

Revised by the 143rd Diocesan Convention of the Episcopal Diocese of West Virginia, October 2020

**CONSTITUTION AND CANONS
OF THE
EPISCOPAL DIOCESE OF WEST VIRGINIA**

Constitution of the Episcopal Diocese of West Virginia

PREAMBLE

Being led by the Holy Spirit to fulfill Christ's teachings, in order to promote righteousness, transparency and harmony in our governance, under the supervision of the Ecclesiastical Authority, we Episcopalians of West Virginia do hereby establish this body of diocesan law: The Constitution and the Canons of the Diocese of West Virginia.

ARTICLE 1. Title, Bounds and Establishment of Constitution

This Diocese shall be known and distinguished as The Episcopal Church in the Diocese of West Virginia, also known as "The Diocese of West Virginia," (hereinafter "This Diocese"), and its bounds shall be the bounds of the entire state of West Virginia. This Constitution supersedes all previous Constitutions of The Diocese of West Virginia.

ARTICLE 2. Accession to The Episcopal Church

This Diocese and all of its Congregations and other organizations accede to and are subject to the Constitution and Canons of The Episcopal Church. The Diocese of West Virginia is a part of The Episcopal Church which is a constituent member of the Anglican Communion, a Fellowship within the One, Holy Catholic, and Apostolic Church, in communion with the See of Canterbury, upholding and propagating the historic Faith and Order as set forth in The Book of Common Prayer.

ARTICLE 3. The Ecclesiastical Authority

The Ecclesiastical Authority of the Diocese shall be the Diocesan Bishop; or if there be no Diocesan Bishop, then the Bishop Coadjutor; or if there be no Bishop Coadjutor, then the Bishop Suffragan at the request of the Standing Committee; and if there are no such Bishops, then the Standing Committee.

ARTICLE 4. The Convention

Section 1. There shall be a Convention of this Diocese to be convened annually at a date, time, and place to be set by the Ecclesiastical Authority. The date shall be set in order that due notice may be given at least 120 days prior to the Convention.

Section 2. The Ecclesiastical Authority may call Special Conventions and fix the time and place at which they shall convene upon notice given at least 30 days prior to the Special Convention.

ARTICLE 5. Members of Convention

Section 1. The Convention shall be composed of the Bishop, if there be one, the Bishop Coadjutor, if there be one, the Bishop Suffragan, if there be one, and clergy, lay delegates and members ex-officio.

Section 2. The clergy entitled to membership shall be all those Bishops, Priests and Deacons who are canonically resident within the Diocese, and who, at the time of the Convention, are legally domiciled or actively engaged in ordained ministry within the Diocese. No clergy person shall lose membership on account of age, infirmity, or of service in the armed forces of the United States as a chaplain, so long as a legal domicile is maintained in West Virginia.

Section 3. Each Parish and Mission shall be represented by lay delegates and alternates as authorized herein, subject to such conditions as may be prescribed by Canon. Each Mission shall be entitled to one (1) delegate and one (1) alternate. Each Parish of fewer than one hundred (100) communicants in good standing as listed in the prior year's parochial report shall be entitled to one (1) delegate and one (1) alternate. Parishes numbering at least one hundred (100) but fewer than two hundred fifty (250) shall be entitled to two (2) delegates and two (2) alternates. Parishes numbering at least two hundred and fifty (250) but fewer than five hundred (500) shall be entitled to three (3) delegates and three (3) alternates. Parishes numbering at least five hundred (500) but fewer than a thousand (1000) shall be entitled to four (4) delegates and four (4) alternates, and Parishes numbering one thousand (1000) or more shall be entitled to five (5) delegates and five (5) alternates. Numbers of each congregation's delegation shall be determined by the Parochial Reports of the year previous to the Convention. Each lay delegate and alternate shall be a member of the Parish or Mission represented and chosen as prescribed by Canon and a communicant in good standing as defined in Canon I.17.3 of the canons of The Episcopal Church such term always having the same meaning in this Constitution and the Canons of this Diocese.

Section 4. No person under ecclesiastical censure or process, whether clergy or lay, shall be entitled to membership.

Section 5. Ex-officio members with seat, voice, and vote, shall include the President, Vice President, and Secretary/Treasurer of the Episcopal Youth Council of the Diocese of West Virginia, and such others as the Convention may decide.

Section 6. Ex-officio members with seat and voice, but no vote, shall include such others as the Convention may decide and as may be established by Canon.

