONVENTION

As amended October 2015

CONSTITUTION, CANONS AND
STANDING RULES OF ORDER
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LEGISLATIVE HISTORY

HISTORICAL NOTE

The Diocese of Western New York was formed in 1838 by division of the Diocese of New York and was organized November 1st of that year. At its primary Convention a committee of five persons was "appointed to ascertain and report such alterations in the Constitution and Canons as have become necessary to adapt them to the present circumstances of this Diocese." The Constitution and Canons referred to were those of the Diocese of New York which the new Diocese had, in a way, inherited. At the primary and next succeeding Conventions, amendments were adopted and the Committee continued with instructions to propose alterations to the Canons of the Annual Convention of 1840. The first Constitution of the Diocese of Western New York may be found as Appendix II of the Journal of 1839 and the first Constitution and Canons as Appendix II of the Journal of 1840.

After the division of the original Diocese of Western New York in 1869, which resulted in formation of the Diocese of Central New York, revision of the Constitution and Canons was referred to a committee. At the Convention of 1877, a constitution drafted by this committee was adopted as it appears in the Journal of that year beginning at page 41. It was not until some fourteen years after its inception, however, that the Committee, whose membership had by then changed considerably, proposed canons which, were adopted in 1884.

In 1903 another committee was appointed to report "such alterations and amendments in the Constitution and Canons of this Diocese as will bring them into harmony with the Constitution and Canons of the General Convention." The Committee reported to the Annual Conventions of 1904 and 1905, and the Constitution and Canons as amended were ordered printed in the Journal of 1905 where they appear, beginning at page 143. In 1907 and 1908 the Committee made lengthy reports to the Convention of those years. Many amendments were adopted. The 1908 edition of the Constitution and Canons was followed by that of 1916. In 1920 reorganization of the Diocese was achieved by the adoption of canons providing for an Executive Council and its various departments. Subsequent editions of the Constitution and Canons of the Diocese of Western New York were ordered by the Conventions of 1921, 1926, 1941, 1951, 1961 (The "1963 Edition"), 1977 and 1988.

1988 EDITION

The Committee on Constitution and Canons, charged with the task of a revision to provide "uniform standards of form, usage and terminology appropriate to the times," presented its preliminary report to the 1987 Convention. The work was continued and completed at the 1988 Convention.

The Committee, under the Chairmanship of Mortimer A. Sullivan, Jr., Esq., dedicated this work as a memorial to the Reverend Canon David S. Greenwood (1924-1989) who served the Church, the Diocese and the Committee (as its Secretary) with devout caring and affection.

MORE RECENT CHANGES

The following is a quick reference guide to more recent changes. (The guide is not intended to be authoritative; refer to the appropriate Annual Journals to obtain the legislative history.)

CONSTITUTION: see 1987 and 1988. Also: Article V: Section 1 (4): the word "Presbyters" was substituted for the words "members of the Clergy"--1989 and 1988. Section 2 (1): added the words "or her"--1989 and 1988. Replaced the term "presbyter" with the term "priest" throughout--1995 and 1996. Article III, Section 3 added Subsection 6 to provide Secretary of Convention with vote--1995 and 1996. Article II Section 2 delete the words "for urgent cause" and replace the word advice with the word consent - 2003. Article III.3(3) delete "except in cases recommended by the Diocesan Council and approved by the Convention" and replace it with "Diocesan Council may make recommendations of exceptions to these provisions, but the Convention shall have final say regarding who may or may not be seated at Convention" - 2005 and 2006. Article I: amended to use the same language as the national constitution, grammar corrections - 2006-2007. Article III: amended to bring about consistency to our Constitution, grammar corrections - 2006-2007. Article V: change "regular communicant" to read "communicant in good standing" - 2006-2007. Article VII: amended for consistency, harmonize language with §2 of Article IV - 2006-2007. Article III: amended to bring clarity, accountability and objectivity to the process of seating Lay Members of Convention - 2011. Article VII: changed "priests" to "clerics." - 2013.

CANONS: see 1988. All Canons: the word "priest" substituted for the word "presbyter,"-- 1995. Canon 4: "confirmed adult" added--1992. Canon 5: Section 1: change in method of selection of deputies to provincial synod--1998, 1996. Section 2: "confirmed adult" added to qualifications of lay deputies--1992. Canon 6: Section 8, regarding Belize Mission Fund, added--1992. Canon 9: several changes--1989: Section 1: name change to "Episcopal Community Services of Western New York, Inc." from "Episcopal Charities"--1992; Section 4: "priest" changed to "member of the clergy" in qualifications for archdeacon. --1997. Canon 12: "adult confirmed" added to

qualifications for election as warden of a mission in Section 6, Subsection 7(a)--1992. Canon 13: several changes-- 1989. Canon 15: several changes--1992. Canon 17: repealed--1992. Canon 18: present canon adopted--1995 (former Canon 18, see 1992.) Canon 19: new canon adopted--1997. Canon 19: revised - 2000. Canon 13 Section 3 (1), 9 (7), 9 (8) - Section 3 (1) replace "February" with "March", replace "Secretary of Convention" with "Ecclesiastical Authority of the Diocese"; Section 9 (7) replace "September 1" with "October 1"; Section 9 (8) add "A report of such coverage shall be submitted on or before October 1 of each year by the Rector and Vestry of every parish or the Vicar and Warden of every mission." - 2003. Canon 9: revised - 2004. Canon 14, Section 2, paragraph 1: "Current expenses shall not include the recommended fair share contribution guidelines." Added. - 2004. Revision of Canons: see Journal 2005. Canon 18: Caps number of consecutive years a person may serve; grants new Court members standing on new filings; urges Court to review its canonical procedures annually - 2007. Canon 4: addition of a fourth paragraph - 2008. Canon 13 Section 9.10: delete current 13.9.10 and replace with section on historic preservation designations. Canon 18: revision to be in line changes in National Canons - 2010. Canon 9 Section 2.1-2: To restructure Diocesan Council, allowing for direct election of nine members - 2015.

STANDING RULES OF ORDER: New Rules adopted--1989. Article 1: name change to "Episcopal Community Services of Western New York, Inc.," from "Episcopal Charities"--1992. Article X: name change to "Episcopal Community Services of Western New York, Inc.," from "Episcopal Charities"--1992. Article XI: the last sentence of Section E (relating to seconding speeches) repealed; former Section F re-lettered as G; new Section F (relating to seconding speeches) adopted--1993. Article X: amended to add General Convention Deputies to the list of those having all privileges of Convention with the exception of the vote and added privileges of the floor and voice to one youth from each Deanery, who has been duly authorized by the Youth Commission - 2000. Article II: amended to incorporate a detailed explanation of the duties and function of the Resolution Committee and the requirements in submitting a resolution - 2001. Article XII: deleted the members of Diocesan Council elected by Convention; added the descriptive word "valid" before ballots; added "for each particular position at" such election and deleted the word "as"; and "for each particular position" shall be declared elected - 2005. Article XIE: to make the speech time allotted the same for both written nominations and nominations from the floor - 2010. Article I.14.b: changed "Ecclesiastical Court" to "Disciplinary Board" - 2012. Article VII: amended to allow 10 minutes for the budget presentation - 2012. Article II: replaced sections a-b with sections a-h to amend how and when resolutions are submitted and the neutral role of the Resolutions Committee; re-letter sections c-e as i-k. - 2013. Article XI: change the due date of nominations. - 2013.

Amendments after 2007 will be appended in chronological order of adoption, to the 2007 Edition.

BISHOPS
WHO HAVE HAD JURISDICTION
OVER THE EPISCOPAL CHURCH
IN WESTERN NEW YORK

Bishops of the Undivided Diocese of New York 1787-1838

The Right Reverend Samuel Provoost
First Bishop of New York 1787-1801

The Right Reverend Benjamin Moore
Second Bishop of New York 1801-1816

The Right Reverend John Henry Hobart
Third Bishop of New York 1816-1830
(Assistant Bishop 1811-1816)

The Right Reverend Benjamin Tredwell Onderdonk
Fourth Bishop of New York 1830-1845

Bishops of the Diocese of Western New York

The Right Reverend William Heathcote DeLancey
First Bishop of Western New York 1839-1865

The Right Reverend Arthur Cleveland Coxe
Second Bishop of Western New York 1865-1896
(Assistant Bishop January 5 - April 5, 1865)

The Right Reverend William David Walker
Third Bishop of Western New York 1896-1917

The Right Reverend Charles Henry Brent
Fourth Bishop of Western New York 1918-1929

The Right Reverend David Lincoln Ferris
Fifth Bishop of Western New York 1929-1931
(Suffragan Bishop 1920-1924-----Bishop Coadjutor 1924-1929)
[First Bishop of Rochester 1931-1938]

The Right Reverend Cameron Josiah Davis
Sixth Bishop of Western New York 1931-1947
(Bishop Coadjutor 1930-1931)

The Right Reverend Lauriston Livingston Scaife
Seventh Bishop of Western New York 1948-1970

The Right Reverend Harold Barrett Robinson
Eighth Bishop of Western New York 1970-1987
(Bishop Coadjutor 1968-1970)

The Right Reverend David Charles Bowman
Ninth Bishop of Western New York 1987-1998
(Bishop Coadjutor 1986-87)

The Right Reverend J. Michael Garrison
Tenth Bishop of Western New York 1999-2011

The Right Reverend R. William Franklin
Eleventh Bishop of Western New York 2011-

CONSTITUTION
OF THE DIOCESE OF WESTERN NEW YORK

as Amended and in Force
October 26, 1996

ARTICLE I

Acknowledgments

§1. Constitution and Canons. The Church in the Diocese of Western New York accedes to and acknowledges the authority of the Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church, as adopted in General Convention.

§2. Ecclesiastical Authority. Subject to the Constitution and Canons for the Government of The Episcopal Church, the Bishop of Western New York by virtue of the Office is the Ecclesiastical Authority having jurisdiction as Ordinary.

ARTICLE II

Convention

§1. Annual Convention.

(1) Time and Place. There shall be a Convention of the clergy and laity, in the Diocese of Western New York, according to provisions herein after made, which shall convene annually on the last Friday in October; provided, however, that if such Friday be the 31st day of that month, the Convention of that year shall convene the 24th day of October. The Convention shall be held in such place as shall be appointed by the Bishop or by the Ecclesiastical Authority for the time being.

(2) Change of Time and Place. The Bishop, or the Ecclesiastical Authority for the time being, shall have power to change the place of meeting of the Annual Convention after its first appointment; and the Bishop, or the Ecclesiastical Authority for the time being, may with the consent of the Diocesan Council, change the time of meeting of any Annual Convention.

§2. Special Conventions. The Bishop or the Ecclesiastical Authority for the time being, shall have power to convene special conventions of the Diocese. The purpose or purposes for which a special convention is convened shall be stated in the summons for such Convention and no business foreign to such purposes stated in such summons shall be in order at any special convention, except by a vote of two-thirds of each Order entitled to representation in the Convention.

ARTICLE III

Convention Members

The Convention shall consist of clergy and laity as follows, viz.:

§1. Bishops. The Bishop, the Bishop Coadjutor if there be one, the Bishop Suffragan or Bishops Suffragan, if there be such.

§2. Clergy. Each cleric canonically resident in this Diocese for at least six weeks and not under discipline.

§3. Lay Members.

(1) Members from Parishes. Each parish received into union with the Convention shall be entitled to one or more lay members of the Convention, not exceeding three in number, and an equal number of alternates who have been duly chosen by the Vestry or Congregation of the Parish; only baptized persons qualified to vote for members of the Vestry being eligible. An alternate from a parish shall only become a member of the Convention to take the place of a duly chosen member not in attendance.

(2) Members from Missions. Each organized mission, approved as such by a vote of the Convention, shall be entitled to one or more lay members of the Convention, not exceeding three in number, and an equal number of alternates, who have been duly chosen by the Advisory Council or Congregation of the Mission; only baptized persons qualified to vote for officers of the mission being eligible. An alternate from a mission shall only become a member of the Convention to take the place of a duly chosen member not in attendance.

