

THE CONSTITUTION RULES OF ORDER AND CANONS



of the Synod of the Diocese of Kootenay

*The Canons contained herein are effective as amended from the adjournment
of Diocesan Synod May 16th, 2021*

CONSTITUTION, RULES OF ORDER, AND CANONS
The Synod of the Diocese of Kootenay

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**AN ACT TO INCORPORATE THE ANGLICAN SYNOD
OF THE
DIOCESE OF KOOTENAY
(June 4th, 1903)**

WHEREAS under and by virtue of the Act 64 Victoria, Chapter 45 of the Statutes of British Columbia, entitled “An Act to Amend an Act to Incorporate the Anglican Synod of the Diocese of New Westminster”, all that portion of the Province of British Columbia lying to the East of the 120th Meridian of West Longitude was severed from the said Diocese of New Westminster.

AND WHEREAS a new Diocese has been created under the style and title of “The Diocese of Kootenay”, which comprises that portion of the said Province which is described as follows, namely:—

Commencing at a point on the forty-ninth parallel of North Latitude, part of the International Boundary Line between Canada and the United States, where the said parallel intersects the said one hundred and twentieth meridian, thence to that point of the said meridian at which it becomes the Eastern Boundary Line of the Province of British Columbia; thence South-Easterly and along the boundary line between the said Province of British Columbia and the NORTH WEST TERRITORIES until such last mentioned boundary line intersects the said forty-ninth parallel, thence Westerly along the said forty-ninth parallel to the point of commencement.

AND WHEREAS a petition has been presented from the Synod of the Diocese of Kootenay praying that it may be incorporated, and it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

- 1: The Synod of the Diocese of Kootenay shall be, and the same is hereby made and constituted a body politic and corporate, under the name of “The Synod of the Diocese of Kootenay” hereinafter called the said Synod.
- 2: The said Synod shall consist of the Lord Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, and of such other persons as are or may hereafter become members thereof according to the Constitution and Canons of the said Synod.
- 3: The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as they shall think proper, and the said Synod may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Synod shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain all messages, lands, tenements, and immovable property, money, goods, chattel and movable property, which have been or hereafter shall be paid, given, granted, appropriated, devised or bequeathed to it, or purchased or acquired by it, in any manner or way whatsoever, to, for, or in favor of the eleemosynary, ecclesiastical, or educational uses and purposes, within the Province of British Columbia, of the Church of England, or otherwise, including

thereby the uses and purposes of any church, parish, mission, institution, school, or hospital connected with the Church of England in British Columbia.

- 4: The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Act, have power to sell, convey, exchange, alienate, mortgage, lease, or demise or otherwise deal with any real or personal estate or property held by the said Synod, whether simply by way of investment or not, and the said Synod may also, from time to time, invest all or any of its funds and personal property which may be vested in or acquired by the said Synod, for eleemosynary, ecclesiastical or educational purposes as aforesaid, or otherwise, including the Episcopal Endowment Fund, in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or of any Province thereof, or in Municipal Bonds or Debentures of any Municipality within Canada, or in Bonds or Debentures of any Company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds, and generally shall have and enjoy the same, and as large, full, and ample powers and rights, as if it were a private person, able and capable in law.
- 5: The said Synod shall, in case of land being held by it, be able, notwithstanding any trust affecting the same, to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a church building, cemetery, school, hospital, or any public object, freed from any trust affecting the same as aforesaid.
- 6: It shall be lawful for the Corporation of the Bishop of Kootenay, or any other Corporation, or any person, or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Synod, to be held in trust for the same purposes.
- 7: The Constitution, Canons and Rules of Order of the Synod of the Diocese of New Westminster, as revised in November, A.D. 1892, shall, until the same be altered or amended in accordance with such Constitution and Canons by the said Synod incorporated under this Act, be the Constitution, Canons and Rules of Order for the said Synod incorporated under this Act.
- 8: The said Synod may exercise all its powers by and through such boards, committees or officers as the said Synod may from time to time appoint for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.
- 9: The terms "The Church of England," or "The Church of England in British Columbia," or "The Anglican Church," in this Act, and in all deeds, instruments and documents that have been heretofore, or that may hereafter be executed dealing with real or personal property within the Province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments or documents, and so far as the same affect the said Diocese of Kootenay or the said Synod, that portion of the Church of England or Anglican Church within the Province of British Columbia.

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The Synod of the Diocese of Kootenay

- 10: Any deed or document shall be deemed to be duly executed by the said Synod if the same has affixed thereto the seal of the said Synod and the signatures of the Bishop for the time being of the Diocese of Kootenay or his Commissary duly appointed, and the Lay Secretary for the time being.
- 11: The Bishop for the time being of the Diocese of Kootenay, duly elected or acknowledged by the said Synod, or otherwise duly appointed and consecrated by lawful authority Bishop of the Diocese of Kootenay, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of Kootenay with full power to hold and acquire real and personal estate, and to sell, convey, lease, mortgage, deal with or dispose of the same, or any part thereof.
- 12: Any conveyance of real estate or any interest therein vested in the Corporation of the Lord Bishop of Kootenay, shall hereafter be deemed to be duly executed if the same has affixed thereto the seal of such Corporation, verified by the signature of the Bishop for the time being of the Diocese of Kootenay, or his Commissary duly appointed, and all deeds and documents whatsoever, if executed in the same way, shall be deemed to be properly and effectually executed.
- 13: Until a Bishop has been duly appointed and consecrated as Bishop of the Diocese of Kootenay, the Lord Bishop of New Westminster may exercise all the rights and powers of a Bishop of the Diocese of Kootenay.

Chapter 86
AN ACT TO AMEND
“THE ANGLICAN SYNOD OF THE DIOCESE OF KOOTENAY
INCORPORATION ACT, 1903,”
(Assented to 30th March, 1950)

WHEREAS the powers of investment given to the Synod of the Diocese of Kootenay (hereinafter called “the said Synod”) by the Act of Incorporation of the said Synod, being chapter 31 of the Statutes of British Columbia, 1903, are insufficient to enable the said Synod to provide an income necessary for the proper and decent fulfillment of the various eleemosynary, ecclesiastical, and educational uses and purposes for which it has been incorporated:

And whereas it is expedient that the powers of the Synod for the investment of its trust funds should be enlarged:

And whereas the said Synod has presented a petition praying that the said Act of 1903 be amended to enlarge the powers of investment of the said Synod:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE

- 1: This Act may be cited as “The Synod of the Diocese of Kootenay Incorporation Act, 1903, Amendment Act, 1950.”

Section 4

- 2: Section 4 of the said Act is amended by striking out the words “in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or any Province thereof, or in municipal bonds or debentures of any municipality within Canada, or in bonds or debentures of any company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds” in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth lines thereof, and by inserting in the place thereof the words “in any securities authorized by the laws of the Province of British Columbia, and amendments thereto, for the investment of trust funds, and in any securities authorized by the laws of the Dominion of Canada, and amendments thereto, for the investing or lending by Canadian life insurance companies of their funds.”

CONSTITUTION

In the Name of the Father, and of the Son, and of the Holy Spirit. - Amen.

WHEREAS the Members of the Anglican Church of Canada in the Diocese of Kootenay have been associated together as a branch of the said Church, and a Synod has been constituted for the government of the same, for the ordering of the affairs, the arrangement of the property, the promotion of the discipline of the Members thereof, and the inculcation and maintenance of a sound doctrine, and true religion in the Diocese, to the glory of Almighty God, and the edifying and increase of the Church of Christ;

Now therefore, we, the Bishop, Clergy, and Laity, do solemnly declare and resolve as follows:

We declare our adherence to the Anglican Church of Canada in the Dominion of Canada, and we accept as our Supreme Governing Body the General Synod of Canada, with its Solemn Declaration, Fundamental Principles, Basis of Constitution, and Constitutions, reserving for it all the objects, which in its Basis of Constitution, are declared to be within its jurisdiction and we hold and maintain the Doctrine and Sacraments and Discipline of Christ, as the Lord has commanded in His Holy Word, and as the Church of England has received and explained the same in "The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England, together with the Psalter or Psalms of David, appointed as they are to be sung or said in Churches, and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests and Deacons," and in the Thirty-nine Articles of Religion. And the Synod, herein before constituted, shall hold and maintain the same, and shall have no power to make any alteration in the Authorized Version of Scripture, or in the above-named Formularies of the Church. Provided that nothing herein contained shall prevent the Synod from accepting any alteration of the above-named Version of the Bible and Formularies as may from time to time be adopted by the General Synod of Canada.

Provided also that it shall be lawful for the Synod to frame new, and to modify existing rules (not affecting doctrine), subject to the Canons and Constitution of General Synod.

It shall be lawful for the Bishop, from time to time, to authorize and order to be used any special form of Prayer or Thanksgiving, as he or she shall deem expedient and edifying.

DIOCESAN SYNOD

Composition of Synod

1.1 The Synod shall consist of:

- (a) The Bishop or the Diocesan Administrator (Canon 4) or Commissary (Canon 5);
- (b) The Executive Officer;
- (c) The members of the Clergy of the Diocese duly licensed by the Bishop for ministry in the Diocese;
- (d) The Chancellor, the Vice-Chancellor, the Registrar, the Treasurer and the Lay and Clerical Secretaries;
- (e) The Lay Members of Synod selected by every Congregation in the Diocese;
- (f) Up to five (5) people, appointed by the Bishop, each of whom is a Voting Member of a congregation in the diocese;
- (g) The chair, or other representative of each Regional Council, elected thereby to serve on Diocesan Council;
- (h) Members of the Order of Ministry of the United Church of Canada or of other denominations who are serving as incumbents of shared ministries within the Diocese pursuant to, and in accordance with, shared ministry agreements;
- (i) Any member or members of the Clergy of the Evangelical Lutheran Church in Canada licensed by the Bishop for ministry in the Diocese;
- (j) The members of Diocesan Council; and
- (k) One Youth Member, if elected, from each Region

Retired Clergy and Clergy on Leave

- 1.2 Members of the Clergy superannuated, retired from work in the Diocese, or who are on approved Leave from the Diocese shall be entitled to a seat on the floor of the Synod but, unless they are licensed by the Bishop for ministry in the Diocese or are otherwise entitled to Synod membership, they shall not be entitled to vote.

Lay Members and Alternate Lay Members of Synod

- 1.3 Each Congregation shall be entitled to elect the number of Lay Members of Synod determined by the Average Weekly Attendance (AWA) according to the following table:
- Congregations with a combined AWA of 1-99: 2 Synod Members
 - Congregations with a combined AWA of 100-199: 3 Synod Members
 - Congregations with a combined AWA of 200 and above: 4 Synod Members

Election of Lay Members of Synod

- 1.4 Lay Members shall be elected at the Annual General Meeting of a Congregation for a term of no more than three years from among the Lay Voting Members of the Congregation.
- 1.5 Congregations shall also elect at the Annual General Meeting Alternate Lay Members of a Congregation equal to the Congregation's number of Lay Members of Synod.
- 1.6 If for any reason a Lay Member from a Congregation is unwilling or unable to attend a Session of Synod, their membership immediately becomes vacant. The vacant position shall be offered to the first available Alternate Lay Member of that Congregation.
- 1.7 If no Alternate Lay Member is available to assume a vacated Synod Member position, the Church Council may appoint any duly qualified person from within the Congregation to the position.