ARTICLE 6. Officers of Convention

Section 1. The Bishop is President of the Convention. In the absence of the Bishop, the Bishop Coadjutor, if there be one, shall preside. In the absence of the Bishop and the Bishop Coadjutor, if there be one, the President of the Standing Committee shall preside unless the Standing Committee authorizes the Bishop Suffragan, if there be one, or an Interim bishop to preside. In the absence of a bishop as herein authorized, the President of the Standing Committee shall preside until a bishop as herein authorized is present.

Section 2. A Secretary of the Convention shall be elected from among nominees proposed by the Ecclesiastical Authority. The Secretary's duty shall be to take minutes of the proceedings, to preserve the journals and records, to prepare the post-Convention Journal of the Convention, and to perform other duties as established by the Convention or by Canon. The Secretary shall serve until a successor is elected.

ARTICLE 7. Conduct of Convention

Section 1. Quorum. Fifteen (15) members of the clergy and lay delegates representing at least twenty (20) congregations shall constitute a quorum.

Section 2. Voting. The members shall deliberate in one body and each member with voting privileges shall have a vote. A majority vote shall give validity to any measure, unless otherwise specified in this Constitution or in the Canons. When three clergy and three lay delegates from three separate congregations unite to request it, the voting shall take place by orders, that is, by the clergy order and the lay order, in which case the concurrence of a majority of each order shall be necessary to adopt any measure.

ARTICLE 8. Election of Bishops

Section 1. The election of a Bishop, Bishop Coadjutor, or Bishop Suffragan, shall be by Convention either in an Annual Convention or in a Special Convention. Nomination procedures shall be as prescribed by Canon. In either case the Ecclesiastical Authority shall notify all Congregations in the Diocese at least thirty days prior to the Convention of the date and place of such convention called to elect a Bishop, and such notice shall be published and broadcast throughout the Diocese by all reasonable means, which shall include but not be limited to a notice directed to all clergy entitled to membership at Convention and to each Parish, Organized Mission, and Bishop's Mission.

Section 2. At the Convention called to elect a Bishop, no election shall take place unless a quorum of two-thirds of the clergy entitled to membership and two-thirds of the lay delegates entitled to membership be present. When the vote for Bishop takes place it shall be by orders and by ballot, and when a majority of the clergy and a majority of the lay delegates have voted for the same person, the President shall declare such person elected. After a quorum has been declared by the President at the commencement of voting, if less than a quorum is present for subsequent rounds of voting as may be necessary, the President may declare that voting shall proceed and an election will be decided when two-thirds of the voters present from each order vote for the same person.

ARTICLE 9. Officers of the Diocese

Section 1. Treasurer. The Ecclesiastical Authority, in consultation with the Diocesan Council, shall nominate at every fifth Annual Convention dated from the Convention of 2002, at least one person, but not more than three persons, suitable for Treasurer, of whom the Convention shall by ballot elect one to serve as Treasurer for five years and until a successor is elected. The Treasurer takes office at the conclusion of the Convention at which he/she is elected. If a vacancy should occur, the Ecclesiastical Authority shall appoint a successor to serve until the next regular Annual Convention, at which time an election shall be held following the procedures set forth herein to elect a Treasurer for the remainder of the term in which the vacancy occurred. It shall be the Treasurer's duty to be a financial adviser to the Diocese, and to perform such other duties as may be established by Canon. The Treasurer shall be learned in accounting and finance and shall be a baptized person, who for the three (3) months prior to the electing Annual Convention, has been a communicant in good standing of a Congregation of this Diocese and a regular contributor to its support. The Treasurer shall be a member ex officio of each Convention, without vote.

Section 2. Chancellor. The Ecclesiastical Authority, in consultation with the Diocesan Council, shall nominate at every fifth Annual Convention dated from the Convention of 2009, at least one, but not more than three persons, learned in the Law of the State and Church, either clergy or lay persons, for Chancellor, of whom Convention shall by ballot elect one to serve for five years and until a successor is elected. The Chancellor takes office at the conclusion of the Convention at which he/she is elected. If a vacancy should occur, the Ecclesiastical Authority shall appoint a successor to serve until the next regular Annual Convention, at which time an election shall be held following the procedures set forth herein to elect a Chancellor for the remainder of the term in which the vacancy occurred. If a lay person, the Chancellor shall be a baptized person, who for the three (3) months last past prior to the electing Annual Convention, has been a communicant in good standing of a Congregation of this Diocese and a regular contributor to its support. It shall be the Chancellor's duty to be legal adviser to the Ecclesiastical Authority and to the extent not in conflict with said duties, the Standing Committee. The Chancellor shall be a member ex officio of each Convention, without vote.