(3) Qualifications of Lay Voters. No such lay member shall be qualified for a membership in the Convention unless he or she be a member of the Congregation he or she represents, nor until the pledge of his or her parish or mission for the support of the Episcopate, diocesan expenses and Program of the Diocese has been fully paid, nor until the reports of his or her parish or mission required by the Canons of The Episcopal Church and of this Diocese shall have been made. Diocesan Council may make recommendations of exceptions to these provisions, but the Convention shall have final say regarding who may or may not be qualified for membership in the Convention; provided, no exception shall be made for lay members of a Congregation that has failed to pay its pledge or submit its required reports for two consecutive years through and including the Convention year.

(4) The Chancellor. The Chancellor of the Diocese shall be, ex officio, entitled to all the rights and privileges of a member of the Convention when not a member chosen by a parish or mission.

(5) The Treasurer. The Treasurer of the Diocese shall be, ex officio, entitled to all the rights and privileges of a member of the Convention when not a member chosen by a parish or mission.

(6) The Secretary. The Secretary of the Diocese shall be, ex officio, entitled to all the rights and privileges of a member of the Convention when not a member chosen by a parish or mission.

ARTICLE IV

Presiding Officer of Convention

§1. The Bishop. The Bishop of the Diocese shall be the Presiding Officer of the Diocesan Convention. If the Bishop of the Diocese be absent the Bishop Coadjutor shall preside. If both the Bishop and the Bishop Coadjutor be absent, the Bishop Suffragan shall preside. If all three of the foregoing officers of the Diocese be absent the Convention shall elect the Presiding Officer who shall be a priest of the Diocese.

§2. In Absence of Bishop. If the Bishop of the Diocese, the Bishop Coadjutor or the Bishop Suffragan be from any cause incompetent, such incompetency being duly certified to the Convention by the Standing Committee, the Presiding Officer shall be chosen in the manner prescribed in the case of absence in Section 1 of this Article.

§3. Majority Vote to Elect. The election of a Presiding Officer for the Convention shall be by a majority of the votes cast.

ARTICLE V

Secretary, Treasurer, Chancellor and Registrar

§1. The Secretary.

(1) A Secretary of the Diocese, who shall also act as Secretary of Convention, shall be chosen at each Annual Convention to serve until the next Annual Convention and until a successor is chosen.

(2) In case of a vacancy arising, the Bishop or the Ecclesiastical Authority for the time being shall, with the advice of the Diocesan Council, appoint a Secretary of the Diocese to act until the Annual Convention shall have elected a Secretary.

(3) The Convention may, upon the nomination of the Secretary, elect Assistant Secretaries for the Convention.

(4) In all cases the Secretary of the Diocese and the Assistant Secretaries for the Convention shall be either members of the Clergy canonically resident in this Diocese, or confirmed communicants in good standing of a parish or mission in union with the Convention.

§2. The Treasurer.

(1) The Diocesan Council shall elect upon nomination of the Bishop, a Treasurer of the Diocese who shall hold office until his or her successor is elected. The Treasurer may be removed from office at any time by the Diocesan Council acting by and with the consent of the Bishop.

(2) In case a vacancy occurs in the office of Treasurer, the Diocesan Council, with the advice of the Bishop, shall fill the vacancy by appointment.

(3) If need arises, the Diocesan Council may appoint one or more Assistant Treasurers.

(4) In all cases the Treasurer and Assistant Treasurers shall be confirmed communicants in good standing of a parish or mission in union with the Convention.

§3. The Chancellor. The Bishop shall, from time to time appoint, and may at pleasure remove, a person skilled in ecclesiastical law and the laws of the land, to be the Chancellor of the Diocese. The Chancellor shall in all cases be a confirmed communicant in good standing of a parish or mission in union with the Convention.

§4. The Registrar. The Bishop shall, from time to time, appoint, and may at pleasure remove, a priest of the Diocese to be the Registrar of the Diocese.

ARTICLE VI

Voting in the Convention

§1. Determination of Questions. Members of the Convention shall deliberate in one body. Except as otherwise provided herein, every question shall be determined by a majority vote of the Members voting as individuals.

§2. Vote by Orders. At the request of five members, voting shall be by orders. In voting by orders, the Clergy and Lay Members shall vote separately and a concurrent majority of both orders shall be necessary for the adoption of any motion.

§3. Election of Bishops. In the election of any bishop for this Diocese, the vote shall be by orders as provided by Section 2 of this Article, and a concurrent majority of both orders shall be necessary for an election.

ARTICLE VII

The Standing Committee

§1. Number, How Chosen, Vacancies.

(1) There shall be a Standing Committee of the Diocese consisting of four clerics canonically resident in this Diocese and four confirmed lay persons who are communicants in good standing of a parish or mission in union with the Convention. At no time shall there be more than one member of the Committee from any one parish or mission. One cleric and one lay person shall be elected annually for a term of four years each to replace members whose terms expire. No member whose term expires and who has served the previous four years shall be eligible for election until the expiration of one convention year.

(2) In the event of a vacancy between Annual Conventions, the Standing Committee by majority vote shall elect a qualified person to serve until the next Annual Convention; and the Convention shall elect a qualified person to serve for the remainder of the unexpired term.

(3) The Standing Committee shall meet of its own accord and agreeably to its own rules which shall not be inconsistent with the Constitution and Canons of The Episcopal Church or those of this Diocese.

§2. Council of Advice. The Standing Committee shall be the Council of Advice for the Bishop of the Diocese.

ARTICLE VIII

Amendments

§1. Procedure. This Constitution may be amended only in the following manner: The proposed amendment shall be presented in writing to the Convention, and if approved by a majority of both orders, voting separately, it shall be presented to the following Annual Convention, when if adopted by a majority of both orders, voting separately, and assented to by the Bishop as herein after provided, it shall become a part of this Constitution.

§2. Assent by the Bishop.

(1) Within twenty-four hours after the adoption of any amendment to the Constitution, the Bishop shall give or refuse assent thereto and shall communicate to the Convention in writing the reasons for refusal to assent. If the Convention by its adjournment prevents delivery of the Bishop's refusal of assent and the reasons therefor, they may be delivered to the next Annual Convention on the first day thereof with the same effect as if delivered to the Convention at which such amendment was adopted.

(2) If the Bishop shall refuse assent, an amendment shall become a part of this Constitution, notwithstanding, if it be again adopted by a two-thirds vote of both orders voting separately.

CANONS
OF THE DIOCESE OF WESTERN NEW YORK
as Amended and in Force
October 27, 1995

CANON 1

The Clergy List

§1. The Bishop to Maintain. The Bishop shall cause to be maintained a list of all clergy canonically resident in the Diocese. The date each cleric most recently became canonically resident, his or her ecclesiastical title or other status and legal residence shall be indicated. If a cleric be under discipline, that fact shall be noted. The Clergy List shall be recorded by the Secretary in a book to be kept for that purpose, and printed annually in the Journal of the Convention.

§2. Canonical Certificates Recorded. The Bishop shall give notice in writing to the Secretary of each cleric elected or appointed to any cure or office in the Diocese. All such notices shall be duly recorded by the Secretary.

§3. Death, Removal, etc. The Bishop shall indicate to the Secretary, who shall make a copy thereof, the name of every cleric of the Diocese deceased, transferred, deposed, suspended or otherwise disqualified during the year preceding the Annual Convention.

§4. Duty of Clergy. Every cleric who shall be transferred into this Diocese by Letters Dimissory or who shall remove into this Diocese with intent to be so transferred shall forthwith transmit to the Bishop a signed statement setting forth the date and place of his or her birth; when, where and by whom he or she was ordained; the times and places of previous pastoral and missionary labor with such other details of personal and official record as such cleric may think proper.

CANON 2

The Diocesan Convention

§1. Clerical Members of the Convention

(1) List of Clerical Members.

Not less than one week before each annual convention, the Bishop shall cause to be prepared, a list of clerical members of the Convention. Such list, authenticated by the Bishop, shall be laid before the Convention, on the first day of its session, for correction of any errors or omissions.

(2) How Determined.

The right of any cleric to be a member of the Convention shall be determined by the Convention in accordance with the Constitution and Canons; and the Clergy List shall be presumptive evidence of the right to membership of those named thereon.

(3) Expenses of Clergy.

Each parish or mission shall make provision for the expenses of its clergy in attending the Convention.

§2. Lay Members of the Convention.

(1) Evidence of Election of Lay Members.

The evidence of the election of a lay member or alternate member of the Convention shall be a written certificate signed by the Rector or Vicar, or by the Warden or by the Clerk of the Vestry or Advisory Council who was present at the election of such member or alternate member; which certificate shall be sent to the Secretary at least thirty days before the meeting of the Convention.

(2) How Determined.

The right of any person, duly qualified as above, to be a lay member or alternate member of the Convention, in cases of doubt or dispute, shall be determined by the Convention itself.

(3) Expenses of Laity.

Each parish or mission shall assist with the expense of its laity in attending the Convention.

§3. Attendance at Convention.

The regular attendance of the Clergy and Laity at Convention being of essential consequence to the interests of the Church, this duty is hereby enjoined upon them.

§4. Notice of Meeting of Convention.

The Bishop or Ecclesiastical Authority for the time being shall cause to be given at least two months notice in writing of the meeting of the Convention to every cleric of the Diocese and to the Clerk of the Vestry or Advisory Council of every parish or mission in union with the Convention of which the cure thereof is vacant.

§5. Quorum.

The attendance of at least twenty members of the Clergy who are regularly officiating and in charge of some church, chapel, or mission under the Ecclesiastical Authority of this Diocese and who are entitled to membership in the Convention and of one or more lay members from at least twenty parishes or missions entitled to representation shall be requisite for the transaction of business; but a smaller number may adjourn from day to day, or to some other day within three calendar months.

§6. Conduct of Convention.

(1) President Pro Tem.

If the Bishop or the Bishop Coadjutor be not present at the appointed time and place of the Convention, the Secretary shall call to order the members present and shall preside until a presiding officer be elected by the Convention.

(2) Clerical Members to Report.

It shall be the duty of each clerical member of the Convention to report, immediately upon arrival, to the person or persons designated by the Secretary. The Secretary shall announce the number of names on the Clergy List of those who are entitled to seats who have reported themselves present.

(3) Lay Members to Report.

It shall be the duty of each lay member attending the Convention to report, immediately upon arrival, to the person or persons designated by the Secretary. The Secretary shall announce the number of churches entitled to representation whose lay members have reported themselves present and whose certificates have been received and are in due form.

Irregular and defective certificates, and certificates and documents referring to contested seats, shall be immediately reported to a committee appointed by the Presiding Officer.

(4) Absence. No member of the Convention shall leave the same during its session without having applied for and received leave of absence.

§7. Rules for the Conduct of Convention. Robert's Rules of Order shall govern the Convention in all cases in which they are not inconsistent with the Constitution and Canons of the General Convention, those of this Diocese or the Standing Rules of Order of the Convention.

CANON 3

Duties of Officers

§1. The Secretary.

(1) Of Convention. It shall be the duty of the Secretary to record and attest the proceedings and acts of the Convention and to perform such other duties as the Convention shall prescribe.

(2) Records. The Secretary shall maintain, preserve and safely hold all journals, books and papers belonging to the Diocese.

(3) To Transmit and Secure Journals. It shall be the duty of the Secretary to transmit annually to the Secretary of the General Convention and to the Secretary of every Diocesan Convention or Council requesting it, a copy of the Journal of the Convention. As it may be possible to do so, the Secretary shall secure from Diocesan Conventions or Councils in this Province, copies of their Journals.

(4) To Certify to Clergy List and Delegates. The Secretary shall also transmit to every General Convention, in addition to documents prescribed by Canons of the General Convention, a certificate of the due election or appointment of Clerical and Lay Deputies.

(5) To Prepare Diocesan Reports. The Secretary, with such aid as may be required, shall prepare the Reports of the Diocese prescribed by Canons of the General Convention.

§2. The Treasurer.