Youth Members

- 1.8 Each Region shall be entitled to be represented by one Youth Member who shall be a lay Voting Member of a Congregation within that Region who is no more than twenty-five years of age. The Youth Member shall be elected by the Regional Council or, failing that, appointed by the Regional Dean.

Sessions of Synod

- 2.1 The Synod shall meet on a summons from the Bishop and at such time and place within the Diocese as the Diocesan Council shall direct.
- 2.2 In the case of a Session held for the purpose of electing a Bishop, the procedure shall be in accordance with Canon 3.
- 2.3 Notice in writing of every Session of the Synod shall be signed by the Secretaries of Synod and shall be sent by mail or by electronic means to the Members of Synod, at least sixty (60) days before the date set for such Session, which shall be sufficient notice, and its non-receipt by any Member of Synod for any reason shall not invalidate the proceedings of the Synod.
- 2.4 The Bishop, or in the event of his or her absence or unwillingness to act, the senior Commissary, or in the event of his or her absence or unwillingness to act, the Chancellor shall preside at the meeting. This shall not preclude the

Bishop from appointing, at any time, the senior Commissary or any Officer of Synod to chair the meeting.

- 2.5 At any time not less than six (6) months after the last session of the Synod, the Diocesan Council shall convene a Special Session on the written demand (which shall state the reason for the convening of such Special Session) of not less than 25 percent of the existing Members of the Synod, provided such Members come from not fewer than three separate Regions.
- 2.6 The Bishop, or in his or her absence the senior Commissary, or if there be none, any five members of the clergy and five members of the Laity, being Members of the Synod, may call a Special Session of the Synod, at a time and place determined in consultation with the Diocesan Council, when the Bishop, the Commissary or they deem it necessary for the welfare of the Diocese.
- 2.7 A quorum for the transaction of business of the Synod shall consist of a majority of each of the Orders of Clergy and Laity. Once a quorum has been declared, it shall be considered that such quorum is always present throughout the Session of the Synod; provided that a Member of Synod may at any time request the Chair to verify the presence of a quorum whereupon the Chair shall instruct the Secretaries to Synod accordingly. If a quorum is found not to be present the Chair shall adjourn the Session for a period not more than one hour in order that a quorum may be constituted. If the presence of a quorum is not declared within one hour, the Chair shall adjourn the Session generally.

CONDUCT OF ELECTIONS BY SYNOD

Appointment of a Nominating Committee

- 3.1 Not less than sixty (60) days before the date set for a regular Session the Bishop shall appoint a Nominating Committee consisting of one person from each Region and shall appoint a Chair for the Committee.
- 3.2 The Nominating Committee shall receive nominations from Regions and individuals for election to the office of Clerical and Lay Secretary, and Auditor and for election to the Diocesan Council, Provincial Synod, General Synod, including a youth delegate chosen from the diocese at large, and all other committees and other bodies to which members are required to be elected by the Synod and prepare a report to Synod listing eligible nominees.
- 3.3 It shall be the duty of the Nominating Committee to obtain the consent of all nominees to their nominations.

Preparation of Ballots

- 3.4 The Nominating Committee shall present its report to the Synod at the opening of the first session of its sitting, respecting nominations for the office of Clerical and Lay Secretaries.

It shall present the balance of its report to the Synod at the first session of its sitting, or at such other times as the Synod may direct. Immediately after such presentation, or at such other time as the Synod may direct, nominations shall be called from the floor. On the completion of nominations, the Nominating Committee shall prepare ballots for all elections where a vote is required, on which names of all candidates shall be listed in alphabetical order subdivided according to each position to be elected, and shall present them at such time as the Synod directs.

Persons to be Elected

- 3.5 (a) The Synod shall, after the adoption of the minutes of the previous Session of Synod, and reception of the first part of the report of the Nominating Committee, elect by ballot one Clerical and one Lay Secretary, to hold office until their successors are elected. Provided, however, that should the current Lay Secretary fail to be re-elected, or should decline to stand for re-election, he or she shall continue to be a full voting member of the said Synod.
- (b) The Synod shall elect an Auditor, who shall be a Chartered Professional Accountant, or a firm of Chartered Professional Accountants, licensed under the Statutes of British Columbia.
- (c) The Synod shall also elect:
- (i) By ballot from its own membership, those members of the Diocesan Council which are subject to election by the Synod (see Section 5 of this Constitution) and the required number of delegates, and alternate delegates, to General Synod and Provincial Synod, and
 - (ii) A Youth Delegate to General Synod nominated from the Diocese at large.

Timing of elections

- 3.6 The Synod shall decide the time during its Session at which all elections, other than those of Clerical and Lay Secretary, shall be conducted.

Voting

- 3.7 Prior to the time set by the Synod for conducting the elections, the Chair shall appoint three members of the clergy and three members of the laity to act as Scrutineers, who need not be members of the Synod.
- 3.8 The Diocesan Council shall determine the voting procedure to be used in the elections and shall advise the Chair accordingly. The voting procedure may provide for paper ballots or for balloting by other means, provided that the procedure shall include the following:
- (i) Members of Synod shall cast their votes by secret ballot;
 - (ii) Each Member of Synod shall be entitled to cast one vote in each round of electoral voting; and
 - (iii) The ballots used on each balloting shall be maintained separately.

- 3.9 The Synod may adjourn from time to time until balloting is completed. At the conclusion of voting on each ballot, the Chair, having first asked if all Members wishing to vote have done so, shall declare the ballot closed, whereupon the Scrutineers shall retire to a place provided for them and shall count the ballots. They shall assure themselves that the number of votes counted by them corresponds to the number of Members voting on the ballot as recorded by the *CONSTITUTION, RULES OF ORDER, AND CANONS The Synod of the Diocese of Kootenay* Secretaries and shall so report to the Chair. When the counting is completed, the Scrutineers shall deliver a report of the results to the Chair and he or she shall announce the results as soon as practicable.
- 3.10 Those elected shall be the number of persons required to be elected who receive the most votes regardless of whether this is a majority.
In the case of delegates to Provincial and General Synod the alternate delegates shall be the required number of the remaining candidates with the most votes. If an alternate is required to replace a delegate that alternate shall be chosen in order of votes. The Scrutineers shall deliver to the Chair a written statement of the results of the ballot and he or she shall announce the same to the Synod at the first opportunity.
- 3.11 In the case of a tie, the Chair shall have a casting vote, provided that he or she may in the case of a multiple election, order a special ballot to be held between the persons involved in the tie, instead of exercising his or her casting vote.
- 3.12 In the event of any disagreement or dispute as to any issue whatsoever in an election, the same shall be dealt with by the Chair, whose decision thereon shall be final.
- 3.13 The ballots and any electronic records of ballots cast shall be maintained by the Secretaries to Synod for a period of 60 days and unless otherwise directed by the Chair shall thereupon be destroyed.

Resolutions for Synod

- 4.1 No less than sixty (60) days prior to a Session the Bishop shall appoint a Resolutions Committee consisting of at least four Members. The Resolutions Committee shall be responsible for:
- (a) receiving all substantive resolutions not of a constitutional or canonical nature to be presented to Synod, and
 - (b) compiling the resolutions for presentation to Synod in accordance with the Rules of Order.
- 4.2 No act or resolution of the Synod shall become valid without the concurrence of the Bishop and of a majority of the Clergy and Laity present and voting.

Voting by Orders

- 4.5 Ordinarily the votes of the whole Synod shall be taken collectively but at the desire of the Bishop, or at the request of any three other members of the Synod, the votes of both Orders shall be taken separately and, in this case a majority of those voting in each Order shall be required.

THE DIOCESAN COUNCIL

Membership and Appointment

- 5.1 (a) The Diocesan Council shall consist of:
- the Bishop (or the Commissary),
 - the Dean,
 - the Chancellor,
 - the Vice-Chancellor,
 - the Registrar,
 - the Clerical and Lay Secretaries,
 - the Treasurer,
 - the Executive Officer shall be entitled to attend meetings but shall not be entitled to vote thereat,
 - one member of the Clergy or one member of the Laity from each Region, to be elected prior to the Session by each Regional Council, to take office immediately following the Session of Synod,
 - five members of the Clergy or Laity elected by the Synod,
 - one youth member appointed by the Bishop,
 - one member of the Clergy and one member of the Laity appointed at the discretion of the Bishop.

Vacancies

- (b) The Diocesan Council may fill any vacancies occurring among its elected membership between Sessions except for appointments thereto by the Bishop who may fill by appointment any vacancy which may occur among those nominated or appointed by the Bishop and, in the case of a Regional Council representative, the vacancy shall be filled from nominations received from the Regional Council concerned.

Quorum

- (c) A quorum shall consist of a majority of members.

Appointment of Treasurer

- (d) The Diocesan Council shall at its first Session following a meeting of Synod at which a new Diocesan Council has been elected, or at any adjourned meeting of the Diocesan Council for the purpose, appoint the Treasurer. The Treasurer need not be a member of Synod but upon appointment shall be a member of the Diocesan Council and hold office until the first meeting of the Diocesan Council elected by a succeeding regular Session of Synod. The Diocesan Council may at any time terminate the appointment of the Treasurer.

Frequency of Meetings

- 5.2 The Diocesan Council shall meet at least four times a year on a summons from the Bishop, at least two of which shall be in person, at such time and place as may be designated by the Bishop. A meeting attended remotely by electronic means where participants are able to see images of, and hear, all other participants, shall be deemed to be a meeting in person.

Chair

- 5.3 The Bishop, or in the event of his or her absence or unwillingness to so act, the senior Commissary, or in the event of his or her absence or unwillingness to act, the Chancellor shall preside at the meeting and it shall be in order for the Bishop at any time to appoint the senior Commissary or any Officer of Synod to chair the meeting.

Powers of the Diocesan Council

- 5.4 The powers of the Diocesan Council shall be:
- (a) Between Sessions of the Synod to perform all acts provided for it by the Canons;
 - (b) To act as agent of the Synod in such business as it shall be competent for it to transact without an express resolution of the Synod;
 - (c) To appoint all necessary Officers; and
 - (d) To make to each regular Session of the Synod a report upon its actions since the previous regular Session.
- 5.5 Any person or committee exercising the powers or authority delegated to them by the Bishop, the Synod or the Diocesan Council shall be accountable to the Bishop, the Synod or Diocesan Council, as the case may be, for the exercise of such powers or authority.

Administration and Finance Committee

- 6.1 At the first meeting after a Session of Synod, the Diocesan Council shall appoint an Administration and Finance Committee consisting of:
- the Bishop,
 - the Dean,
 - the Chancellor,
 - the Vice-Chancellor,
 - the Registrar,
 - the Secretaries of Synod,
 - the Treasurer,
 - the Executive Officer shall be entitled to attend meetings but shall not be entitled to vote thereat,
 - two members appointed by the Bishop and
 - three members elected by the members of the Diocesan Council.

Powers of the Administration and Finance Committee

- 6.2 The powers of the Administration and Finance Committee (“A&F”) shall be to carry out policy as may be established from time to time by the Diocesan Council, to do all such things as may be required between meetings to administer diocesan operations, and to carry out

such duties with which it may be charged by the Diocesan Council. A&F shall as soon as practicable deliver a copy of the minutes of each meeting to the Executive Officer for circulation to the Diocesan Council for their review and, if applicable, ratification of any decisions of the A&F Committee, at the next regular meeting of the Diocesan Council.

Quorum

- 6.3 A quorum of the Administration and Finance Committee shall consist of a majority of its members.

Officers of Synod

- 7.1 (a) The Officers of Synod shall be:
- the Bishop **or**, in the event of the Bishop's absence or incapacity, the Commissary (or, if more than one, the Senior Commissary), or if the See is vacant, the Administrator; the Dean;
 - the Executive Officer;
 - the Chancellor;
 - the Vice-Chancellor;
 - the Registrar;
 - the Treasurer;
 - the Clerical Secretary;
 - the Lay Secretary.
- (b) The Diocesan Council may delegate to the Officers of Synod or any of them any or all of the powers conferred herein upon the Diocesan Council.

AMENDMENTS

Amendment of Constitution and Canons

- 8.1. Any proposal for amendments to the Constitution or the Canons at Synod shall first require approval of the Diocesan Council. In preparation for such approval, the Diocesan Council shall appoint a Canons Revision Committee to study the proposal, and assure that it is in suitable form and consistent with the existing Constitution and Canons of the Diocese.
- 8.2 The Canons Revision Committee will ensure there is a process such that consideration of any proposals is received by the Regions for their study a minimum of 180 days before the date of the next Diocesan Synod. Any Regional comments must be received by the Canons Revision Committee a minimum of 30 days before a regular meeting of the Diocesan Council at which the proposals will be considered.
- 8.3 Final approved proposals from the Diocesan Council must be received by the Secretaries of Synod no less than forty-five (45) days before the Synod opening.
- 8.4 The Synod may:

- (a) amend the Constitution by a vote of two-thirds of the Members, voting separately by orders, and
- (b) enact, amend, or repeal any Canon by a vote of two-thirds of the Members, in each case present and voting at one session of Synod.

8.5 Notwithstanding any other provision of this Constitution the Canons Revision Committee may recommend to the Diocesan Council such corrections and alterations to the Constitution and Canons as it considers necessary provided that such correction or alteration relates only to matters of form and not to matters of substance, and provided further that any such correction or alteration (apart from clerical or formatting changes) shall be reported to the next following regular meeting of Synod and may be set aside by a simple majority of those voting.

TITLE TO PROPERTY

Real Property

9.1 Title to all real and personal property of the Diocese, including all buildings, structures and outbuildings, is and shall be vested in the Synod.

INTERPRETATION

Conflict with Canons

10.1 Wherever there is a conflict between the provisions of the Canons and the Constitution, the provisions of the Constitution shall prevail over the provisions of the Canons.

Definitions

11.1 In this Constitution and in the Canons the following capitalised words and expressions shall have the meanings ascribed to them hereunder, namely:

“Anglican” means a Baptized person who was baptized in an Anglican service of Baptism, or has been confirmed in an Anglican service of confirmation, or has been formally received into the Anglican communion.

“Alternate Lay Member” means a Lay Voting Member of a Congregation who, if a Session of Synod is called an elected Lay Member of that Congregation is unwilling or unable to attend, may be called upon to participate in that Session in the place of the said Lay Member.

“Average Weekly Attendance” means the combined total attendance at all Regular Services of a Congregation in the previous calendar year, divided by the number of weeks in said year in which Regular Services were held.

“Baptized” means baptized by water in the name of the Father, the Son and the Holy Spirit.

“Bishop” means the bishop of the Diocese.

“Canons” means the Canons of the Diocese as adopted by the Synod from time to time.

“Clergy” means an Anglican bishop, priest or deacon canonically resident in the Diocese, or a member of the Order of Ministry of the United Church of Canada serving as the incumbent of a shared ministry within the Diocese pursuant to a shared ministry agreement, or a member of the clergy of the Evangelical Lutheran Church in Canada (Waterloo Declaration), **licensed** by the Bishop for ministry in the Diocese.

“Congregation” means one, or a group of, Worshipping Communities established as a Congregation in accordance with the Canons.

“Diocese” means the Diocese of Kootenay as described in and constituted under the Act to Incorporate the Anglican Synod of the Diocese of Kootenay, 1903, being c 31 of the Statutes of British Columbia as amended from time to time.

“Home Communion” means a celebration of the Eucharist, or the distribution of reserved sacrament, to one or more persons privately in their place of residence.

“Incumbent” means a person licensed by the Bishop to exercise Pastoral Jurisdiction over a Parish.

“Lay Member” means a Member of Synod selected by a Congregation in accordance with the Canons.

“Lay Worker” means any lay person licensed by the bishop to have pastoral jurisdiction in a parish or congregation.

“Parish” means a geographical division of the Diocese containing one or more Congregations and established as a Parish in accordance with the Canons.

“Pastoral Jurisdiction” means the responsibility for spiritual leadership, which includes but is not limited to the authority to conduct, authorize, deny, and govern all Religious Acts that may occur within a particular context.

“Personnel Commission” means a committee appointed by the Bishop to assist in the selection of an incumbent for a given parish made up of members of that parish.

“Region” means a group of one or more Parishes established as a Region in accordance with the Canons.

“Regular Service” means any worship service for which the attendance has been recorded in the register of the Congregation, including Anglican services held in medical or long term facilities, and Home Communions, but excluding weddings and funerals.

“Religious Act” means the administration of any blessing or sacrament, or participating in a religious ceremony in any way that could be construed by a reasonable person as representing the Anglican Church of Canada.

“Session” means a meeting of Synod.

“Shared Ministry Agreement” means an agreement in writing between the Bishop of Kootenay on behalf of a given parish with a congregation from another denomination which the Anglican Church of Canada has entered into partnership.

“Synod” means the Synod of the Diocese and together with the Bishop and the Diocesan Council, constitutes the governing body of the Diocese.

“Voting Member” means a congregant who is a Baptized person of the full age of 16 years who has, during the previous 12 months prior to the time in question, attended at least ten Regular Services of a Congregation or has received pastoral care, contributed toward the support of that Congregation, supports the aims of and objectives of the Anglican Church of Canada and has not, during the said period voted at a General Meeting of any other Congregation or church.

“Worshipping Community” means a group of people in communion with the Anglican Church of Canada and under the jurisdiction of the Synod of the Diocese that meets regularly for worship.

“Youth Member” means a Lay Member of Synod, no older than 25 years of age, who represents young Anglicans from a Region selected in accordance with the Canons.

Rules of Order and Procedure

Definitions

- 1.1 In these Rules:
 - a. “Chair” means the person presiding at a meeting of the Synod;
 - b. “Member” means a member of the Synod.
- 1.2 These Rules shall apply to all Sessions and, *mutatis mutandis*, to all meetings of the Diocesan Council or committees of the Council or Synod.

The Chair

- 2.1 The Chair is responsible for preserving order and decorum at meetings of the Synod by:
 - a. recognizing members who wish to speak and determining the order of speakers,
 - b. inviting the mover of a motion to present the opening and closing arguments on the question,
 - c. facilitating discussion and enabling the members to hear and listen to each other,
 - d. ensuring that all voices are heard and that none dominate,
 - e. ruling, when necessary, that speeches be limited to the time limits specified in section 4(8),
 - f. ruling whether proposed procedural motions or amendments to motions are in order, and
 - g. putting the question to a vote when all views have been sufficiently expressed.

- 2.2 The Chair may request the advice of the Chancellor, Vice-Chancellor, or Registrar, on questions of order and shall rule on such questions stating the applicable rule or practice without argument or debate.
- 2.3 Any member may appeal the Chair's ruling on a question of order and the Synod shall decide the appeal without debate.

Resolutions Committee

- 3.1 All resolutions or notices of motion, with the names of the mover and seconder, shall be submitted to the Resolutions Committee not less than forty-five (45) days before the date set for the Session of the Synod at which they are intended to be presented.
- 3.2 The Resolutions Committee:
- A. shall be responsible for sending copies of the resolutions or notices of motion received by them to all Members of Synod at least thirty (30) days before the date set for the Session;
 - B. shall have the power, in consultation with the mover and seconder of each resolution,
 - i. to amend the wording of resolutions for clarity; and
 - ii. to consolidate two or more resolutions dealing with the same matter;
 - C. shall ensure that no resolution presented is:
 - i. outside the jurisdiction of the Synod;
 - ii. unclear or ambiguous;
 - iii. inaccurate;
 - iv. impossible of performance; or
 - v. calculated to be a source of embarrassment to the Church;
 - D. report to Synod whether any resolution is contradictory to any provision of the Constitution, Canons, Policy or Regulation of the Diocese and, if so, to advise Synod what action might be taken to resolve the contradiction; and
 - E. prepare a No Debate list of resolutions.

Late Resolutions

- 3.2 Late resolutions submitted within forty-five days of the commencement of the Session of Synod shall be presented in writing, with the names of the mover and seconder, to the Resolutions Committee, who shall require the former to show cause why the procedure in Section 3.1 was not met. If satisfied that the cause justifies such procedure, the Resolutions Committee shall have the resolutions reproduced in sufficient quantity for every Member present and have them distributed to them, prior to the presentation of such resolutions; provided that:
- (a) The provisions of this Section 3.2 may be waived by the Synod at any time, and
 - (b) In the event of undue delay in reproduction of material in accordance with this Section 3.2 the mover may proceed, with the permission of the Chair, to present the resolution.

Sessional Committees

- 4.1 The Synod may appoint additional committees during the Session as required.

Order and Decorum

- 5.1 Members are responsible for assisting debate by:
- a. identifying themselves and addressing all remarks to the Chair,
 - b. confining their remarks strictly to the resolution being considered,
 - c. stating their positions clearly, succinctly and without repetition, and
 - d. maintaining an impersonal tone and avoiding personal comments.
- 5.2 A Member wishing to speak shall rise and address the Chair.
- 5.3 When two or more Members rise at the same time, the Chair shall determine the order in which they shall speak.
- 5.4 A Member called to order while speaking shall sit down, unless permitted by the Chair to explain.
- 5.5 A Member, if not interrupting a speaker, may at any time request that the motion being debated be read for clarification of the debate.
- 5.6 Every Member shall be entitled to speak once on each question. The mover of the motion shall have the right to reply at the close of debate.
- 5.7 A Member who has spoken on a question may speak in explanation if recognized by the Chair, but may not introduce new information.
- 5.8 Any Member may speak for up to three minutes in debating each resolution except a mover of a resolution who may speak for up to five minutes in presenting the resolution and up to three additional minutes in reply at the close of debate.
- 5.9 The seconder of a motion shall have the right to speak immediately after the mover, but may defer speaking until a later time in the debate.
- 5.10 The mover of a motion may delegate the right of reply to the seconder.
- 5.11 An address by the Bishop is in order at any time.