It shall be the duty of the Treasurer to receive and disburse monies collected under the authority of the Convention, and other contributions for Church objects, except as may be otherwise provided by the Convention. The Treasurer shall report annually to the Convention the amounts so received and disbursed and shall render to each Annual Convention an exhibit of all accounts, which shall have been audited by a certified public accountant.

§3. The Chancellor.

(1) To Advise. The Chancellor shall at all times afford to the Bishop, upon request, confidential or public advice on legal or canonical matters; and shall, on request of the Convention, Diocesan Council, Trustees, or Standing Committee, give to them any similar counsel desired.

(2) To Attend Consecration of Bishop. At the consecration of any Bishop to serve within this Diocese, the Chancellor shall be present, either in person or by deputy, and shall make a record of such consecration, which record the Chancellor shall authenticate by hand and seal with the subscription of witnesses and place the same on file among the Archives of the Diocese.

(3) Other Duties. The Chancellor may be charged with such other duties as may be required by the Bishop, by vote of the Convention, or by Canon.

§4. The Registrar.

(1) Journals, files, papers, reports and other documents which, under the Canons or otherwise, may become the property of this Convention, may be committed to the keeping of the Registrar of the Diocese of Western New York.

(2) It shall be the duty of the Registrar to procure all such journals, files, papers, reports, copies of charters and acts of incorporation of churches, and other documents, as may be of value in the history of this Diocese; to arrange, label, file, index and otherwise put in order, and provide for the safe-keeping of the same, and all such others as may hereafter come into the Registrar's possession, in some safe and accessible place of deposit, and to hold the same under such regulations and restrictions as the Convention may from time to time provide.

(3) The Registrar shall also preserve in a proper Registry Book a record of the consecration of the successive Bishops of this Diocese, designating accurately the time and place of the same, with the names of the chief Consecrator, and of the Bishops canonically present and assisting; to record a list of all the priests and deacons of this Diocese, and the dates of their connection therewith, and copies of the charters and acts of incorporation of churches in the same, with such additional records as may be worthy of safe-keeping in the Archives of the Diocese.

CANON 4

Deputies to The General Convention

§1. Number and How Selected. At the Annual Convention of this Diocese convened at least twelve months before each regular meeting of the General Convention, four members of the Clergy and four lay persons shall be elected Deputies and four members of the Clergy and four lay persons shall be elected Provisional Deputies to the General Convention according to the Standing Rules of Order governing such election.

§2. Qualifications. The Clerical Deputies and Provisional Deputies shall be members of the Clergy canonically resident in the Diocese. Lay Deputies and Provisional Deputies shall be confirmed adult communicants of this Church, in good standing in the Diocese but not necessarily domiciled in the Diocese.

§3. Duties of the Deputies and of the Bishop. Every person elected as a Deputy to the General Convention shall, at least one month before the meeting thereof, notify the Bishop in writing whether he or she intends to attend the General Convention. The Bishop shall fill by appointment from Provisional Deputies, members of the Clergy and lay persons as the case may be, in the order of their respective standing on the report of balloting, any vacancy occurring by declination, removal from the Diocese, or failure to attend for any other reason.

§4. Vacancies in Deputation. Any vacancy in the deputation described in this canon caused by death, resignation, or inability of any Deputy or Provisional Deputy may be filled by election at an Annual Convention of this Diocese. If, at the time of General Convention, there is any such vacancy in the representation of this Diocese, it shall be filled by appointment by the Ecclesiastical Authority of the Diocese. During such periods as shall be stated in the certificate issued to such person by the appointing power, the Provisional Deputy so appointed shall possess and shall be entitled to

exercise the power and authority of the Deputy in place of whom he or she shall have been designated.

CANON 5

Deputies to The Provincial Synod

§1. Number and How Selected. The four members of the clergy and four lay persons elected in the most recent election for Deputies to the General Convention shall be the appointed Deputies to the Provincial Synod. The four members of the clergy and four lay persons elected in the most recent election for Provisional Deputies to General Convention shall be the appointed Provisional Deputies to Provincial Synod.

§2. Duties of Deputies and of the Bishop. The Bishop shall notify every person appointed by this canon of the date of any meeting of Provincial Synod. Every person appointed by this canon as Deputy to Provincial Synod shall notify the Bishop in writing at least one month before the Provincial Synod whether he or she intends to attend the Synod. The Bishop shall fill by appointment from Provisional Deputies, members of the Clergy and lay persons as the case may be, in order of their respective standing on the report of balloting, any vacancy occurring by declination, removal from the Diocese, or failure to attend for any other reason.

CANON 6

Trustees of The Diocese of Western New York

§1. Board of Trustees. In conformity with the Certificate of Incorporation of The Protestant Episcopal Diocese of Western New York, executed April 11, 1922 (as amended February 8, 1965), the Trustees of the Diocese shall be composed of the following: the Bishop; the Bishop Coadjutor, if there be one; the Bishop Suffragan or Bishops Suffragan, if there be such and six others, two of whom shall be elected annually by the Convention for terms of three years each and until their successors shall be chosen.

§2. Elected Trustees. The Elected Trustees shall consist of two members of the Clergy of the Diocese and four lay persons, each of whom shall be an adult confirmed communicant in good standing of a parish or mission in this Diocese.

§3. Management. All funds and property of the Diocese held for investment shall be entrusted to the Trustees of the Diocese of Western New York. Such funds and property shall be invested, reinvested and managed in such manner as the Trustees or a majority thereof shall determine in accordance with law, including, without limitation, the Religious Corporations Law of the State of New York.

§4. Report to Diocesan Convention. An audited statement showing the condition of the funds and property, together with a statement of receipts and disbursements of the Trustees, shall be reported to the Convention at every Annual Meeting thereof.

§5. Disbursements. The interest or income of the funds shall be transmitted at least annually by the Trustees to the Treasurer of the Diocese.

§6. Vacancies. Should a vacancy occur between meetings of the Annual Convention as a result of any cause other than expiration of a term, the vacancy shall be filled by the Trustees as provided by the Certificate of Incorporation.

§7. Service on Standing Committee. No one elected to the Standing Committee of this Diocese shall, during the term of his or her election thereto, serve as a Trustee of the Diocese of Western New York.

§8. The Belize Mission Fund. The Trustees shall administer the Belize Mission Fund in accordance with the terms of the written trust and in accordance with the terms in Objective II, Section 2 of the Venture in Mission Program as adopted by the 142nd Annual Convention of this Diocese.

CANON 7

Budget, Program and Finance

§1. Fiscal Year. The fiscal year of the Diocese shall begin January 1st.

§2. Formulation of the Budget.

(1) The Diocesan Council shall submit to each Annual Convention its proposed Operating Budget of the Diocese for the ensuing year. The proposed Budget shall provide for the support of the Episcopate, the expenses and Program of the Diocese and support of the expenses and Program of The Episcopal Church.

(2) Not later than December 31 in each year, the Vestry or Advisory Council of each parish and mission in the Diocese shall report to the Bishop and Diocesan Council the amount of its commitment to the support of the Diocese for the ensuing year, which commitment shall be paid to the Treasurer of the Diocese either in monthly installments or other such periods that Diocesan Council may authorize during the fiscal year.

(3) The Diocesan Council, at its January meeting each year, shall make such adjustments to the budget adopted by the prior Annual Convention as are necessary in order to bring the total amount of disbursements into balance with the actual income anticipated after receipt of commitments from the Parishes and Missions.

§3. Expenditure of Funds. No monies shall be expended from Diocesan funds without approval of the Diocesan Council or the Trustees.

§4. Indebtedness. No indebtedness shall be incurred in the name of the Diocese without the approval of the Diocesan Council or the Trustees nor until the Treasurer or the Trustees have determined that sufficient funds are or will be available for the repayment of such indebtedness.

§5. Compliance of Organizations. Any society or agency, institution, program or group desiring to receive appropriation from Diocesan funds, must comply with such regulations as are or may be prescribed by the Diocesan Council, subject to review by the Diocesan Convention.

§6. Reports from Parishes and Missions. The Diocesan Council may require that such financial reports and statements as it may deem necessary be provided by any parish or mission and it shall be the duty of each parish and mission to furnish any such reports and statements when and in whatever form requested.

§7. Business Methods.

(1) Treasurers and all other persons handling Diocesan funds shall be adequately bonded in such forms and amounts as the Diocesan Council shall prescribe.

(2) All property belonging to the Diocese shall be adequately insured against fire (including extended coverage) and against public liability damage claims, in such forms and amounts as the Trustees of the Diocese shall prescribe.

CANON 8

The Church Pension Fund

§1. Adoption of the System. In conformity with the resolutions adopted by the General Convention of 1913 setting forth the principles upon which a pension system for the Clergy of the Church and their dependents should be constructed, pursuant to which the corporation, the Church Pension Fund, has been created to carry these principles into effect, the Diocese of Western New York adopts the system of the Church Pension Fund.

§2. Assessments for Clerical Diocesan Officers. It shall be the duty of the Diocesan Council to authorize the Treasurer of the Diocese to pay to the Church Pension Fund the assessments payable on behalf of the Bishop of the Diocese and also of the Bishop Coadjutor and the Bishop Suffragan or Bishops Suffragan, if there be such, and other Clerical officers of the Diocese as well as all members of the Clergy receiving stipends from the Council.

CANON 9

Diocesan Administration

§1. Diocesan Administration. Subject at all times to the authority and policies of the Diocesan Convention, the Bishop and the Diocesan Council, established as hereinafter provided, shall exercise all the powers of the Convention between the meetings thereof, in the development and prosecution of such work as may be committed to them by the Convention and for the initiation and development of such new work in the accomplishment of mission priorities set forth by Diocesan Convention.

§2. Diocesan Council.

(1) The Diocesan Council shall be composed of the following:

(a) The Bishop of Western New York; the Bishop Coadjutor if there be one; the Bishop Suffragan or Bishops Suffragan if there be such; the President of the Standing Committee if there be no Bishop Diocesan.

(b) Six (6) Lay Members and three (3) Clerical Members, of which two Lay Members and one Clerical Member will be elected by Diocesan Convention each year for a term of three (3) years. No person elected under this paragraph may serve more than two (2) consecutive elected terms.

(c) To ensure diversity and that all voices, especially those of the youth, are heard by Diocesan Council the Bishop may appoint up to three additional members to the Council for a term of one (1) year. Each person appointed must be at least 16 years of age, baptized, and a member of a parish or mission in this Diocese. No person will be appointed for more than two (2) consecutive years.

(2) Eligibility, Elections, Vacancies.

(a) Except for appointed Lay Members under the age of 21, each Lay Member of the Diocesan Council shall be an adult confirmed communicant in good standing of a parish or mission of the Diocese of Western New York, and shall be familiar with the administration and finances of the congregation of which he or she is a member. Each Clerical Member shall be canonically resident in this Diocese.

(b) The term of office of members of Diocesan Council shall commence the first day of November of the year of election, and end on the 31st day of October of the year in which the term expires.

(c) In the event of death, disability, or resignation of a member of Council, the Bishop will appoint a member to serve until the subsequent Diocesan Convention, at which time a replacement will be elected. The Secretaries of the Diocese and Diocesan Council shall be notified of the appointment.

(d) The Diocesan Convention at which this canon is adopted ("Adopting Convention") will elect nine (9) members for staggered terms: three (3) for 3 year terms (2 lay; 1 cleric), three (3) for 2 year terms (2 lay; 1 cleric), and three (3) for 1 year terms (2 lay; 1 cleric). In determining placement, those with the most votes will be elected to the three-year terms, those with the second most votes will be elected to the two-year terms, and so forth. Those serving on Diocesan Council immediately prior to the Adopting Convention are all eligible to seek election to Diocesan Council at the Adopting Convention, and, if elected, to serve up to two consecutive terms as directed in Canon 9.2(1)(b).

(3) Bishop as Chair. The Bishop shall chair the Diocesan Council.

(4) Vice-Chair and Secretary. The Diocesan Council shall elect annually, by majority vote, at its first meeting following the first of November, one of its members to be Vice-Chair. It shall also elect, by majority vote, a secretary, who need not be a member of Diocesan Council.

(5) Departments, Commissions, and Committees.