Courtesies of the Synod

- 6.1 The Chair may invite a person who is not a member of the Synod to sit with the Synod or to address the Synod but that person shall not participate in debate or vote.

Reports of Committees

- 7.1 Reports of any committee or other body required to report to the Synod shall be in writing and signed by the chair of the committee or other body.

Notices of Motion and No Debate List

- 8.1 Members may give notices of motion to the Secretaries of the Synod by sending the same to the Secretaries of the Synod not less than 45 days before a regular meeting of the Synod.
- 8.2 The Secretaries shall cause notices of motion given pursuant to subsection (1) to be printed in the notice of the meeting in the order in which they were received.
- 8.3 Members may give notices of motion during a meeting of the Synod at times provided in the agenda.
- 8.4 Motions of which notices are given pursuant to Section 8.1 shall be considered in priority to motions of which notices are given pursuant to Section 8.3.
- 8.5 There shall be a No Debate List of resolutions prepared by the Resolutions Committee consisting of motions which, in the opinion of the relevant Committee, do not require debate.
- 8.6 The No Debate List shall be circulated on the floor of Synod not less than two hours prior to its consideration.
- 8.7 Any member of Synod may request that a motion be removed from the No Debate List by:
 - a. giving written notice to the Resolutions Committee stating that the member will speak against the resolution;
 - b. providing notice of motion in writing and duly seconded to amend the resolution; or
 - c. providing written notice to the Resolutions Committee that the member requires clarification of the resolution.
- 8.8 When the No Debate List is presented to Synod, there shall be an omnibus motion to adopt all the resolutions on the List, which shall be decided without debate.
- 8.9 If the omnibus motion is defeated, each resolution on the List shall be presented individually to the Synod and decided without debate or amendment.

Motions

- 9.1 No motion or amendment shall come before the Synod unless it is second
- 9.2 No motion shall contain a preamble, however a motion may be accompanied by explanatory material setting out the rationale of the motion, but such explanatory material shall not form part of the motion.
- 9.3 No original motion, except a procedural motion, shall be received without notice unless permitted by the Synod.

- 9.4 No motion that would result in a new expenditure may be considered unless it identifies a proposed source of funding or is qualified as being subject to available funding.
- 9.5 When a motion has been read by the Chair it cannot be withdrawn without the consent of the Synod.
- 9.6 When a motion is being considered, no other motion shall be received except
- a. to adjourn,
 - b. to consider it clause by clause,
 - c. to divide a complex motion,
 - d. to postpone it until a certain time,
 - e. to postpone it indefinitely,
 - f. to refer it,
 - g. to amend it, or
 - h. that the debate be closed, and such motions shall have precedence in the order named.
- 9.7 No more than one amendment to a proposed amendment of a motion shall be in order at one time.
- 9.8 Motions to adjourn or to close the debate shall be decided without debate.
- 9.9 With respect to a motion to close debate:
- a. When a motion or an amending motion has been made and seconded any member who has not spoken on the motion or amendment may move that the debate be closed and a vote taken on the motion or the amendment.
 - b. The Chair shall not accept a motion that the debate be closed if in the opinion of the Chair the motion that the debate be closed is an abuse of the rules or would deny members of the Synod of an adequate opportunity for discussion.
 - c. When the Chair accepts a motion that the debate be closed that motion, when seconded, shall be decided without debate.
 - d. A motion that the debate be closed, to be carried, requires a two-thirds majority of all of the members of the Synod voting together.
 - e. When a motion that the debate be closed is carried the chair shall immediately call the question on the motion or amendment before the Synod. When a motion that the debate be closed is lost, discussion shall continue on the motion or amendment before the Synod.
- 9.10 Debate on a motion to refer shall be restricted to questions whether to refer and to whom.
- 9.11 Debate on a motion to postpone a motion to a certain time shall be restricted to the specified time.
- 9.12 When amendments to a motion are proposed, the amendments and the original motion shall be put in the reverse order to that in which they were made.

- 9.13 When the Chair declares that a question is being put no further debate shall be allowed and no member shall rise.

Voting

- 10.1 When a question is put, all Members present shall vote, except that a Member who declares a conflict of interest to the Chair may abstain from voting. Any such abstentions shall be recorded in the minutes.
- 10.2 The method of voting shall be determined in advance and may include electronic means.
- 10.3 In voting, if done by show of hands, those who vote in the affirmative shall so signify first, and then those who vote in the negative.
- 10.4 A question once determined shall not again be drawn into discussion at the same meeting of the Synod without the unanimous consent of Synod.

Suspension of the Rules of Order

- 11.1 A motion to suspend a Rule of Order and Procedure shall take precedence over all other motions, shall be decided without debate, and to be carried requires the affirmative votes of two thirds of the Members present.

Unprovided Cases

- 12.1 When a question of order is not covered by these Rules, the Chair may refer to Kerr and King's *Procedures for Meetings and Organizations* for guidance.

CANON 1

INTERPRETATION

- 1.1 When used in these Canons the words and expressions defined in Section 11.1 of the Constitution shall bear the same meanings.
- 1.2 In these Canons the following capitalised words and expressions shall have the meanings ascribed to them as follows:

“Church Council” means the duly licensed Clergy, Wardens and Voting Members appointed or elected under these Canons to conduct the affairs of a Congregation. The use of the terms “Church Committee” or “Parish Council” shall mean a Church Council.

“Regional Council” means the persons elected or appointed as such in accordance with Sections 10.1 to 10.3 of these Canons.

“Wardens” means the persons elected or appointed as such in accordance with Section 10.10 of these Canons.

CANON 2

SYNOD PROTOCOLS

Declaration of Submission

- 2.1 The following Declaration of Submission to the Canons of the Synod shall be subscribed by all Clergy, Lay Members and Officers of the Diocese:

Declaration of Submission

I, _____, do willingly subscribe to and declare that I assent to and will abide by the Canons, which have been, or shall be from time to time be passed by the Synod of the Diocese of Kootenay.

Date _____ Signed _____

Witness _____

Recording Average Weekly Attendance

- 2.2 All Congregations are required to accurately count and record in a register established for the purpose the attendance at all Regular Services. The Average Weekly Attendance (AWA) is a primary determinant of Congregational representation to Synod and must be as accurate as practicable and open to audit.

Voting Members of Congregations

- 2.3 All Voting Members of a Congregation shall form and constitute the Annual General Meeting of the Congregation according to Canon 10. They shall be entitled to vote at all meetings thereof on subscribing to the following Declaration of Voting Members. The subscription of this Declaration by any person is a solemn statement as to the truth of its contents with respect to such person:

Declaration of Voting Member of Congregations

I, _____, do solemnly declare:

- that I am Baptized and support the aims and objectives of the Anglican Church of Canada;
- that I contribute financially to the Anglican Church of Canada, and/or my Congregation by some generally recognized method and at a level which I conscientiously believe to be adequate in the light of my income and obligations;
- that I have attended at least ten Regular Services of my Parish/Congregation or received pastoral care, in the twelve months prior to this Declaration;
- that I am the full age of sixteen (16) years; and
- that I have not voted as a Voting Member of any other congregation within the said twelve months.

Certification of Election

2.4 The Lay Members shall be provided with a certificate of their election in the following form:

Certificate of Election

This is to certify that the Average Weekly Attendance (AWA) of the Congregation of

_____ on the _____ day of _____ 20__ was, _____,
Name of the Congregation

such number having been verified from the records of the Congregation

*(Note: this is to be the same date as is shown in the second section of this
Certificate, as the date of the meeting of the Voting Members)

This is to further certify that at a meeting of the Voting Members of the Congregation of

_____, held on the _____ day of _____ 20__, the following persons
Name of the Congregation

duly qualified, were elected Lay Members and Alternate Lay Members to the Synod of the Diocese of
Kootenay

Lay Member Name _____

Lay Member Name _____

Lay Member Name _____

Alternate Lay Member Name _____

Alternate Lay Member Name _____

Alternate Lay Member Name _____

(Signed) _____

Presiding Officer at Election

Such Certificate shall be signed by the person who presided at the election or by the Incumbent or one of the Wardens and a copy thereof shall be delivered to the Synod Office within ten days after the date of the election. The Certificate shall state the number of Voting Members on the roll of membership of the Congregation concerned, and that such number has been verified from the record of the Congregation by the Incumbent or by the person subscribing the Certificate.

CANON 3 **ELECTION OF A BISHOP**

The Vacancy of the Office of Bishop

- 3.1 The Office of Bishop shall be declared vacant:
- (a) upon the actual date of the retirement or resignation of the Bishop;
 - (b) upon the removal of the Bishop as the consequence of ecclesiastical discipline; or
 - (c) upon the death or permanent incapacity of the Bishop while in office.
- 3.2 The Bishop shall give the Metropolitan and the Diocesan Council at least ninety days' notice of their intent to retire or to resign the Office of Bishop.

The Episcopal Election Committee

- 3.3 Upon confirmation of a pending or actual vacancy in the Office of the Bishop, the Diocesan Council shall, within sixty (60) days, appoint an Episcopal Election Committee ("the EEC") consisting of:
- (a) the Chancellor
 - (b) the Treasurer
 - (c) the Clerical Secretary
 - (d) the Lay Secretary
 - (e) up to five additional clerical or lay members, with the objective of ensuring that there shall be:
 - (i) at least one member from each Region and
 - (ii) as nearly as possible an equal representation of male and female and clerical and lay members of the EEC
- 3.4 The EEC shall be responsible for establishing an electoral process that is:
- (a) transparent,
 - (b) fair,
 - (c) accountable,
 - (d) committed to discernment and
 - (e) guided by a pastoral concern for the nominees.
- 3.5 The EEC shall determine how electronic and social technology is to be used in the electoral process.

- 3.6 Diocesan Council shall provide the EEC with the requisite financial and personnel resources to complete its responsibilities pursuant to this Canon 3 and any relevant Regulations.