(a) The Diocesan Council from time to time may establish or dissolve with the concurrence of the Bishop, such departments, commissions and committees as it may deem necessary or appropriate in addition to any prescribed by Canon 15 or the Canons of General Convention to manage the business affairs and prosecute programs of the Diocese and shall determine the scope of the work of each.

(b) Diocesan Council, at its first meeting following the Annual Convention, shall elect, upon nomination of the Bishop, the members of whatever departments and commissions it establishes. Appointments to all committees established pursuant to this Canon shall be made, upon approval of the Bishop, by the commission responsible.

(c) The Bishop shall be, *ex officio*, a member of all departments, commissions and committees.

(6) Disbursements. The Diocesan Council shall have charge of the disbursements of all monies received by the Treasurer for the operating budget of the Diocese.

(7) Financial Secretary. The Diocesan Council, upon nomination by the Bishop, may appoint a financial secretary to carry out such duties as shall be assigned from time to time, at a salary to be fixed by the Diocesan Council.

(8) By-Laws, Policies and Rules. The Diocesan council and all departments, commissions and committees created by the Council may adopt and amend by-laws, policies and rules, for their own governance, consistent with the Canons of the General Convention and those of this Diocese. A copy of all by-laws, policies and rules so adopted and amended shall be delivered promptly to the Registrar, who shall maintain and preserve the same and make such publication or distribution thereof as may be directed by the Bishop or the Diocesan Council.

(9) Accountability. The Diocesan Council shall be accountable to the Diocesan Convention and shall render a full report concerning the work with which it has been charged to each annual meeting of that Convention.

§3. Deaneries.

(1) To best promote its work, the Diocese of Western New York shall be divided into deaneries. Subject to approval of Convention, the Diocesan Council may change the boundaries, names or number of deaneries, the congregations designated as being within each deanery and determine the biennial years for election of Members therefrom. Any such change shall become effective on the first day of the month following the Convention which approves it.

(2) Deanery Councils. Every deanery shall have a deanery council composed of each member of the Clergy canonically resident in the deanery, the deanery Lay Member of Diocesan Council and the lay delegates from each parish or mission to Diocesan Convention. Each deanery council shall meet at least twice per year. One meeting shall be prior to the Annual Convention to review the Convention Agenda. In years in which the terms expire of the current Members of Diocesan Council from that deanery, the Deanery Council shall elect new Members to Diocesan Council. The Deanery Council may also consider at such meeting, or at additional meetings during the year, any other matters of common concern to the parishes and missions of that deanery.

(3) Deans and Their Powers and Duties. The Bishop shall appoint, and at discretion may replace, as dean of each deanery, a priest canonically resident in the deanery he or she is to serve. A dean, as representative of the Bishop, shall exercise such administrative authority in relation to the clergy, parishes and missions of the deanery as may be delegated by the Bishop. The deans also shall foster community among the parishes and missions of their deaneries, their deanery councils, and Diocesan Council.

(4) Deanery Meetings. Every dean shall, at least twice in each year, summon to a deanery chapter every cleric canonically resident or licensed to any office within the Deanery.

CANON 10

The Admission of Congregations Organized Outside this Communion

§1. Application. A congregation organized outside this communion desiring admission into union with The Episcopal Church in this Diocese as represented in Convention shall, upon resolution of its vestry or other governing body on a date subsequent to that of its incorporation, submit to the Diocesan Convention an application for admission as a congregation in union with the Convention. The

application shall be in writing and accompanied with a resolution adopted by the vestry or other governing body that such congregation agrees to abide by and conform to the Constitution and Canons of the General Convention and those of this Diocese. The application and resolution shall each be certified by the secretary of the corporation and exhibit the seal thereof. There shall also be included with the application a certified copy of the certificate of incorporation as filed according to the laws of the State of New York. The application and other documents submitted shall be kept on file in the Archives of the Diocese.

§2. Certificate of Person in Charge. Satisfactory testimony, by certificate of the cleric, warden, or other person in authority to execute it, shall be given that not less than twenty-five persons of legal age, members of such congregation, have regularly attended Divine Service in such congregation during the twelve months preceding such application.

§3. Certificate of the Bishop. There shall also be submitted to the Diocesan Convention a certificate of the Bishop that such congregation is duly and satisfactorily established and that there has been received satisfactory evidence that it will be able to meet its current operating expenses, pay regularly a rector's salary (adequate in the opinion of the Bishop) and the pension assessment thereon as well as the canonical obligations for the support of the Episcopate and the expenses and Program of the Diocese.

CANON 11

Establishment of New Places of Worship

§1. Only with Consent of Bishop. No new church or chapel shall be established, or new congregation or church school gathered, nor shall the site of any existing church, chapel, or church school be changed, without the consent of the Bishop.

§2. Hearing and Notice thereof.

(1) Whenever in the judgment of the Bishop and the Diocesan Council, it appears to be advisable to prosecute the work of the Church in a newly defined area, the Bishop shall cause a hearing to be held before the Bishop and the Diocesan Council. Written notice of such hearing shall be given to each cleric having charge and the wardens of the three churches or chapels whose places of worship are nearest to the site of the proposed new work at least twenty days prior to the date of such hearing, inviting them to show cause, if any they have, why such new work should not be undertaken.

(2) Notice may also be given by the Bishop to the cleric having charge and warden(s) of any congregation whose interests the Bishop may consider likely to be affected should the proposed new work be undertaken.

(3) If any proposed new work involves the changing of the site of any existing church, chapel, or church school notice of the hearing shall also be sent to the cleric having charge and warden(s) of the congregation involved.

(4) If in any case a congregation be without a cleric having charge thereof, notice to the Warden(s) shall be sufficient.

§3. Bishop's Decision. As soon as may be practicable after the hearing and upon consultation with the Diocesan Council, the Bishop shall either give or refuse consent to the establishment of the proposed new work. New work established under this Canon shall be reported by the Bishop to the next Annual Convention.

CANON 12

Of Missions

§1. Application to the Bishop.

(1) Form. Any Congregation established under the provisions of Canon 11 desirous of becoming an organized mission of the Church in this Diocese shall make application to the Bishop in the following form:

To the Right Reverend the Bishop of Western New York:

We, the subscribers, being baptized persons, respectfully request that we be duly organized as a mission under the authority and direction of the Bishop of Western New York,
to be known as _____ Mission in _____

And we do hereby promise conformity to the Constitution and Canons, Doctrine, Discipline and Worship of The Protestant Episcopal Church in the United States of America, the Constitution and Canons of the Diocese of Western New York and to such rules and regulations as may, from time to time, be adopted by the Diocesan Council of the Diocese, relative to missions in the Diocese.

We further pledge the sum of \$..... to the support of the Vicar for the first year, and \$..... for the support of the Episcopate and for the expenses and the Program of the Diocese for the first year.

(2) Majority to sign. This application shall be signed by a majority of the baptized adults who are members of the Mission Congregation.

(3) Bishop to Act. If consent to the organization of a mission be granted, the Bishop shall fix the date for its annual election and appoint a warden and not more than nine advisory council members to serve until the first annual election.

(4) Bishop to Report to Convention. Organization of any mission pursuant to this Canon shall be reported by the Bishop to the next Annual Convention of the Diocese which may declare by vote its approval thereof.

§2. Title to Property. Title to any real or personal property given to or purchased by a mission for church purposes shall be vested in The Protestant Episcopal Diocese of Western New York, to be held by it until such time as the congregation of such mission becomes a duly incorporated parish or longer, if the parishioners shall so elect.

§3. Control and Responsibility of Missions.

(1) Worship and Spiritual Jurisdiction. The Bishop shall appoint a cleric who, subject to the authority of the Bishop, shall control the worship and spiritual jurisdiction of the mission; such cleric to be styled the Vicar.

(2) Appointment of Lay Assistants. The Vicar shall appoint, and may remove, the Sexton, Organist, Sunday School Superintendent and such other assistants as deemed appropriate. All such appointments and any removal shall be subject to approval of the Bishop. If there be no Vicar, nominations shall be made to the Bishop by the Advisory Council.

(3) Use of Mission Property. Subject to the authority of the Bishop, the Vicar shall at all times be entitled to the use and control of the church and mission buildings with the appurtenances and furniture thereof for the purposes of his or her office and for the full and free discharge of all functions and duties pertaining thereto.

§4. Reports.

(1) To Bishop. The Vicar, or if there be none, the Warden or Clerk, shall report annually to the Bishop, in whatever form and manner prescribed, upon the state of the Mission.

(2) To Diocesan Council. The Vicar, or if there be none, the Warden or Clerk, shall report to the Diocesan Council upon the condition of the Mission at such times as the Diocesan Council may require.

§5. The Advisory Council.

(1) Composition. For every Mission there shall be an Advisory Council composed of the Vicar, if there be one, the Warden, and Advisory Council members in the number elsewhere prescribed in these Canons. The Advisory Council shall elect from its membership, or from the membership of the Mission, a Clerk and a Treasurer at the first meeting following each annual election.

(2) Meetings. The Advisory Council shall meet monthly except in the months of July and August. At least three days notice in writing shall be given of every regular and special meeting by the Council Chair. The Vicar, if there be one, shall be Chair of the Advisory Council. If there be no vicar, the Bishop shall appoint a chair *pro tempore*. Unless the Bishop or the Bishop's representative (being a priest) be present, the Vicar shall preside at all meetings of the Advisory Council.

(3) Lay Officers. The Warden, Clerk, and Treasurer of a mission shall have like duties to the similar officers of a parish except such as apply only to an incorporated body.

(4) Duties of the Advisory Council. It shall be the duty of the Advisory Council to:

(a) Institute a stewardship program for pledges for the support of the Mission;

(b) Prepare an annual budget for the Mission, using the items of the annual Parochial Report as a guide;

(c) Provide for an annual audit of all accounts;

(d) Conduct an annual inspection of the Mission property in order that it may at all times be maintained in a proper state of repair;

- (e) Give immediate notice to the Bishop of any serious damage to the property;
- (f) Give the fullest effect possible to all recommendations of the Bishop and Diocesan Council for the successful prosecution of the work of the Mission;
- (g) Prepare and transmit to the Bishop for approval, not less than one month prior to the Annual Meeting and Election, the Agenda of business to be brought before the meeting.

§6. Annual Meeting and Election.

- (1) Purpose. Every mission shall hold an annual meeting for the purpose of electing, subject to confirmation by the Bishop, a warden and such members of the Advisory Council as are necessary to fill expiring and unexpired terms and for the transaction of such business as may properly be brought before it.
- (2) Date. The Annual Meeting shall be held on a day determined by the Advisory Council with the approval of the Bishop.
- (3) Special Meetings. Special meetings may be called by the Bishop or, with the Bishop's approval, by the Bishop's representative (being a priest). With the Bishop's approval, such meetings may also be called by the Vicar or the Advisory Council.
- (4) Notice of Meeting. Notice of the annual election or other meeting shall be read by the Vicar during each Divine Service conducted on the two Sundays next preceding such meeting. If the person officiating at any such service be other than the Vicar, that person or the Warden shall read the Notice prescribed herein. Should the Mission's usual place of worship not be open for Divine Service, the Notice shall be posted conspicuously on the outside of the principal entrance door thereof for two weeks next preceding the election or other such meeting. A copy of the Notice, together with a statement of how and when communicated, shall be delivered to the Bishop prior to the meeting date.
- (5) Content of Notice. The Notice prescribed by this Canon shall state the date, location and time of the meeting and the purpose or purposes for which it is being held. No matter or question not specified in the Notice shall be acted upon at such meeting.

(6) Presiding Officer. The Presiding Officer shall be the Bishop, if present, the Bishop's representative (being a priest), the Vicar or such other priest as the Bishop may appoint. The Presiding officer shall judge voter qualifications, receive the votes cast and declare the result of any election. Proceedings of each meeting shall be recorded in a book kept for that purpose, signed by the Presiding Officer and offered to as many of the qualified voters as deemed fit, to be signed by them also.

(7) Qualifications of Officers and Voters.

(a) No person other than one who is eighteen years of age or more, qualified to vote and an adult confirmed communicant of this Church shall be eligible for election to be the Warden of a mission; nor shall any one other than one who is baptized and qualified to vote be eligible for election as a member of the Advisory Council or as Clerk or Treasurer.

(b) Only persons eighteen years of age or more belonging to the Mission who have been regular attendants at its worship and contributors to its support for at least twelve months prior to such election or other meeting, or since the establishment of the Mission, shall be qualified to vote at any such election or other meeting.

(8) Voting. All matters coming before any meeting shall be decided by a majority of those qualified to vote thereon. The polls of an election shall continue open one hour for the purpose of receiving the first ballot; provided, however, that in the discretion of the Presiding Officer or if required by a majority of the qualified voters present and voting, the polls may remain open longer. In case for any office no candidate has received a majority vote, the polls may remain open for the purpose of subsequent balloting until the several officers have been elected regardless of the number of ballots required for that purpose.

(9) Term of Office. The term of office of Warden shall be one year. The term of office for Advisory Council member shall be three years in the manner herein described. The total number of Advisory Council members, determined by the Bishop, shall be three or a multiple thereof not exceeding nine. At the Annual Election there shall be chosen, subject to confirmation by the Bishop, one-third of the total number required, to serve for terms of one year; one-third of the total number required, to serve for terms of two years; and one-third of the total number required, to serve for terms of three years. Thereafter one-third of the total number of Advisory Council members shall be chosen annually for full terms of

three years. Vacancies occurring during the year shall be filled by the Bishop on nomination of the Advisory Council until the next annual election at which time the vacancy shall be filled for the remainder of the unexpired term. Each officer shall hold office after the expiration of his or her term until a successor is elected.

§7. Change of Status.

(1) Incorporation as Parish. An organized mission may qualify to incorporate as a parish and be admitted as such when the Diocesan Convention gives consent. Missions desiring the consent of Convention for incorporation as a parish shall present the following in a timely manner to the Secretary of Convention in compliance with any Standing Rules of the Convention for New Business:

(a) A written application requesting admission as a parish in union with the Diocesan Convention accompanied by a resolution adopted by the Advisory Council that such congregation agrees to abide by and conform to the Constitution and Canons of The Episcopal Church and those of this Diocese

(b) A certificate of the Bishop that the following conditions have been met:

1. There is a sufficient number of persons who are members of the Mission, eligible to vote at a meeting thereof and who possess the qualifications prescribed by this Canon for election as wardens and members of a vestry; and,
2. There has been provided a suitable building in which Divine Service may be held; and,
3. That the congregation is satisfactorily established and satisfactory evidence has been received that the proposed parish will be able to meet its current operating expenses, pay regularly a rector's salary, adequate in the opinion of the Bishop, and the pension assessment thereon together with its canonical obligations for the support of the Episcopate and the Program of the Diocese.

(2) Conversion to Mission Status. An incorporated parish, upon resolution of its vestry, may make application to the Bishop that the Parish Congregation be accepted as a mission. Such application shall include an offer by the Parish to transfer all its real and personal property to The Protestant Episcopal Diocese of Western New York. If acceptance of its application is granted, the Parish shall transfer its property accordingly

and dissolve its corporation in accordance with the Law of the State of New York. From the date of its acceptance as a mission, the Congregation shall be subject to all provisions of the Constitution and Canons of this Diocese and those of the General Convention pertaining thereto.

§8. Withdrawal and Dissolution. The failure of the people of a mission to fulfill their agreements or any of them, shall warrant the Bishop withdrawing the Vicar and, with the consent of the Diocesan Convention, dissolving the organization.

CANON 13

Parish and Mission Administration

§1. Parish Meetings.

(1) Wardens and members of the Vestry. Wardens and members of the Vestry shall be elected by ballot from persons qualified to vote, but no person of less than twenty-one years of age or not a confirmed adult communicant shall be eligible for election as warden and no unbaptized person or one of less than twenty-one years of age shall be eligible for election as a member of a vestry. Persons of the age of eighteen years or more having like qualifications shall be eligible for election as wardens and members of a vestry in any parish whenever that parish shall so determine in the manner provided by Article 3 of the New York Religious Corporations Law.

(2) Qualification to Vote. Persons twenty-one years of age or more belonging to the parish who have been baptized and regular attendants at its worship and contributors to its support for at least twelve months shall be qualified voters; and also persons of less than twenty-one years of age but of the age of eighteen years or more having the like qualifications may vote in any parish, whenever that parish shall so determine in the manner provided by Article 3 of the New York Religious Corporations Law.

NOTE: The organization of a parish and of the vestry, annual elections and parish meetings, etc., are subject to the provisions of Article 3 of the Religious Corporations Law of the State of New York.

§2. Parish and Mission Register.

(1) Contents. Every cleric and minister of this Diocese shall keep a register of baptisms, confirmations, communicants, marriages and burials, and of the families and individuals within his or her cure.

(2) Facts Recorded. The Register so to be kept shall specify, upon signature of the officiating cleric or minister:

(a) The name, place and date of birth of each person who has received Holy Baptism, with the names of each such person's parents and sponsors or witnesses;

(b) The name, place and date of birth of each person confirmed (including those who receive the canonical equivalents of Confirmation as defined in Canon I.17.1 of the Canons of the General Convention) and of each person received into this Church with the name of the officiating Bishop;

(c) The names of all communicants within the Cure including any who are inactive or whose domicile is unknown;

(d) The names and residences of the persons married and those of their witnesses;

(e) The names, ages and residences of the persons buried;

(f) The names of all families and persons within the Congregation.

(3) The Book Provided and Preserved. These entries shall be made by the cleric or other minister in a book provided for that purpose by the Vestry or Advisory Council as approved by the Bishop; which book shall be the Parish or Mission Register and shall be preserved as a part of the records of the church by the cleric in charge thereof or, if the cure be vacant, by a warden.

(4) Open for Inspection. The Register shall be always open to inspection by the Bishop or by any person authorized by the Bishop.

(5) To be Delivered to Successor or Warden. A cleric resigning the charge of a parish or mission, shall deliver the Register, with the requisite entries complete, to his or her successor, or to a warden, and take a receipt therefor.

(6) To be Delivered to Bishop. Whenever a parish or mission shall cease to function and be abandoned for any cause, other than the uniting with or being absorbed by another parish, the Rector or Vicar, or if there be none, the Warden shall deliver to the Bishop for safe keeping the Parish or Mission Register and the Bishop shall place the same in the Diocesan Archives.

§3. Parochial and Personal Reports.

(1) Parochial Reports. It shall be the joint duty of the Rector and Vestry of every parish and of the Vicar and Warden of every mission, to prepare, upon a form adopted by the General Convention, a report for the year ending December 31st preceding and to deliver the same on or before the first day of March to the Bishop or to the person designated by the Bishop to receive it; or, when there is no Bishop, to the Ecclesiastical Authority of the Diocese.

(2) Personal Reports. It shall be the duty of every cleric and other minister not in charge of any parish or congregation to report his or her occasional services, and if there have been none, the causes or reasons therefor.

(3) Form of Parochial Report. The Parochial and Personal Reports, or such parts of them as the Bishop may deem proper, shall be entered in the Journal.

(4) Accuracy and Completeness of Reports. It shall be the duty of the Bishop to pass upon all reports of which there may be any doubt as to the accuracy or completeness of the information rendered and to return to any person who submits a report not in conformity with the requirements of this Canon requesting that it be made conformable thereto.

§4. Non-Reporting Parishes and Missions. At the time of the Annual Diocesan Convention any parish or mission which has failed to make and file the reports as required by this Canon shall be counted as Non-Reporting and subject to provisions of Article III Section 3.(3.) of the Constitution.

§5. Of Communicants Removing. A communicant removing from one parish to another, or wishing to be transferred from the list of communicants of one parish to the list of communicants of another without changing residence, shall procure a Certificate of Membership as provided for in the Canons of the General Convention.

§6. Responsibility to Provide Service Supply. When a congregation is without a cleric, the Warden or other proper officer shall notify the fact to the Bishop. If the authorities of such a congregation shall for thirty days have failed to make provision for Divine Services, it shall be the duty of the Bishop to take such measures as may be expedient for the temporary maintenance thereof.

§7. Licensed Lay Persons. The Bishop shall establish qualifications and guidelines for selection and training of licensed lay persons in accordance with the Canons of the General Convention.

§8. Creation of Indebtedness.

(1) No indebtedness shall be incurred by a parish, mission or congregation without the prior written consent of the Bishop and Standing Committee, except:

(i) Indebtedness, not secured by a mortgage, for permanent improvements, replacement of or additions to real property or equipment; provided the amount of such indebtedness, plus indebtedness of every kind already existing shall not exceed 50% of the average annual receipts of such parish, mission or congregation during the past three years;

(ii) 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 for the next fiscal year with reasonable expectation of its payment out of the receipts for the next two years.

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

(3) Under any circumstance in which approval to incur indebtedness is required, such approval may be granted only upon submission to and approval by the Bishop and Standing Committee of a plan demonstrating satisfactory prospects for the payment of such indebtedness.

§9. Business Methods. In every parish and mission the following standard business methods shall be observed.

(1) The fiscal year shall begin January 1st.

(2) Deposit Requirements.

(a) Funds held in trust, endowment and other permanent funds, and securities represented by physical evidence of ownership or indebtedness shall be deposited under either a deed of trust or an

agency agreement requiring at least two signatures on any order of withdrawal of such funds or securities:

- (i) with a bank or trust company; or,
- (ii) with the Trustees of the Diocese, Inc.; or,
- (iii) in the Western New York Episcopal Diocese Investment Trust; or,
- (iv) with some other agency approved in writing by the Finance Committee of the Diocese.

(b) The requirements of this Subsection shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such funds and securities shall be under the care of the persons or corporations properly responsible for them. This Subsection shall not be deemed to prohibit a parish or mission from investing in securities issued in book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer, the signatures of at least two persons duly authorized to act on behalf of such parish or mission being required.

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

- (a) Source and date.
- (b) Terms governing the use of principal and income.
- (c) To whom and how often reports of conditions are to be made.
- (d) How the funds are invested.

(4) Treasurers and custodians, other than banking institutions, shall be adequately bonded in such form and amount as the Diocesan Council shall prescribe; provided, however, that (with approval of the Parish Rector and Vestry or Mission Vicar and Advisory Council) custodians of funds that do not exceed five hundred dollars at any one time during the fiscal year need not be so bonded.

(5) Such books of account shall be kept as shall make the accounts available for satisfactory accounting and auditing.

(6) All accounts shall be audited annually by an independent certified public accountant, independent public accountant or such audit committee as shall be approved by the Diocesan Council.

(7) 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 Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, but in any event, not later than October 1 of each year. Annual reports of all accounts and audits shall be made to the Convention of the Diocese. The receipt of such reports for preceding years from each parish and mission in the Diocese shall be a qualification for the seating of lay delegates to Convention.

(8) All property belonging to any parish or mission shall be adequately insured against fire (including extended coverage) and against public liability claims in such forms and amounts as the Diocesan Council shall prescribe. A report of such coverage shall be submitted on or before October 1 of each year by the Rector and Vestry of every parish or the Vicar and Warden of every mission.

(9) All real and personal property held by or for the benefit of any parish, mission or congregation is held in trust for this Church and the Diocese. The existence of this trust, however, shall in no way limit the power and authority of a parish, mission or congregation otherwise existing over such property so long as the particular parish, mission or congregation remains a part of, and subject to, this Church and its Constitution and Canons.

(10) Historic Preservation Designation. No parish shall obtain any form of historic preservation designation for any of its buildings without the written consent of the Bishop and the Standing Committee.

§10. The Bishop's Discretionary Fund. In every parish and mission there shall be taken up an offering for The Bishop's Discretionary Fund at such time and to be used for such purposes as the Bishop deems advisable.

§11. Contributions for Special Church Objects.

(1) Duty of Clergy. It shall be the duty of each cleric having charge of a parish or mission to give due notice to the congregation thereof of the method and time of making offerings to those special causes which are commended to the care of the Church by the General Convention and the Convention of this Diocese, and to call the people's attention to the importance thereof.