Nomination of Candidates

- 3.7 The election of a Bishop shall be made at an Electoral Synod called pursuant to the provisions of this Canon, the Rules of Order of the Diocese and any relevant Regulations.
- 3.8 Diocesan Council, within thirty days of receiving notice of the intention of the Bishop to resign or retire, or the permanent incapacity, or removal from office, or the death in office of the Bishop, shall obtain permission from the Metropolitan of the Province of British Columbia and Yukon pursuant to the Provincial Canons to summon an Electoral Synod for the election of a Bishop. Upon receipt of the Metropolitan's permission an Electoral Synod shall be convened by the Metropolitan on a date approved by Diocesan Council no less than three months and no more than nine months from the effective date of the vacancy in the Office of Bishop.
- 3.9 The Metropolitan shall chair the Electoral Synod unless the Metropolitan shall be unable or unwilling to act or is a candidate for election as Bishop, in which case, the next senior Bishop in the Province who is able and willing to act and who is not a candidate for election as Bishop shall chair the Electoral Synod. The Chair of the Electoral Synod shall not be entitled to a vote.
- 3.10 The EEC shall:
- (a) receive the nominations of persons eligible for the office of Bishop;
 - (b) oversee the process of determining the eligibility of those persons nominated for the Office of Bishop. This process is to include the vetting of proposed candidates by the Provincial House of Bishops before the final list of candidates is promulgated in accordance with subsection (d) below.
 - (c) prepare and execute a fair and transparent process, including a timetable for all actions required to be taken, to the end of which all eligible nominees may be presented to the members of the Electoral Synod for their consideration. Such process shall include but shall not be limited to:
 - (i) consultation with the Parishes and Regional Councils for the purpose of eliciting the expectations of members of the Parishes regarding a Bishop;
 - (ii) preparation of a Diocesan Profile containing information as to the state of the Diocese, its needs and expectations as discerned from the consultations to be undertaken;
 - (iii) ensuring that each nominee meets the required criteria of the provincial canons;
 - (iv) requesting information from each nominee, including:
 - a *curriculum vitae* with a recent photograph,
 - a statement as to the nominee's belief that he or she possesses the gifts of episcopal ministry in the Diocese,

- references from at least two (but not more than three) persons (of whom at least one should be a person with direct experience of the nominee's current ministry), an acknowledgment of the Committee's power to make such enquiries of the referees and others regarding the nominee, as the Committee may in its discretion determine,
- a criminal record check, with vulnerable persons sector check, not more than two years old, and
- evidence that the candidate is in compliance with the Safe Church practices of the Ecclesiastical Province, including working with vulnerable individuals.

(v) a procedure for an interview with each nominee.

- (d) prepare a list of all persons who have been properly nominated and who qualify for the office of Bishop in accordance with the Canons of the Diocese and of the Province; as well as a list of nominees who failed to qualify. These lists will be shared only with the Diocesan Council and shall be kept confidential.
- (e) ensure that all necessary information regarding the nominees is available to the members of the Electoral Synod in a uniform format no less than twenty-one (21) days before the date of said Synod. Such information shall include all documentation received from the nominee in response to the request for information referred to in sub-paragraphs(c) (iv) and (v) above.
- (f) review and, within 12 months following its conclusion, report to the Diocesan Council on the electoral process including any recommendations for revisions to this Canon and any relevant policies.

- 3.11 No person shall be nominated for the Office of Bishop unless that person qualifies for such position according to the Constitution and Canons of the Ecclesiastical Province of British Columbia and Yukon and the Constitution and the Canons of the Anglican Church of Canada.
- 3.12 Each nominee must be nominated by at least two members of a Church Council in the Diocese. The names of the nominators shall be made public and no nominator may nominate more than one candidate. The House of Bishops of the Province of British Columbia and Yukon may make up to three nominations. All nominees must give their consent to their nomination to the Chair of the EEC.

The Electoral Synod

- 3.13 At least fourteen days prior to the Electoral Synod the Administrator shall appoint from among the Members of the Electoral Synod scrutineers to take and count ballots as follows:
- (a) for the clerical vote, two Clergy Members and one Lay Member,
 - (b) for the lay vote, two Lay Members and one Clergy Member.

- 3.14 On the day and at the place appointed, after the celebration of the Holy Eucharist, the Chair shall proceed to organize the meeting in accordance with the Rules of Order of the Electoral Synod.
- 3.15 The Members of the Electoral Synod and the quorum for an Electoral Synod shall be the same as for a regular Synod, as set forth in Sections 1.1 and 2.7, respectively, of the Constitution of the Diocese. No person, other than a Member of Synod, the nominees and those necessary for the proper operation of the Synod, shall be permitted in the meeting place while the Synod is in session, provided that the Chair may request the nominees to withdraw while voting takes place, subject to the right of a nominee who is also a Member of the Electoral Synod to vote prior to withdrawal.
- 3.16 Following the celebration of the Holy Eucharist, the EEC shall formally table the names of the nominees for the Office of Bishop. After the nominations, the members of the Electoral Synod present and voting shall vote in their respective orders until a person is elected Bishop or ten ballots have been conducted. All voting shall be by secret ballot and conducted as follows;
- (a) On the conclusion of each balloting the Chair, having first asked if all Members wishing to vote have done so, shall declare the voting on that balloting closed.
 - (b) The scrutineers shall retire to a place provided for them and shall count the ballots. They shall assure themselves that the number of votes counted by them corresponds to the number of persons voting on the ballot as recorded by the Secretaries and shall so report to the Chair.
 - (c) A written report from the scrutineers shall be given to the to the Chair, indicating,
 - (i) the number of ballots not included in the results of the voting and the reasons why these ballots are not included;
 - (ii) the number of votes of each order required for an election; and
 - (iii) the results, by order, of the voting.
 - (d) Upon receipt of the report of the scrutineers, the Chair shall announce:
 - (i) the number of ballots cast in each order;
 - (ii) the number of ballots not included in the results of the voting and the reasons why these ballots are not included in the count;
 - (iii) the number of votes in each order required for an election;
 - (iv) the number of votes cast in each order for each candidate, and
 - (v) whether or not there has been an election.

- (e) If the balloting does not result in an election, balloting shall continue pursuant to subparagraphs (a), (b) and (c) above with the exception that the names of the following candidates shall be removed from the list of candidates for election:
 - (i) any candidate who has received no votes in either or both Orders, and
 - (ii) any candidate who has given or caused to be given signed written notice to the Chair stating that the candidate wishes to withdraw from the election.
- (f) If no candidate is elected after ten ballots, or such other number of ballots determined by the EEC the Chair shall determine the will of the Electoral Synod as to whether the Electoral Synod shall recess for a specific period of time, adjourn indefinitely or continue balloting.

3.17 No person shall be held to be duly elected Bishop unless that person shall have first obtained the majority of the votes of the members of both orders present and voting on the same ballot.

Reconvening an Electoral Synod

- 3.18 Sections 3.19 to 3.20 apply only if an Electoral Synod has been adjourned under subsection 3.16(e).
- 3.19 The Diocesan Council shall determine the date and location of the reconvened Electoral Synod in consultation with the Metropolitan. Notice shall be sent to the members of the Electoral Synod at least twenty-one (21) days before the reconvening of the Electoral Synod as well as any requisite information regarding any newly-nominated candidates.
- 3.20 Following the adjournment new nominations may be made whose candidacy will be reviewed according to the requirements of this Canon above and any relevant Policies. Any new nominations must be submitted within sixty days of the adjournment of the Electoral Synod.
- 3.21 No person who either withdrew or whose name was removed from the ballot pursuant to subsection 3.16(e) during the previous Electoral Synod may be re-nominated.
- 3.22 When the Electoral Synod reconvenes, the Committee shall table:
 - (a) the names of those candidates who were validly nominated previously who did not withdraw their names in the previous election and who have consented to their names being resubmitted to the Electoral Synod, and
 - (b) the names of any candidates nominated pursuant to Section 3.20 above.
- 3.23 Balloting shall resume as pursuant to sections 3.16 and 3.17 above. If no candidate is elected after at least five ballots, or such greater number as the Committee shall have determined in advance, then one final ballot shall be held on which the percentage of votes received by each nominee in each order shall be added and the candidate with the greatest total of percentages shall be declared elected.

- 3.24 Following the confirmation of the election of a Bishop in accordance with Section 3.25 the Secretaries to Synod shall proceed to destroy all ballots, including electronic records of votes cast

Confirmation of Election

- 3.25 No person shall be consecrated and/or installed as Diocesan Bishop until their election is confirmed by a majority of the House of Bishops of the Ecclesiastical Province of British Columbia and Yukon in accordance with the Canons of the Ecclesiastical Province.

Consecration and Installation

- 3.26 The Consecration of the Bishop-elect is within the jurisdiction of the Metropolitan in consultation with the Diocesan Council and the Bishop-elect.
- 3.27 The Installation of the Bishop-elect is within the jurisdiction of the Administrator of the Diocese in consultation with the Diocesan Council and the Bishop-elect.

Term of Office

- 3.28 The Bishop shall serve for a term of ten (10) years from the date of installation as Bishop of the Diocese of Kootenay. At the end of the ten year term, subject to any applicable Provincial or General Synod Canons or policies, the Diocesan Council, in consultation with the Bishop may extend the term in increments not exceeding ten (10) years, each after a review of Episcopal ministry. The Bishop may at any time during their ministry, or Diocesan Council may after not less than two years have elapsed since the installation of the Bishop, request a review of Episcopal ministry.

Regulations and Electoral Synod Rules of Order

- 3.29 Diocesan Council may:
- (a) make Policies consistent with this Canon and matters related to the nominating and election of a Diocesan Bishop and
 - (b) make Rules of Order for the Electoral Synod consistent with this Canon and any relevant Regulations.

CANON 4
THE ADMINISTRATOR

- 4.1 (a) Upon the See becoming vacant, the administration of its affairs shall devolve upon an Administrator, who shall act until the installation of a Bishop.
- (b) The Administrator shall be the senior Commissary appointed by the former Bishop or if he or she is unable or unwilling to act, the other Commissary or Commissaries in order of seniority or, if there be none or, if none of these is able or willing to act, the Dean of the Cathedral or, if there be none or if he or she is unable or unwilling to act, the Chancellor.
- 4.2 Without limiting the generality of Section 4.1 of this Canon, the Administrator shall:
- (a) Preside over all Councils, Boards and Committees of which the Bishop is officially the Chair;
- (b) Appoint and license Clergy to spheres of work in the Diocese, as needs demand;
- (c) The Administrator shall account and report fully to the Bishop as soon as conveniently possible after his or her installation, upon all matters and things done or dealt with by him or her in the course of his or her administration.

CANON 5
THE COMMISSARY

- 5.1 The Bishop may, under his or her hand and seal, appoint one or more Priests of the Diocese to be the Commissary within the Diocese to hold office at the pleasure of the Bishop, and if more than one, the senior Commissary shall be designated by the Bishop, or if he or she has failed to do so, the senior Commissary shall be determined by the length of continuous service as Commissary.
- 5.2 The duties of such Commissary, subject to the terms of his or her appointment by the Bishop shall be:
- (a) To assist the Bishop at any time in administering the affairs of the Diocese; and
- (b) During the absence or incapacity of the Bishop, to administer the temporal affairs of the Diocese with full power to approve of and consent to the sale or lease of any lands where the consent of the Bishop is necessary, and to affix the Seal of the Synod, and to sign and deliver on behalf of the Bishop any instruments affecting real or personal property.
- 5.3 On the installation of a new Bishop of the Diocese, the Commissary or Commissaries appointed by the former Bishop shall cease to hold office.

CANON 6 LEGAL OFFICERS

The Bishop may appoint a Chancellor, a Vice-Chancellor and a Registrar, each of whom shall be a member of the Law Society of British Columbia, and whose terms of office shall be at the pleasure of the Bishop, and whose duties shall be such as are provided in these Canons.

CANON 7 DUTIES OF OFFICERS

Duties of Secretaries

- 7.1 The Secretaries shall keep regular minutes of the proceedings, and attest all public acts of the Synod and the Diocesan Council, and shall carry out such duties as the Synod and the Diocesan Council and the Administration and Finance CONSTITUTION, Committee shall direct.

Duties of Treasurer

- 7.2 The Treasurer shall be responsible for the receipt, collection and deposit of all monies belonging to the Synod and any trust or special fund in its holding; the payment of all current expenses of the Synod, subject to such regulations as the Diocesan Council may from time to time provide; the taking and preserving of vouchers for all payments made; the keeping of accurate books of accounts of all receipts and disbursements; the making of such reports and statements as may be ordered by the Diocesan Council; and the preparation of an annual statement for distribution to the Regions and Congregations and for presentation to the meeting of the Synod, showing the receipts and expenditures of the previous year up to the end of the 31st of December of each year.

Duties of Legal Officers

- 7.3 The Chancellor, the Vice-Chancellor and the Registrar shall give to the Bishop, Diocesan Council and Synod, legal advice and assistance in matters pertaining to the Diocese, or to the interpretation of Canon law, when called upon to do so.

CANON 8

LICENSING OF CLERGY AND LAY WORKERS TO WORK IN THE DIOCESE

8.1 Licensing

The Bishop may license clergy and lay workers to a sphere of work in the Diocese subject to the following conditions:

- (i) The Bishop shall not license without first obtaining the consent of the appropriate personnel commission.
- (ii) If the Parish concerned is more than three months in arrears in respect of financial obligations to the Synod, the consent referred to in sub-section (i) above need not be obtained and the Bishop may exercise the power of license without such consent.
- (iii) The Bishop may make ad hoc appointments of clergy and lay workers for a period of up to one year, and license accordingly, without the consent referred to in (i) above.
- (iv) Any license made by the Bishop may be limited to function and term.
- (v) Official communication with all clergy or lay workers relative to licensing in the Diocese shall be the prerogative of the Bishop.

8.2 Review of Ministry

The Bishop may review the ministry of every person holding a license pursuant to Section 8.1, in consultation with the Wardens of the Parish concerned, at any time but must initiate a review no later than five years from the date of licensing. A person licensed by the Bishop may request a review of their ministry prior to the end of the five year term.

8.3 Notice of Termination

- a. Clergy or lay workers desiring to terminate their license must give three months' notice to the Bishop, who shall then communicate the information to the regional dean, the wardens, Church Council and Parish concerned, or other appropriate persons or bodies. The person resigning shall not leave his/her charge until the expiration of the period of notice, without the written consent of the Bishop, which shall not be unreasonably withheld.
- b. Should a Parish desire to terminate a license, the Wardens shall communicate a resolution of the Church Council requesting the same to the Bishop immediately upon it being made. The Bishop shall, as soon as possible thereafter, meet with the Church Council or Church Council concerned, and shall investigate the reasons for such resolution, with both the Church Council and with the person concerned and discuss possible alternatives, and take appropriate action.

CANON 9

GROUP INSURANCE

- 9.1 There shall be a plan of Group Insurance for the Bishop, Clergy and paid Lay workers of the Diocese.
- 9.2 The amount of insurance shall be determined by the Diocesan Council from time to time.
- 9.3 Membership in the Group Insurance Plan shall be mandatory upon all eligible Clergy.
- 9.4 Each member shall be required to contribute annually an amount to be set out in a schedule published from time to time by the Diocesan Council.
- 9.5 The Synod may participate in the Group Insurance Plan established by the General Synod of the Anglican Church of Canada, or any modification thereof, or other plans substituted therefore. In case of such participation, the provisions of such plans shall apply in all particulars to the Diocese, and shall replace the provision₃ and 4 of this Canon.

CANON 10

REGIONS, PARISHES AND CONGREGATIONS

Regions, Regional Deans, and Regional Councils

- 10.1 The Bishop and the Diocesan Council may divide the Diocese into Regions, establish their boundaries, and authorize them to commence operation. A resolution to establish a Region shall include the name of the Region, the date of establishment, and the component Parishes. The Bishop and Diocesan Council may, from time to time, change, amalgamate, disestablish, or otherwise deal with such Regions as they see fit, in consultation with the Regional Council or Councils concerned.
- 10.2 Upon the establishment of any Region in accordance with Section 10.1, the Bishop may appoint a Regional Dean for the same from among the Incumbents within it. The duties of the Regional Dean shall be set out by the Bishop and the Diocesan Council, after due consultation with the Regional Council.
- 10.3 As soon as possible after his or her appointment under Section 10.2, the first Regional Dean appointed to a Region shall convene a meeting of all the clergy and of at least one lay representative of every Congregation within the Region. Such meeting, or any adjourned session thereof, shall settle and agree upon the constitution of the Regional Council. The constitution of each Regional Council and any subsequent amendments, shall become effective immediately upon its ratification by the Bishop and Diocesan Council for such purpose.

Parishes

- 10.4 The Bishop and the Diocesan Council shall define all Parishes within the Diocese. A resolution to establish a Parish shall include the name of the Parish, its geographical boundaries and the effective date of establishment. From that date, the parishes concerned shall have, and be entitled to exercise all the rights conferred upon parishes by the Canons of the Diocese. The Bishop and the Diocesan Council may at any time amalgamate, disestablish, separate or change the bounds of any parish after due consultation with the members thereof and the Regional Council concerned.

Pastoral Jurisdiction

- 10.5 The Bishop holds primary Pastoral Jurisdiction for the Diocese, including jurisdiction over any Parish, Congregation or other body of, or within, the Diocese.

Where a Parish has an Incumbent, the Incumbent shall have Pastoral Jurisdiction within the geographical boundaries of the Parish, subordinate to that of the Bishop. Where a Parish has no Incumbent, the Pastoral Jurisdiction reverts to the Bishop.

When a Priest-in-Charge has been licensed to a Parish, the Priest-in-Charge shall exercise all the rights and responsibilities of an Incumbent under this Canon.

The rights and responsibilities of an Incumbent under this Canon are subject to the direction of the Bishop, and may be exercised by the Bishop directly at any time.

Congregations

- 10.6 A Congregation may be established, disestablished or have its name altered by the Bishop and Diocesan Council:
- (a) A resolution to establish a Congregation shall include the name of the Congregation, the effective date of establishment, a description of all real property entrusted by the Diocese for Congregational use, and the names of the initial Incumbent's Warden and People's Warden of the Congregation.
 - (a) A Congregation may be disestablished by the Bishop and Diocesan Council only if one or more of the following conditions applies;
 - (i) the General Meeting of the Congregation approves a motion to request disestablishment of the Congregation, or;
 - (i) the Congregation declares itself to be not in communion with the Anglican Church of Canada, or;

- (i) the Congregation fails to comply with the Canons, or is delinquent in its financial or legal obligations, after having been given reasonable notice and opportunity for compliance by the Diocese.
- (a) A Congregation shall be subject to the Pastoral Jurisdiction of the Incumbent of the Parish in which its place of worship is geographically situated, unless otherwise specified by Canon or in its resolution of establishment.

General Meetings of Congregations

10.7 The General Meeting is the highest policy-setting body within a Congregation, subject to the Canons and Policies of the Diocese.

(a) **Appointment of Chair**

A General Meeting may be convened by the Bishop, in which case the Bishop shall appoint the Chair of the meeting. A General Meeting may be convened by the Executive Committee of the Church Council, in which case the Incumbent shall appoint the Chair. A General Meeting can be convened by a Warden with the written consent of the Bishop and ten (10) Voting Members of the Congregation, in which case the Warden shall appoint the Chair.

Notwithstanding appointments under Section 10.7(a), the Bishop has the right to chair any General Meeting.

(b) **Notice of Meeting**

Notice of any General Meeting shall be posted at least 21 days prior to the meeting. All reasonable efforts should be made to notify all voting members. This must include public notice in a conspicuous place and by any electronic means that the Church Council may consider would be likely to come to the attention of the Congregation. Notice of meeting shall also be given at any and all regular services of the Congregation within the 21 days preceding the said meeting. The non-receipt of such notice by any Congregational member shall not invalidate the proceedings at the meeting.

(c) **Quorum**

A quorum for a General Meeting shall be a number of Voting Members of a Congregation equal to at least 15% of the Average Weekly Attendance (AWA) of the Congregation and must include a Warden, and the Incumbent or the Bishop. Only Voting Members of a Congregation may participate in a General Meeting, unless said privileges be extended to others by resolution of the meeting.

(d) Annual General Meeting

An Annual General Meeting shall be convened by the Executive Committee of the Church Council, or by the Bishop, no later than the last day of February, in each calendar year.

Order of Business at Annual General Meetings

10.8 The Order of Business at the Annual General Meeting shall be as follows:

- (a) Opening Prayer
- (b) Determination and declaration of the number of Voting Members present.
- (c) Adoption of the Minutes of the previous Annual General Meeting and of any other General Meeting held since the last Annual Meeting.
- (d) Receipt and consideration of Reports.
- (e) Receipt of financial statements and approval of the Annual Budget
- (f) Election of Lay Members and Alternate Lay Members in accordance with the Constitution.
- (g) Announcement of the appointment of the Incumbent's Warden.
- (h) Election of the People's Warden, and members of the Church Council.
- (i) Other business.
- (j) Closing Prayer.

Extraordinary General Meetings

10.9 An Extraordinary General Meeting of a Parish may be held at any time. Notice in writing of such meeting, signed by the Incumbent and at least one of the Wardens of the relevant Congregation, or by the Incumbent at the request of ten (10) duly qualified Voting Members shall be given as provided in sections 7(a) and 7(b) of this Canon.

Wardens

10.10 Every congregation shall have two Wardens.

A Warden shall be a Voting Member of not less than nineteen (19) years of age, except with the approval of the Bishop. The two Wardens of a Congregation may not be members of the same household. One Warden, called the Incumbent's Warden, shall be appointed by the Incumbent, provided that, if there is no Incumbent, the Bishop or the Commissary shall appoint. The other Warden, called the People's Warden, shall be elected at the Annual General Meeting. If the Incumbent does not wish to exercise the right of appointment the Annual General Meeting shall elect both Wardens.

Duties of Wardens

10.11 The duties of the Wardens shall be:-

- (a) To co-operate with the Incumbent, the members of the Congregation, the region and the Diocese, in the strengthening of the life of the Church and in the growth and development of its people.