(2) Approval Required. No officer, organization, institution or agency of the Church in the Diocese of Western New York shall organize or promote any general solicitation of the People of the Diocese for funds for any cause without the approval of the Diocesan Convention, when in session, or of the Bishop and Diocesan Council between sessions of the Convention.

(3) Parish and Mission Campaigns. Parishes and Missions contemplating financial campaigns for capital funds shall report the dates of such campaigns to the Diocesan Council for its information and guidance in dealing with matters referred to in this Section.

CANON 14

Delinquent and Dependent Parishes

§1. Delinquent Parishes.

(1) When an organized parish shall have failed in a single year to maintain its union with Diocesan Convention according to the provisions of Article III, Section 3(3) of the Constitution, its status shall be that of a delinquent parish, provided that for the purpose of this Section the canonical obligations of the parish shall include only that portion of the Full Share designated by the Convention as the Tithe portion thereof and shall exclude the Offering portion thereof.

(2) When the position of rector of a delinquent parish falls vacant, the Bishop may, at discretion, withhold consent to the Vestry to fill such vacancy until the parish shall have paid its canonical obligations and its arrears, if any, of the pension assessments for its preceding rector or rectors and until the parish shall have furnished to the Diocese the Parochial Report prescribed by these Canons for each calendar year for which no such report has previously been made.

(3) A delinquent parish shall at all times hold its records and books of account open for inspection by the Diocesan Council and in its budget, expenditures, financial program and policy the Vestry of such parish shall be sympathetic to the suggestions of the Diocesan Council and shall cooperate with it.

§2. Dependent Parishes.

(1) When an organized parish shall have received financial help directly or indirectly from the Diocese for its current expenses in any year, its status shall be that of a dependent parish. Current expenses shall include the Full Share pledge of support for the Operating Budget of the Diocese unless such Full Share has been reduced by the Appeals Committee, the Barnabas Committee or the Diocesan Council.

(2) When any parish shall have received less than the full time services of its rector, it shall be deemed to have received financial help from the Diocese if the parish shall not have provided a fraction of the rector's total support which is substantially equal to, or greater than, that fraction of his or her total time expended on behalf of that parish. For the purpose of this Section the rector's total support shall be the sum of his or her salary, pension fund assessment, expense allowance, if any, and the money equivalent of housing, if providing.

(3) When the cure of a dependent parish falls vacant, no election of a rector shall be had until the parish shall have presented to the Diocesan Council satisfactory evidence of its ability to meet its current expenses without help from the Diocese.

(4) A dependent parish shall at all times hold its records and books of the account open for inspection by the Diocesan Council and in its budget, expenditures, financial program and policy of the Vestry of such parish shall be sympathetic to the suggestions of the Diocesan Council and shall cooperate with it.

CANON 15

Permanent Commissions, Committees and Departments

§1. Additional Commissions, Committees and Departments. In addition to any Commissions, Committees and Departments established by the Canons and Standing Rules of Order of the Convention of this Diocese or provided for by Canon 9, there shall be such permanent Commissions, Committees and Departments as are established by this Canon.

§2. Commission on Ministry.

(1) Membership. There shall be a Diocesan Commission on Ministry consisting of six members of the Clergy canonically resident within the Diocese and six lay persons, each of whom is an adult confirmed person who is a regular attendant, communicant in good standing and contributor for at least twelve months to the support of a parish or mission in this Diocese.

(2) How Named. Members of the Clergy and lay persons shall be nominated by the Bishop at the Annual Convention of the Diocese, nominations being confirmed by vote of the Convention.

(3) Term. The term of office of each member of the Commission on Ministry, except for any member who is filling a vacancy, shall be six years, which term shall commence on the first day of November of the year of confirmation and end on the 31st day of October of the sixth year thereafter.

(4) Vacancies. Should a vacancy occur in the Commission on Ministry when the Convention is not in session, the Bishop shall nominate a person to fill such vacancy. Upon confirmation by the Standing Committee, that person shall serve as a member until the 31st day of October next following. At the Annual Convention of that year, the Bishop shall nominate a person to fill the remainder, if any, of the term. Upon confirmation by the vote of the Convention, the person so nominated shall serve as a member for the remainder of that term.

(5) Successive Terms. No person who has served two consecutive terms as a member of the Commission on Ministry, including one nominated and confirmed to complete the term of another, may be renominated by the Bishop to the Commission on Ministry until the expiration of one Convention year.

(6) Privileges and Duties. The privileges and duties of the Commission on Ministry shall be those prescribed by the Canons of the General Convention.

(7) Report. The Commission shall make an annual report concerning its work to the Convention of the Diocese.

(8) Service on Standing Committee. No one elected to the Standing Committee of this Diocese shall, during the term of his or her election thereto, serve as a member of the Commission on Ministry of this Diocese.

§3. Committee on Constitution and Canons.

(1) Members. There shall be a Committee on Constitution and Canons to consist of four members of the Clergy and four lay persons appointed by the Bishop. Members of the Committee shall be appointed for terms such that the term of one cleric and one lay person shall expire at the conclusion of each annual convention of this Diocese, starting with the One hundred and fifty-sixth such convention. At that convention and at each successive annual convention thereafter, the Bishop shall appoint, or reappoint, one member of the Clergy and one lay person, each to a term of four years. If for any reason one so appointed ceases to be a member of the Committee, the Bishop shall appoint another, appropriate to the office, to complete the term of that individual. The Bishop shall appoint, and at discretion may replace, the Committee Chair. The Chancellor shall be a consulting member of the Committee.

(2) Duties. It shall be the duty of the Committee to consider all proposals for the adoption, amendment or repeal of the Constitution and Canons of the Diocese of Western New York and the Rules of Order of the Convention thereof and to report each of the proposals to the Convention with such alterations as it deems advisable.

(3) Further Duties. It shall be the further duty of the Committee to recommend to the Convention such proposals for revision of the Constitution and Canons of the Diocese and of the Standing Rules of Order of the Convention as it judges to be necessary or to maintain harmony amongst them and with the Constitution and Canons established by the General Convention.

§4. Finance Committee. The Bishop, with the approval of the Diocesan Council, shall appoint a Finance Committee for such duties as the Canons of the General Convention and of this Diocese prescribe and such other duties as the Diocesan Council may assign. This Committee shall be subject to the authority of the Bishop and the Diocesan Council.

§5. Committee on Dispatch of Business. At each Annual Convention the Bishop shall appoint a Committee on Dispatch of Business to consist of two members of the Clergy, two lay persons who shall be members of the Convention and the Secretary of Convention. The members of this Committee, whose chair shall be designated by the Bishop, shall serve until their successors are appointed.

CANON 16 [Reserved]

CANON 17 [Reserved]

CANON 18

Discipline of a Priest or Deacon

§1. Ecclesiastical Discipline. The ecclesiastical discipline of a priest or deacon shall be governed by Title IV of the Canons for the Government of The Episcopal Church.

§2. Disciplinary Board

1. Disciplinary Board. The Disciplinary Board, sometimes referred to as the Board, shall consist of seven persons, four of whom shall be members of the Clergy and three of whom shall be Laity.

2. Clergy Members. The Clergy members of the Board shall be canonically and geographically resident within the Diocese.

3. Lay Members. The Lay members of the Board shall be adult Communicants in Good Standing, and geographically resident in the Diocese.

4. Service on Standing Committee. No one elected to the Standing Committee of this Diocese shall, during the term of his or her election thereto, serve as a member of the Disciplinary Board.

5. Election. The election of Disciplinary Board members shall be as follows:

(a) Upon the nomination of the Standing Committee, the members of the Board shall be elected by the Diocesan Convention. Each member shall be elected for a three year term; provided, however, that if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. No member of the Board, having served two full terms, shall be eligible to serve as a member of the Board until the expiration of one Diocesan Convention year. The terms of all members shall commence on the first day of the year following election, except 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 terms of the classes expiring in successive years.

(b) The initial composition of the Board will be the election of seven members, in three classes, by the Diocesan Convention at which this revised Canon is adopted. The first class will consist of one (1) clerical member and one (1) lay member for an initial term expiring on December 31, 2011. The second class will consist of one (1) clerical member and one (1) lay member for an initial term expiring on December 31, 2012. The third class will consist of two (2) clerical members and one (1) lay member for an initial term expiring on December 31, 2013. The term of each class after its initial term shall be three years.

6. Continuation in Office. Upon the filing of a referral with the Reference Panel, Conference Panel or Hearing Panel, all Disciplinary Board members of such Panel as then constituted shall continue to serve until all matters for which the Panel has responsibility, as a result of such referral, have been discharged, regardless of the length of their elected terms. Any person elected in the interim to replace a member whose term otherwise would have expired at the conclusion of an intervening annual Diocesan Convention or who is appointed to fill a vacancy between annual Diocesan Conventions shall not participate in any matter which is already before the Panel at the time of his or her election or appointment.

7. Vacancies. Vacancies on the Disciplinary Board between annual Diocesan Conventions shall be filled as follows:

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

(b) The Standing Committee, by a majority vote, shall appoint a replacement Board member.

(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 Diocesan Convention. With respect to a vacancy resulting from a successful challenge to the impartiality of any Board member, the replacement Board member shall serve only for the proceeding for which the elected Board member is not serving as a result of the challenge.

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

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

§3. Administrative Offices

Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop after consultation with the Disciplinary Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name and contact information of each Intake Officer throughout the Diocese. Each person so selected must be a member of the Church and reside within the Diocese.

Investigators. For each matter, the Bishop shall appoint one or more Investigators in consultation with the President of the Disciplinary Board. No Investigator need be a member of the Church.

Church Attorney. Within sixty (60) days following each annual Diocesan Convention, the Standing Committee shall appoint an attorney to serve as Church Attorney to serve for the following calendar year and, as required, may appoint additional attorneys to act in this capacity on an annual basis. Each person so selected must be a member of the Church and a duly licensed attorney in the State of New York, and reside within the Diocese. The Standing Committee, in consultation with the Bishop, shall have the authority to remove any Church Attorney for good cause. Any vacancy shall be filled in the same manner as above.

Pastoral Response Coordinator. The Bishop shall 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 Convention Canons. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Canon.

Conciliator. Where a matter is referred for conciliation, the Bishop shall appoint a Conciliator who shall be skilled in dispute resolution techniques and without conflict of interest in the matter.

Advisors. In each proceeding under this Canon, the Bishop shall appoint an Advisor for the complaining party and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Canon, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

CANON 19

ELECTION OF A BISHOP

§1. **Notice of Convention to Elect.** Whenever it becomes appropriate for this Diocese to elect a Bishop Diocesan, Bishop Coadjutor or Bishop Suffragan, the necessary consents having been obtained, due notice of the Convention to Elect shall be given by the Ecclesiastical Authority.

§2. Committees.

(1) **Election and Qualifications** The Standing Committee shall prepare, in consultation with the Bishop Diocesan, if there be one, both a process for the election of persons to the Search Committee and the Transition Committee and the qualifications sought for each committee. If the Diocesan Convention is scheduled to convene within thirty days, the Standing Committee shall seek the concurrence of the Diocesan Convention regarding the election process and qualifications sought. At all other times, the Standing Committee shall seek the concurrence of the Diocesan Council regarding the election process and qualifications sought. The Standing Committee shall communicate the election process and the qualifications sought throughout the diocese.

(2) **Search Committee** The Search Committee shall be composed of the following:

(a) One Clerical Member and one Lay Member from each Deanery. The Clerical Member elected shall be canonically resident in the diocese and serving in the electing deanery. The Lay Member elected shall be an adult communicant in good standing of a parish or mission in the electing deanery.

(b) The Standing Committee may appoint up to five additional persons to the committee.

(3) **Transition Committee** The Transition Committee shall be composed of the following:

(a) One Clerical Member and one Lay Member from each Deanery. The Clerical Member elected shall be canonically resident in the diocese and serving in the electing deanery. The Lay Member elected shall be an adult confirmed communicant in good standing of a parish or mission in the electing deanery.

(b) The Chancellor of the Diocese.

(c) The Standing Committee may appoint up to three additional persons to the committee.