- (b) To give to the Incumbent at all times their support, help and counsel.
- (c) To assist the Congregation in discerning the Mission of God in the world, and to encourage the Congregation in that Mission.
- (d) To appoint and oversee a Treasurer, and when necessary be responsible for the removal of the Treasurer.
- (e) As members of the Executive Committee (see section 12), to be responsible at all times for the care and maintenance of the property of the Congregation, both real and personal, and in particular to have custody of the funds of the Congregation and to account for them regularly to the Church Council and in consultation with the Treasurer, to produce to the Annual General Meeting financial statements for the previous fiscal year (including a Statement of Receipts and Expenditures and a Balance Sheet) and an operating budget for the current year.
- (f) If there is no Incumbent, to be responsible, in consultation with the Bishop, for the continuing life of the Congregation.
- (g) With the Incumbent, to execute contracts and other documents on behalf of the Congregation.
- (h) With the Incumbent, to be responsible for communication between the Congregation and the Diocese. To consult with the Bishop with respect to licensing of Clergy to serve the Congregation.
- (i) To report regularly to the Church Council.
- (j) To assist the Incumbent in the supervision of Lay employees.

Church Councils

- 10.12 Every Congregation shall have a Church Council which shall be responsible for the oversight and policies applicable to the administration of the Congregation, subject to General Meetings of the Congregation, and the Canons and policies of the Diocese.

The Chair of the Church Council shall be the Incumbent unless the Incumbent declines the position. In such instances, the Chair will be elected by the Church Council from among its members.

Membership of the Church Council

- 10.13 The Church Council shall consist of all Clergy licensed in the Congregation, the Wardens, the Lay Members, those members elected by the Annual General Meeting, and the Treasurer. The Annual General Meeting may, by resolution, set the maximum number of members to be elected to the Church Council.

Executive Committee

- 10.14 The Church Council shall establish an Executive Committee to consist of the Wardens, the Incumbent, the Chair of the Church Council, and the Treasurer.

The Executive Committee shall have general responsibility for the continuing life of the Congregation and will act between meetings of the Church Committee and carry out its policy decisions, and perform such duties as may from time to time, be delegated by the Church Council. The Executive Committee shall report and be accountable to the Council, and shall abide by the policies of the Parish and the Diocese.

Secretary of the Church Council

- 10.15 The Church Council may select a Secretary either from its own members or otherwise but the Secretary if not an elected member, shall not be entitled to vote.

Duties of the Church Council

- 10.16 The duties of the Church Council shall be:

- (a) To act on behalf of the Congregation between Annual General Meetings.
- (b) To support and assist the Incumbent and Wardens in the execution of their duties.
- (c) To clarify the long and short-term goals and objectives of the Congregation and to develop the means to achieve them.
- (d) To interpret the goals and objectives of the Congregation to its members, and to encourage them to support the same.
- (e) To insure that all necessary furnishings and equipment are available and in good condition for the proper conduct of worship and other functions of the Congregation.
- (f) To appoint and set the terms of employment of all lay persons employed by the Congregation, whether full-time or part-time, honorary or paid.
- (g) To maintain an inventory of all the property of the Congregation.
- (h) To establish such sub-committees as the Church Council may decide.

Independent Financial Review

- 10.17 The Church Council will appoint an independent person not related to the Treasurer, and not a member of the Church Council, but with a reasonable understanding of financial records, who will review the financial records of the Congregation and report to the Council prior to the Annual General Meeting.

Meeting Quorum

- 10.18 A quorum shall be a majority of the Church Council membership and must include the Incumbent or a Warden.

Church Council Members Terms of Office

- 10.19 The Wardens and members of the Church Council shall continue in office until their successors are appointed or elected as the case may be. The Wardens and those elected to the Church Council, or those appointed to replace them, shall not hold any one office for more than three consecutive years without the approval of the Council. Any vacancy occurring among the elected members of the Church Council shall be filled by the Church Council. Any member absent from three successive meetings without good cause as determined by the Church Council, shall be deemed to have resigned.

Signing Officers

- 10.20 The Signing Officers of the Congregation shall be any two of the Wardens, the Treasurer, the Incumbent, or any other person appointed to such duty by the Church Council, provided that no two signing officers may be members of the same household.

Congregational Music

- 10.21 The Incumbent shall be primarily responsible for the music of the Congregation in consultation with the Wardens and the Church Council.

Alterations to Building and Property

- 10.22 No new structure of a permanent nature shall be erected on any Church property, or additions made to any existing structure, or changes of a significant nature to the grounds or the use of the grounds, until the plans and specifications thereof, and the methods proposed for meeting the costs thereof, have been submitted to and approved by the Bishop and the Administration and Finance Committee.

CANON 11 MEMORIALS IN CHURCHES

Removal of Memorials

- 11.1 No memorial heretofore placed in or on any Church property shall be removed, discarded or destroyed except with the permission of the Bishop given pursuant to the request of the Incumbent, Church Wardens and Church Council concerned.

New Memorials

- 11.2 The property in all memorials heretofore placed in or on any Church property shall be vested in the Incumbent and Wardens and shall be shown in the Inventory of Church property. No new or additional memorials of any kind shall be placed in or on any Church property without the consent of the Bishop and the Administration and Finance Committee.

Memorials from Deconsecrations

- 11.3 In the case of any Church being demolished or deconsecrated on ceasing to be used for Divine Worship, the disposal of all memorials shall be decided by the Bishop and the Administration and Finance Committee on the recommendations of the Parish or congregation concerned. Any person or persons desiring to place a memorial in or on a Church building shall be informed of section 2 above and shall be encouraged to make a donation to a Memorial Fund.
- 11.4 The word “memorial,” wherever used in this Canon, shall be deemed to include decoration, fittings, furniture, furnishings, plaques, and ornaments of every description. All donations to the Memorial Fund shall be recorded in a Memorial Book.
- 11.5 The disposition of the Memorial Fund shall be in the hands of the Church Council.

CANON 12

CEMETERIES AND GRAVEYARDS

Compliance

- 12.1 The provisions of this Canon are subject to the Cremation, Interment and Funeral Services Act SBC 2004 Chapter 35 (the “Act”) and the definitions therein shall apply to this Canon. In the event the terms of this Canon conflict with the Act, the Act shall supersede this Canon.

Cemetery Committee

- 12.2 The Incumbent and Wardens of a Congregation or Congregations in whose control any cemetery or columbarium lies shall be the committee to manage such cemetery and columbarium, subject to the superintendence of the Bishop (the “Cemetery Committee”). The Cemetery Committee may at its discretion, add additional parishioners to its number.

Cemetery Establishment and Enlargement

- 12.3 Every cemetery shall be surveyed, and mapped into spaces of interment by burial of remains, or for the interment of ashes after cremation (the “Burial Plots”). Upon the completion of such survey the Cemetery Committee shall petition the Bishop of the Diocese for the consecration of the ground within the survey, and such petition shall be

accompanied by a certified copy of the survey and a copy of the certificate of public interest issued by a Director as defined in the Act, for the establishment or enlargement of the Cemetery. Upon such consecration the area will become the Cemetery of the Congregation (the "Cemetery").

Interment by Inurnment

- 12.4 For the interment of ashes after cremation, a columbarium of an appropriate size and dimension may be, with the prior permission of the Bishop and the Administration and Finance Committee of the Diocese, constructed or installed in the cemetery or within the church ("Columbarium Niche").

Cemetery Fund for Perpetual Care

- 12.5 Rights of interment in the interment spaces referred to in this Canon may be granted in perpetuity for a fee to be fixed by the Cemetery Committee after consultation with the Church Committee for approval by the Administration and Finance Committee.

Fees shall be established having in view the permanent upkeep of the cemetery and the requirements of the Act. The aggregate of such fees, together with other contributions or donations provided for or accepted in the discretion of the Cemetery Committee, shall be paid into a separate account (the "Cemetery Fund") which shall be reserved for the necessary expenses of the Cemetery as prescribed by the Act including but not limited to repairing, replacement, clearing, enclosing, improving and maintaining the Cemetery in good order.

Accounting and Fees

- 12.6 The Cemetery Fund shall be kept by the Church Wardens' in a separate account and in no circumstances whatever may these funds be used for any other purposes than those permitted by the Act.

Applications for Purchase

- 12.7 Applications for the purchase of rights of interment in the form of burial plots or Columbarium Niches shall be made to the Cemetery Committee of the congregation. Persons paying a fee for rights to interment spaces shall receive the following document, signed by the Incumbent and one of the Church Wardens.

"Received this _____ day of _____, 20____, from _____
[print name]
(the "Owner") the sum of _____ for the right of interment in the Burial
Plot/Columbarium Niche [delete one] being, part of a Cemetery or Church of the Synod of
the Diocese of Kootenay, of the Anglican Church of Canada at [insert civic address]
_____, numbered on the map of the
Cemetery or Columbarium in the care and control of the Cemetery Committee of the
Congregation of _____.

The above right of interment to the Burial Plot or Columbarium Niche shall be held by the said Owner subject to this Canon and to the rules from time to time made by the Cemetery Committee for the management of the Cemetery or Columbarium.

Use of Interment Space

- 12.8 No interment space shall be used for interment without the written authority of the owner of such space, or his or her legal personal representative provided always, that it shall in no case be used contrary to any expressed wish of the owner and subject always to applicable laws of the Province of British Columbia and Canada.

Rules

- 12.9 The Cemetery Committee may make rules from time to time for the operation and maintenance of the cemetery or columbarium of the congregation (the "Rules") provided such Rules are consistent with the Act and these Canons, subject always to revision at the discretion of the Bishop.

Cemetery Maintenance

- 12.10 The Cemetery Committee may remove, at their discretion, any enclosure or fencing which may be in a state of dilapidation, from any burial plot, after due notice of such intended removal has been given, if possible, to the owner of such burial plot, their personal legal representative or an immediate family member.

Monuments

- 12.11 No monument, grave stone, or erection of any kind, shall be permitted in any cemetery without the consent in writing of the Cemetery Committee nor shall any inscription on any work, monument, gravestone or railing be made without the consent in writing of the Cemetery Committee, subject to an appeal to the Bishop.

Disputes

- 12.12 In case of any dispute regarding matters concerning the cemetery or columbarium arising among the Members of the Cemetery Committee an appeal may be made to the Bishop, whose ruling will be final.

Interment Services

- 12.13 Interment Services shall be conducted as far as possible in the Church and interment in consecrated cemeteries shall be made within the prescribed Office for the Burial of the Dead and preferably by the Incumbent. A member of the Laity may officiate by reading the prescribed Office if there is no member of the Clergy available. In unconsecrated cemeteries the grave should be consecrated by the use of the Collect provided.

Special Services

- 12.14 Special services may be held for persons for whom it is not permitted to use the prescribed Order of Burial after consultation with and approval of the Bishop.

Incumbent to Preside

- 12.15 No interment service shall be held in the Church except by the Incumbent, or his or her substitute, or in the cemetery except by him or her or with his or her consent.