(4) **Organization**

(a) The Standing Committee shall appoint the Chair of the Search Committee and the Chair of the Transition Committee

(b) The Standing Committee shall convene a joint session of both committees to commission and charge them in their ministries.

(c) Members of the Search Committee shall continue as members until the close of the Convention to Elect at which the Bishop Diocesan, Bishop Coadjutor or Bishop Suffragan is elected, or until the Search Committee has been discharged by vote of the Convention to Elect. Members of the Transition Committee shall continue as members at least six months following the ordination of the bishop-elect or until the Transition Committee is discharged by vote of the Standing Committee.

(d) A Member of the Search Committee or a member of the Transition Committee whose name is proposed for election under this canon must either withdraw from consideration or resign from the committee.

(e) The Standing Committee may at any time fill any vacancy in the membership of these committees caused for any reason.

(f) The Search Committee and the Transition Committee may adopt rules and procedures not inconsistent with the Constitution and Canons of The Episcopal Church and of this Diocese.

§3. Nominees.

(1) The Search Committee shall communicate to the Standing Committee not fewer than four nominees whom it considers qualified for the Episcopal Office to be filled at least twelve weeks before the Convention to Elect. The Standing Committee shall communicate the names of the nominees throughout the diocese.

(2) Following the announcement of the names submitted by the Search Committee, other persons may be placed in nomination by Petition. To be nominated by Petition, persons must have the signatures of not fewer than five members of the Clergy of the Diocese entitled to vote, and not fewer than ten adult communicants in good standing of the Diocese. The petitioners must represent no fewer than five congregations of the Diocese located in at least two Deaneries. Petitions must be submitted to the Standing Committee within two weeks of the announcement of the names submitted by the Search Committee.

(3) All nominees shall satisfactorily complete a background investigation, the procedure for which shall be determined by the Search Committee, subject to the Canons and policies of The Episcopal Church and of this Diocese.

(4) Biographical sketches of persons placed in nomination, whether by the Search Committee or by petition, shall be distributed by the Secretary of the Diocesan Convention to each member of the Clergy of the Diocese, to every person who is in charge of a congregation but may otherwise not be entitled to vote, and to each lay member of the Convention to Elect prior to the presentation of the nominees to the diocese.

(5) All nominees will be presented to the Diocese within two weeks of the Convention to Elect.

§4. Nominating Process at Convention to Elect. When the Convention to Elect has been called to order and all business incident to its organization has been completed, the Standing Committee shall formally move the nomination of each person nominated who is then qualified for the Episcopal Office to be filled.

§5. The Election.

(1) Recognizing the solemnity of such an occasion, the Ecclesiastical Authority shall insure that the election is placed within an appropriate context of worship and prayer. Each member shall vote religiously and in fear of God, the whole solemnity being an act of religion and part of public worship.

(2) An election shall be declared when one candidate receives a concurrent majority of votes in both lay and clerical orders, each order voting separately.

(3) If the Convention to Elect determines that it is unable to elect a person for the Episcopal Office to be filled, it may direct the Standing Committee to publish rules of order to prepare for another Convention to Elect using the processes set forth in this Canon.

§6. The Context of the election of a Bishop. This Canon is an act of solemn prayer, trusting in the guidance of the Holy Spirit. We know the heritage of the Episcopate is the faith of the patriarchs, apostles, and martyrs, and those of every generation who have looked to God in hope; and that a bishop is called to be one with the apostles in proclaiming Christ's resurrection and interpreting the Gospel, and to testify to Christ's sovereignty as Lord of lords and King of kings. We call upon God to be with us in this election that we may choose a bishop and chief pastor.

CANON 20

The Arms and Seal of the Diocese

§1. Arms. The Arms of the Diocese of Western New York shall be an adaptation of the Arms of the English Diocese of London as hereinafter described:

Blazon: On a field Gules, two swords in saltire, hilts and pommels Or, the dexter surmounting the sinister. On a chief Or, three roundels or fountains, Azure and Argent, barry wavy.

The crossed swords are the Arms of the Diocese of London, of which this Diocese was originally a part. They are also the emblem of the Apostle Saint Paul, patron saint of our Cathedral. The three roundels or fountains are the heraldic symbol for water, and symbolize the three great bodies of water in our Diocese - Lake Erie, Lake Ontario and Niagara Falls.

§2. Seal of the Diocese. The Official Seal of the Diocese shall bear the Coat of Arms, surmounted by a Mitre Proper, and supported on a Field Purpure, the whole enclosed in a Vesica Border Azure, lined (or edged) Or; with the inscription: Sigill. Dioecesis Novi Eboraci Occident. A. D. MDCCCXXXVIII.

§3. Custody. The Official Seal shall be in the custody of the Bishop of the Diocese, and shall be used to authenticate all official Documents of the Diocese or Convention of the Diocese.

CANON 21

Amendments to the Canons

§1. Amendments and Additions.

(1) No proposed amendment to the Canons shall be considered by the Convention unless at least one day's notice shall have been given in open Convention, or unless it shall have been communicated in writing to each cleric entitled to a seat and vote in Convention and to the Wardens of every Parish and Mission in union with the Convention at least two weeks prior to the meeting of such Convention. Such amendment shall have been considered by and shall be reported upon by the Committee on Constitution and Canons unless consideration and report be dispensed with by unanimous consent.

(2) The Canons may be amended by a majority vote of both the Clergy and Lay Members, voting separately, at two successive Conventions, or by a two-thirds vote of both, voting separately, in one Convention. Upon its adoption, an amendment shall take effect immediately unless otherwise provided in the resolution thereof.

§2. To be printed in the Journal. The Secretary shall, at the close of each Convention, certify the changes, if any, made in the Canons and print the same in the Journal.

CANON 22

Compliance

The Canons of this Diocese from time to time in effect and the by-laws, policies and rules adopted or amended by the Diocesan Council and all Departments, Commissions and Committees created by the Diocesan Council at all times shall be subject to the Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America, the Certificate of Incorporation and Constitution of this Diocese and the laws of the State of New York.

CANON 23

Canons of the Diocese of Western New York in Force

The Canons of the Diocese of Western New York contained in the 1988 Edition, or as they may be thereafter amended, shall have full force and effect within this Diocese and the same, duly attested by the Secretary, shall be admissible in evidence upon all proceedings or trials under any law or canon in force in this Diocese. All former Canons are hereby repealed.

STANDING RULES OF ORDER
OF
THE CONVENTION

I. The following shall be the Standing Order of Business of the Annual Convention:

The Convention shall include a Celebration of the Holy Communion. Prayers for missions shall be said at noon.

1. Call to order and opening prayers by the Presiding Officer.
2. Business incident to the organization of Convention.
 - a. Report of the Secretary on qualifications of delegates for seats in the Convention.
 - b. Certification of Quorum by the Secretary.
 - c. Announcement by the Presiding Officer that the Convention is duly organized.
3. Election of Secretary of the Diocese and Assistant Secretaries of the Convention.
4. Appointment of Inspectors and Tellers (none of whom may be a Member of the Convention) and Superintendent of Elections.
5. Report of Committee on Dispatch of Business:
 - a. Resolution regarding adoption of Program, Agenda of specific matters of business, and modifications, if any, of this Standing Order for the Convention in Session.
 - b. Resolutions of Courtesy.
 - c. Provision of opportunity for host parish to extend greetings.
(The Presiding Officer may recognize at any time the Committee on Dispatch of Business for further reports as required.)
6. Report of the Bishop on establishment of new missionary work, the organization of new parishes and missions and the dissolution of any parishes or missions.
 - a. Consideration by the Convention of applications for admission into union with the Convention and action thereon.

7. Introduction of new members of the Clergy.
8. Nominations:
 - a. Report of the Nominating Committee.
 - b. Further nominations.
 - c. Introduction of candidates.
9. First Election Ballot (Subsequent ballots are taken as needed at a time determined by the Presiding Officer)
10. Consideration of Resolutions Timely Submitted with Report of the Committee on Resolutions and the Committee on Constitution and Canons in sequence.
11. Reports of other committees as may be authorized or required by the Convention.
12. Receipt of regular Annual Reports. (With the consent or by order of Convention, these reports may be received by title).
 - a. The Secretary of Convention
 - b. The Archdeacon
 - c. The Chancellor
 - d. The Registrar
 - e. The Historiographer
 - f. The Treasurer
 - g. The Standing Committee
 - h. The Trustees
 - i. The Diocesan Council and its departments and other boards, committees and official bodies of the Diocese, including Commission on Ministry, and Board of Directors of Episcopal Community Services of Western New York, Inc.
13. The Bishop's Address. (May be delivered at such other time as the Bishop and the Convention determine.)

14. Appointments:
 - a. Commission on Ministry (Confirmation by Convention required).
 - b. Presbyters or Lay Persons to fill vacancies of Disciplinary Board (Consent of Convention required).
 - c. Committee on Dispatch of Business
 - d. Committee on Constitution and Canons (when there are vacancies to be filled).
 - e. Nominating Committee for next Annual Convention.
 - f. Other committees.
 15. Introduction of resolutions and other business not timely submitted as required by Rule II. (Two-thirds vote of members of Convention present required for consideration).
 16. Further report of the Committee on Dispatch of Business.
 17. Miscellaneous Business as placed upon the calendar, including reports of other committees of the Convention.
 18. Resolutions incident to the closing of Convention.
 - a. Appreciation of hospitality.
 - b. Other resolutions.
 19. The Bishop's Blessing.
 20. Adjournment.
- II.
- a. New business to be proposed at any Convention, including proposals for resolutions, shall be submitted at least 60 days prior to the meeting of the Convention at which such proposals are to be considered, in the form and by the submission method stated in the Call to Convention. Only proposals submitted using this method, by this deadline, shall be considered "properly submitted."
 - b. Any baptized member of a parish or mission in this Diocese, any member of the clergy in good standing in the Diocese, or any body or organization primarily composed of persons falling in the previous two categories, may submit such proposals.

- c. Proposals that are not properly submitted may be introduced for consideration by the Convention only upon consent of two-thirds of the members of Convention present.
- d. Properly submitted proposals shall be immediately sent by diocesan staff to the Committee on Resolutions, the Committee on Constitution and Canons, or whatever body appears most appropriate to consider them, given their topic.
- e. For each properly submitted proposal that comes to the Committee on Resolutions, that Committee shall:
 - (1) Determine whether the proposal should be considered by the Committee on Resolutions, or by some other body of the Diocese; if the latter, the Committee shall promptly forward the proposal to the other body and notify the proposer of this action;
 - (2) Determine whether the proposal is appropriate for Convention action. A judgment that a proposal is inappropriate shall be made only on procedural or constitutional grounds, such as finding that the proposal asks the Convention to do something it is not empowered to do, and shall not be made on the basis of theological, ecclesiological, social-ethical, or political disagreement with the content and substance of the proposal. When the Committee judges a proposal to be inappropriate, it shall work with the proposer and attempt to arrive at a revision of the proposal, acceptable to the proposer, that would be appropriate for Convention action;
 - (3) Work with the proposer, who shall have the right of final decision on all proposed revisions, to make the proposal as clear, coherent, and well-stated as possible; and
 - (4) Transmit the final version of the proposal to the diocesan office, by the deadline, in the form and by the method specified by diocesan staff, to enable timely inclusion of the proposal in the Convention materials made available to clergy and delegates.
- f. The Committee on Resolutions shall conduct a pre-convention hearing on proposals for resolutions, so as to provide delegates, clergy, and visitors an opportunity to clarify the meaning of resolutions, discuss the issues they raise, suggest revisions, or argue for or against them.
- g. Proposers may, at their discretion, make revisions based on discussion at the hearing; if they exercise this option, they shall prepare and distribute copies of the revised version of such proposal to every member of Convention.
- h. During the Convention, the Committee on Resolutions shall report on each properly submitted proposal that came to it, unless such proposal has already passed into the jurisdiction of the Committee on Constitution and Canons or another appropriate diocesan body. In its report, the Committee shall either:

- (1) Recommend that the Convention act upon the proposed resolution, in which case the chair of Convention shall recognize the proposer of the resolution, or a person designated by the proposer as the presenter, and a motion from the proposer or presenter to adopt the resolution shall be in order, to be followed by second, debate (with the proposer or presenter having the right to make the opening and closing statements, following the rules in section VII below), and vote; or
- (2) Recommend, in accordance with section II. e. (2) above, that the proposed resolution not be acted upon by the Convention, with or without a recommendation for further consideration in some other forum, or further study of the issue. In such case, the Committee shall state its reasons therefor both orally and in writing, and the proposer shall have the right to call for a vote, by simple majority, as to whether the resolution shall be considered by Convention; if the recommendation for non-action is overturned, consideration of the resolution shall proceed as described in section II. h. (1) above.