Note: These changes reflect the inclusion of language that covers columbaria as well as cemeteries. It is designed to facilitate parish compliance with the provincial legislation that governs the management of cemeteries and columbaria

CANON 13

FINANCE

Diocesan Family Budget and Kootenay Fair Share

- 13.1 Under the authority of the Synod, the Diocesan Council shall have the control, management and administration of all the funds and property of the Synod.
- (a) For the support of the Diocese and of objects outside the Diocese, there shall be one annual apportionment known as the “Kootenay Fair Share” (KFS).
 - (b) The Diocesan Council shall prepare annually the budget to be known as “The Diocesan Family Budget” (DFB), and shall apportion the amount to be raised in a fair and equitable manner among the parishes or, where applicable, the regions of the Diocese.
 - (c) The Diocesan Council shall consult with the Regional Councils on the program of the Diocese, which will be financed through the Diocesan Family Budget, and shall obtain their assistance in the acceptance of apportionments by parishes or, where applicable, by regions.

Synod as Trustee

- 13.2 The Synod shall act as Trustee for the Bishopric Fund and all other Trust Funds held for its benefit, and shall administer the same in accordance with the terms upon which they were established.
- 13.3 The Diocesan Council shall invest all monies belonging to the Trust Funds in the name of the Synod as Trustees.

Rules on Loans Against Real Property

13.4 In the investment of Trust Funds, the Diocesan Council shall be governed by the Act incorporating the Diocese, and also by the following rules:

- (a) No money shall be loaned on any unimproved real estate, nor shall any unimproved real estate be purchased as an investment of Trust Funds.
- (b) No money shall be loaned on any security until the same shall have been approved by the Diocesan Council.
- (c) Not more than seventy per cent of the appraised value of any property shall be loaned thereon; all appraisals shall be made in writing by a qualified appraiser and deposited with and retained by the Diocesan Council.
- (d) No loan shall be made upon improved property unless such property is covered by a policy of insurance against fire to the full value thereof, and unless loss under such policy is stated therein to be payable to the Synod.
- (e) No money shall be loaned on a second or any subsequent mortgage.

Consolidated Trust Fund

- 13.5
- (a) The Synod shall have the power to establish a Consolidated Trust Fund, hereinafter called "The Fund", but the granting of such a power shall not authorize the Synod or its Diocesan Council to vary or alter the Trusts upon which the capital or securities are now respectively vested in or held by the Synod or entrusted to it.
 - (b) The Fund shall be under the control and management of the Diocesan Council, which may make such lawful investment of the same as one Consolidated Trust Fund as it shall from time to time determine.
 - (c) Separate and distinct records of each and every such Trust, showing the Capital of the same, shall be kept, and the Income received and accruing from the several investments so made of the Consolidated Trust Fund shall be divided amongst the several trusts as aforesaid pro rata in the proportion borne by each separated Trust Fund to the Consolidated Fund, after deducting from the receipts an agreed percentage thereof for the expense of management, investment and administration.
 - (d) The Diocesan Council may, with the approval of Synod, entrust the management and custody of all Trust Funds and Investments in the hands of or under the control of the Synod to any Trust Company licensed to do business in the Province of British Columbia, and to pay such Company a fee for such work.

External Investment of Parish Funds

- 13.6 (a) No Region or Congregation shall invest any funds in stocks, shares, bonds, debentures, funds or other property except with the consent of the Diocesan Council, and then only in such securities as are allowed by law for the investment of Trust Funds.
- (b) Any Region or Congregation having funds for investment may, with the approval of the Diocesan Council, remit such funds to the Treasurer of the Diocese to be invested, managed and administered by him under the direction of the Diocesan Council.
- (c) All interest and dividends from such investments shall be remitted to the Region or Congregation in accordance with its wishes, subject to any Deed of Trust or any direction from the donor or other source of the funds.
- (d) The Synod shall be entitled to make the usual charges for collection and management of such funds entrusted to it.

CANON 14

PURCHASE, SALE AND TITLE TO DIOCESAN PROPERTY

Definitions:

14.1 In this Canon 14:

- (a) "Diocesan Property" means all real property owned by the Diocese plus any personal property owned by the Diocese, including but not limited to chattels, buildings or other improvements whether or not affixed to the land and proceeds from the sale of any Diocesan Property and
- (b) "Diocesan Objectives" means the religious aims and purposes of the Diocese as expressed in its Constitution and Canons.

Designated Trust

- 14.2 (a) Diocesan Property may be designated for the use of a Congregation or the Diocese by the Bishop and Diocesan Council.
- (b) Immediately upon such designation, Diocesan Property for use by a Congregation shall be held in trust by the Diocese for the purposes of the worship, ministry and ongoing life of such Congregation. Such a trust is conditional upon such Congregation continuing to use the Diocesan Property in a manner consistent with Diocesan Objectives.

Termination of Designated Trust

14.3 The use of any Diocesan Property by any Congregation shall generally be deemed to be consistent with Diocesan Objectives unless and until the occurrence of one or more of the following events, namely;

- (a) The disestablishment of such Congregation pursuant to Sections 10.4 or 10.6(b) above;
- (b) The determination by such Congregation to relinquish such Congregation's use of Diocesan Property in accordance with Diocesan Objectives, such determination to be made by a duly constituted general meeting of the Congregation concerned;
- (c) The abandonment of the said Diocesan Property for a continuous period of more than three (3) months;
- (d) The deconsecration by the Bishop of any buildings on real property of the Diocese.

If any of the specific events set out in subparagraphs (a) to (d) above occur, the said designated trust in favour of the Congregation concerned shall stand wholly terminated and extinguished.

Disposition of Diocesan Property - Designated Trust in Place

14.5 While the designated trust is in place, no Diocesan Property or interest therein shall be sold or disposed of without the approval of the Congregation or Parish concerned and of the Diocesan Council or Administration and Finance Committee, provided however that this Section shall not affect any loan or other agreement entered into between the Congregation and the Diocese whereby the sale or disposal of any or all such Diocesan Property is authorized by the Congregation in the event of its failing to carry out the provisions of such agreement.

Disposition of Sale Proceeds - Designated Trust in Place

14.6 The proceeds of the sale of Diocesan Property pursuant to Section 14.5 above shall be remitted to the Treasurer of the Diocese to be invested, managed, and administered by him or her on behalf of the Congregation so remitting under the direction of the Diocesan Council and in accordance with Canon 19. The capital sum of such funds shall not be disbursed without the approval of the Congregation and the Diocesan Council or Administration and Finance Committee.

Disposition of Diocesan Property - Congregational Trust Extinguished

14.7 Following extinguishment of a trust pursuant to Section 14.4, such Diocesan Property may be sold by the Diocese to any person at any price approved by the Bishop and the Administration and Finance Committee of the Diocese with or without regard to the wishes of the former Congregation. Any such decision for the sale or disposition of Diocesan

Property which is no longer subject to the aforesaid trust in favour of a Congregation, and the disposition of the sale proceeds, shall be in the sole discretion of the Bishop and Administration and Finance Committee of the Diocese.

CANON 15

THE SEAL OF THE SYNOD

- 15.1 The Synod shall have a common Seal of which the Bishop shall have care and custody.
- 15.2 In the case of all deeds and documents which from time to time may be required to be executed on behalf of the Synod, such execution shall be effected by the Bishop and another Officer of the Synod.

CANON 16

DISCIPLINE

The Court of the Diocese

- 16.1 There shall be a Court of the Diocese entitled “The Court of the Diocese of Kootenay”, for the prosecution, hearing and trial of all ecclesiastical causes within the Diocese, and of all offenses of the Laity, as well as the Clergy, against the laws ecclesiastical, against the provisions of the statutes constituting and affecting the Synod and against the Canons of the Synod.

Membership of the Court

- 16.2 The Court of the Diocese of Kootenay shall consist of three members of the Clergy and three members of the Laity elected by the Synod, who shall hold office until their successors are elected. Should a vacancy occur in the membership of the Court, the same may be filled by the Diocesan Council, and the person appointed by such Council shall hold office until the next election of members of the Court by the Synod.

Subject to Trial

- 16.3 Every Priest, Deacon or Lay Worker licensed by the Bishop, or any Office or charge under his or her jurisdiction, any member of the Laity who is a Voting Member, as defined in Section 1.1 of Canon 1, who is charged with any of the offences set forth in the Canon on Discipline of the General Synod of the Anglican Church of Canada, or concerning whom there exists scandal or evil report as having been guilty of such offenses, shall be liable to trial and punishment as hereinafter provided.

General Synod Canons Take Precedence

- 16.4 The Canons of General Synod of the Anglican Church of Canada shall govern the action and authority of the Court, and the right of appeal from the decisions thereof.

Rules of the Court

- 16.5 The Court may establish its own Rules of Procedure, and without limiting the generality of this section, such Rules may cover methods of receiving complaints and accusations against accused persons, timing and method of delivery of charges, notices and all other necessary documents, conduct of hearings, method of giving judgment, costs, and all such matters as require regulation for the proper and expeditious conduct of the business of the Court.

Timeliness of Court Action

- 16.6 Every suit or proceeding against any Priest, Deacon or Lay Worker, for any offence specified in this Canon, or against the provisions of the Statute constituting the Synod or against the Constitution, Canons or Regulations of the Synod, shall be commenced within two years from the time that the commission of the offence, in respect of which the suit or proceeding is instituted, shall have become publicly known, and not afterwards; provided always, that whenever any such suit or proceeding is brought in respect of any offence for which a conviction has been obtained in any Court of Law, such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years may have elapsed since the time that the commission of the offence, in respect of which such suit or proceeding is so brought, shall have become publicly known.

CANON 17

PROVISION FOR RELIEF FROM COMPLIANCE WITH CERTAIN CANONS FOR PARISHES PARTICIPATING IN “ECUMENICAL SHARED MINISTRIES”

- 17.1 In this Canon the term “Parish participating in an Ecumenical Shared Ministry” means:
- (a) a Parish in which the Incumbent has charge and pastoral care of an organized congregation of the United Church of Canada, or any other denomination with which the Anglican Church of Canada shall enter into partnership.
 - (b) a Parish, which with the permission of the Bishop, is in the charge of and in the pastoral care of an ordained minister of the United Church of Canada, or any other denomination with which the Anglican Church of Canada shall enter into partnership.

Dispensation from Compliance

- 17.2 In such instances as specified in Section 17.1 herein, it shall be lawful for the Bishop of the Diocese to grant to such priests as specified in subsection 17.1(a) or such congregations as specified in subsection 17.1(b) dispensation from strict compliance with any or all Canons herein contained, save and except the provisions of Canon 1.

- 17.3 Such dispensation shall be granted at the discretion of the Bishop upon petition of an Incumbent as described in subsection 17.1(a) or a Parish as described in subsection 17.1(b) as represented by their duly elected Wardens.

Time Limits on Dispensation

- 17.4 Such dispensation when granted, shall be for a period of one year only but may be renewed at the discretion of the Bishop on a yearly basis, provided however, that all such dispensations or renewals thereof shall be reported to the Diocesan Council of the Diocese at the first opportunity after the granting of such dispensations.

Representation at Diocesan Synod

- 17.5 1A Parish participating in an Ecumenical Shared Ministry, as defined in subsections 17.1(a) and (b) of this Canon, shall be considered a Congregation for the purposes of determining representation at Sessions of Synod.