- i. Any resolution, which involves an amendment to the Constitution or Canons, shall be referred to the Committee on Constitution and Canons, and such Committee shall make certain that the Resolution is in proper constitutional or canonical form, achieves consistency and clarity in the Constitution or Canons, and includes all amendments necessary to effect the proposed change.

In such case the Committee shall neither concern itself with, nor report on, the substance of the matter referred to it, but whenever requested to do so by the Presiding Officer of the Convention, the Committee shall in its report to the Convention make recommendations as to substance.

- j. Amendments shall be considered in the order in which they are moved. When a proposed amendment is under consideration, a motion to amend the same may be made. No after-amendment to such second amendment shall be in order, but a substitute for the whole matter may be received. No proposition on a subject differing from the one under consideration shall be received under color of a substitute.
- k. A question being once determined shall stand as the judgment of the Convention, and shall not be again drawn into debate during the same session of the House, except with the consent of two-thirds of the Convention. A motion to reconsider can be made only on the day the vote was taken, or on the next succeeding legislative day, and must be made and seconded by those who voted with the majority.

- III. Special committees may be appointed at the discretion of the Bishop at any time during the sessions of Convention to consist of such members as the Bishop or the Convention may direct.
- IV. All committees shall sit and deliberate in private, as shall the Tellers in the count of votes.

- V. No motion shall be put or debated until it is seconded; and when seconded, it shall be stated by the Presiding Officer before debate. Every resolution and motion shall be reduced to writing when requested by the Presiding Officer or Secretary.
- VI. The result of the vote on any motion put by the Presiding Officer shall be determined by the sound of the voices; but any Member may require the count of the vote. Prior to a decision by count, any five Members may require the Ayes and Noes to be taken which shall be done by calling of the names of the Clerical Members, and the names of the Lay Members, and the vote shall be recorded in the Journal. The Ayes and Noes may be taken by Orders at any time on the call of any five Members, as required by the Constitution, and when so taken shall be recorded in the Journal.
- VII. Unless this Rule be suspended in accordance with Rule IX, the person presenting a resolution may address Convention thereon for not longer than five minutes, except that the person presenting the budget resolution may address Convention for not longer than ten minutes. No other member may speak to that resolution for longer than two minutes or speak again thereon as long as any other Member seeks the floor; provided, that a member of any committee having charge of a report may speak more often; and, provided further, that the person presenting any resolution shall be allowed to close the debate. Total time of debate on a resolution shall not exceed twenty (20) minutes.
- VIII. Unless this Rule be suspended in accordance with Rule IX, a question once determined shall stand as the judgment of the Convention and shall not be debated again during the session. The motion to suspend this Rule for the purpose of reconsidering a question once determined may only be made by one of the majority on the original motion.
- IX. A Standing Rule of Order may be suspended only by vote of two-thirds of the Members present.
- X. A. With the exception of the vote, all privileges of the Convention shall extend to those who chair permanent commissions, committees and departments established by Canon and to lay members of the Standing Committee, Trustees, Diocesan Council, General Convention Deputies, those who chair Diocesan Council departments and members of the Board of Episcopal Community Services of Western New York, Inc.
- B. Privileges of the floor and voice shall be extended to one youth form each Deanery who has been duly authorized by the Youth Commission.
- XI. A. A Nominating Committee consisting of members of the clergy and lay persons of the Diocese shall be appointed by the Bishop before the adjournment of each Annual Convention for the next Annual Convention.

- B. Not less than six months before Annual Convention, the Nominating Committee shall meet, select and transmit to every member of the Clergy and vestry of each parish and mission a list of the offices to be filled at that Convention, along with the names of those persons who are eligible for re-election and of those whose terms of office expire at the end of that Convention.
 - C. Any member of the Clergy entitled to vote at Diocesan Convention or member of a parish or mission may submit to the Committee at least 60 days prior to the meeting of Convention a written and signed nomination of a candidate for any office to be filled, with assurance that the person being nominated will serve if elected. Such nomination shall be accompanied by a brief statement of the nominee's qualifications and service in Church and civic affairs.
 - D. The Committee shall prepare and cause to be transmitted to every member of the Clergy in charge of a parish or mission in union with the Convention, not later than one month prior to the meeting of Convention a list of candidates selected by the Committee for each position to be filled, stating briefly the qualifications and experience of each candidate.
 - E. Additional nominations for any office may be made from the floor of the Convention following the report of the Nominating Committee. Such nominations shall be in the form of the nominee's name, home parish, and the office for which he or she is nominated. A brief written statement of the nominee's qualifications and service in Church and civic affairs together with a statement signed by the nominee that he or she will, if elected, perform the duties of the office shall be delivered to the Secretary of Convention in advance of rising to make the nomination.
 - F. Any member of the Convention may rise to make a seconding speech of no more than one minute in length; provided, however, that no more than two such seconding speeches may be made on behalf of each person, howsoever nominated.
 - G. Upon the closing of nominations, the Presiding Officer shall introduce, by name, those candidates for election to the several offices who are present in the Convention.
- XII. A. Members of the Standing Committee, Deputies and Provisional Deputies to General Convention, and all other members of boards, committees, and commissions elected by Convention, both clerical and lay, must, in their election, receive a majority of the whole number of valid ballots cast for each particular position at such election; provided, that there shall be no election, except of a Secretary, unless there is present at the time of the balloting a majority of the Clerical Members and a majority of the Lay Members, who shall have appeared during the session of Convention and been admitted to seats. Those candidates

who receive a majority of the whole number of valid votes cast for each particular position shall be declared elected. If all positions being voted upon have not been filled by the end of the first ballot, those remaining shall be filled by the following procedure, known as the preferential ballot.

- XIII. A. Each Member of the Convention shall complete a preferential ballot by marking the numbers, in order, "1" to whatever number of candidates there shall be, his or her preference for each and every office to be filled by the election from the whole number of candidates; and every ballot on which the preferential numbering from among the whole number of candidates is incomplete shall, by that fact, be invalid.
- B. Using a tally sheet of appropriate proportions, the Tellers shall list vertically the names of candidates in the order in which they appear on the ballot. Columns to the right of the candidates' names shall be entitled: A, B, C and so on, to that letter of the alphabet equivalent to the number of positions to be filled.
- C. The preferences on every ballot shall be recorded on the tally sheet by crediting one vote in Column A to each candidate whose name is marked with a number not exceeding the number of positions to be filled, one vote in Column B to every candidate whose name is marked with a number next larger than the number of positions being filled and one vote in every succeeding column as the numbers indicating the voter's preference increases.
- D. The Tellers shall report the number of valid votes in each Order and the number of each Order cast for every candidate as shown in Column A. Every candidate whose total vote shall be a majority of all the valid votes shall thereupon be declared duly elected.
- E. If all the positions have not been filled, the Tellers shall then report in similar form the number of votes credited in Column B to each candidate who shall not have been elected and the total of all votes for such candidate in Columns A and B. Candidates whose aggregate votes in Column A and B equal a majority of all the valid votes shall thereupon be declared elected, up to the number of positions remaining to be filled in the order of the highest aggregate vote received by each respectively.
- F. If any vacancies still remain to be filled, the Tellers shall report the votes received in the columns to the right of Column B, continuing the tally as above prescribed until all positions have been filled. Provisional Deputies to General Convention shall be chosen by continuing this procedure to the extent required to fill those positions.

- XIV. Balloting shall take place during a recess. Inspectors of voting shall supervise the voting and, at the conclusion of each ballot, seal the ballot boxes and deliver them to the Tellers. It shall be the duty of the Tellers to count the ballots, determine the results and elections, if any, and to report the same immediately thereafter to the Convention and, when an election shall have taken place, to certify the same in writing to the Secretary of the Convention.
- XV. These Standing Rules of Order may be amended and new Standing Rules of Order adopted:
1. By any Convention by a vote of two-thirds of the members present; or,
 2. By two successive Conventions by the vote of the majority of Members present at each.
 3. Provided, however, that no proposed amendment or new Standing Rule of Order shall be introduced in Convention until it has first been referred to the Committee on Constitution and Canons and the report of that Committee has been made to the Convention.

SUPPLEMENT

CERTAIN RELEVANT PORTIONS FROM STATE LAW AND NATIONAL CANON

THE NEW YORK RELIGIOUS CORPORATIONS LAW

The following Articles and Sections of this Law are particularly relevant to Episcopal Congregations and Dioceses:

- Article 2. General Provisions
- Section 5. General powers and duties of trustees of religious corporations
 - 5a. Investment of funds
- Section 12. Sale, mortgage and lease of real property of religious corporations

- Article 3. Protestant Episcopal Parishes or Churches
- Section 40. Meeting for incorporation
- 41. Certificate of incorporation
- 42. Corporate trustees, vestry; powers and duties thereof
- 43. Annual election and special meetings of incorporated Protestant Episcopal parishes
- 44. Changing the number of vestrymen of Protestant Episcopal parishes hereafter incorporated
- 45. Changing date of annual election, number and terms of office of vestrymen and terms of office of churchwardens in Protestant Episcopal churches heretofore incorporated
- 46. Changing the qualifications of voters and the qualifications of wardens and vestrymen
- 48. Legacies
- 49. Eligibility of certain minors as lay delegates and to vote and hold office

OF BUSINESS METHODS IN CHURCH AFFAIRS

Canon 1.7 (Of the Canons of General Convention)

Sec. 1. In every Diocese, Parish, Mission, and Institution, connected with this Church, the following standard business methods shall be observed:

- (b) Funds held in trust, endowment and other permanent funds, and securities represented by physical evidence of ownership or indebtedness, shall be deposited

with a National or State Bank, or a Diocesan Corporation, or with some other agency approved in writing by the Finance Committee or the Department of Finance of the Diocese, under a deed of trust, agency or other depository agreement providing for at least two signatures on any order of withdrawal of such funds or securities. 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. This paragraph shall not be deemed to prohibit investments in securities issued in book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer.

- (c) 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 principal and income
 - (3) To whom and how often reports of condition are to be made
 - (4) How the funds are invested
- (d) 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.
- (e) Books of account shall be so kept as to provide the basis for satisfactory accounting.
- (f) All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes, Missions or other institutions shall be audited annually by an independent Certified Public Accountant, or independent Licensed Public Accountant, or such audit committee as shall be authorized by the Finance Committee, Department of Finance, or other appropriate diocesan authority.
- (g) 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 Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in no event, not later than September 1 of each year, covering the financial reports of the previous calendar year.
- (h) All buildings and their contents shall be kept adequately insured.

(i) The Finance Committee or 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.

(j) The fiscal year shall begin January 1.

Sec. 2. The several Dioceses shall give effect to the foregoing standard business methods by the enactment of Canons appropriate thereto, which Canons shall invariably provide for a Finance Committee, a Department of Finance of the Diocese, or other appropriate diocesan body with such authority.

Sec. 3. No Vestry, Trustee, or other Body, authorized by Civil or Canon law to hold, manage, or administer real property for any Parish, Mission, Congregation, or Institution, shall encumber or alienate the same or any part thereof without the written consent of the Bishop and Standing Committee of the Diocese of which the Parish, Mission, Congregation, or Institution is a part, except under such regulations as may be prescribed by Canon of the Diocese.

Sec. 4. All real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission or Congregation otherwise existing over such property so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.

Sec. 5. The several Dioceses may, at their election, further confirm the trust declared under the foregoing Section 4 by appropriate action, but no such action shall be necessary for the existence and validity of the trust.