ARTICLE 10. Boards, Committees, and Commissions

The Convention shall provide by Canon for the appointment or election of a Board of Trustees, a Standing Committee, a Diocesan Council, a Constitution and Canons Committee, and other such bodies which the Convention deems necessary for the administration and governance of this Diocese.

ARTICLE 11. Congregations of the Diocese

The Congregations of this Diocese are Parishes, Missions, and Bishop's Missions. Their formation, organization, alteration, and dissolution are set by Canon.

ARTICLE 12. Regional Organizations

Section 1. Deaneries.

The Diocese may be organized into regional groupings, called Deaneries, by the Ecclesiastical Authority. Deanery duties, responsibilities, formation, organization, bounds, and dissolution are set by Canon.

Section 2. Regional Ministries.

A Regional Ministry is a formal affiliation of congregations and/or specialized missions with clergy and laity sharing mutual ministry for the purpose of spreading the Gospel. The title used to describe such affiliations may be changed from time to time as the Ecclesiastical Authority may deem appropriate.

ARTICLE 13. Alterations and Amendments

Any proposed alteration or amendment of this Constitution shall be submitted in writing to the Ecclesiastical Authority at least ninety (90) days before the meeting of the Annual Convention. Such proposals shall be referred by the Ecclesiastical Authority to the Constitutions and Canons Committee, which shall study such proposals and submit them in proper form to the Convention. From time to time the Constitutions and Canons Committee may be directed by the Ecclesiastical Authority to initiate a general review and general revision of the entire Constitution in order to

render it into a more proper and usable form and such a general revision shall be considered as an amendment. All alterations and amendments being presented by the Constitution and Canons Committee shall be publicized by all reasonable means throughout the Diocese prior to the Convention. Amendments to the proposed alteration or amendment may be made from the floor of the Convention following the Parliamentary rules adopted by the Convention. The Convention shall not consider any alterations or amendments to this Constitution except those presented in accordance with the above procedure. Any alteration or amendment must be adopted by a majority of each Order present at Convention voting by Orders. It shall then lie over to the next Annual Convention, and if the same text, without substantive changes as decided by the President, is again adopted by the majority of each Order present at Convention voting by Orders, the amendment or alteration shall be then considered enacted.

CANONS OF THE EPISCOPAL DIOCESE OF WEST VIRGINIA

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TITLE I: ORGANIZATION AND CONDUCT OF THE CONVENTION

Canon 1: Duties of the Annual Convention

Section 1. Duties.

The Diocesan Convention (hereinafter referred to as “the Convention”) as duly constituted and duly assembled exercises the legislative functions of the Diocese. These functions shall include but are not limited to the election of Bishops; election of officers and committees as set forth in these Canons; ratification of appointments made by the Ecclesiastical Authority as prescribed in the Constitution and these Canons; election of Deputies to the General Convention; approval of the budget of the diocese; admission of new congregations as defined in Title III of these Canons; alteration of the status of Congregations with the advice of the Ecclesiastical Authority; and approval of amendments to the Constitution and Canons.

Canon 2: Members of the Convention

Section 1. Determination and Credentialing of Clergy Members

a) List of qualified Clergy. The Bishop shall send to the Secretary at least a week before the meeting of every Convention a list of clergy who are entitled to membership pursuant to Article 5, section 2, of the Constitution.

b) Registration. At the time of registration at the Convention each clerical delegate shall fill out a registration form, prepared by the Secretary, which shall include, as applicable, name, address of residence, email address, and charge or current position in the Diocese. Such registration shall constitute the taking of the Clerical Roll. The list of clergy members shall be available to all members of the Convention.

c) Resolution of questioned membership. If the right of any presbyter or deacon to membership in the Convention is questioned, the case shall be referred at once to a special committee of three clergy appointed by the President of the Convention. After hearing a report from this committee, the Convention will decide by majority vote whether the person or persons at issue are qualified to be members.

Section 2. Determination and Credentialing of Lay Delegates from Congregations

(a) Lay delegates from Congregations to Convention, as prescribed in Article 5, Section 3, of the Constitution, and their alternates, shall be elected at the annual meeting of each Congregation. They shall be communicants in good standing of the Congregation. Vacancies occurring during the time between a Congregational meeting and the Convention shall be filled by the Vestry or Mission Committee.

(b) A form for the certification of lay delegates and their alternates shall be sent by the Secretary to each Congregation eligible to have delegates. The form shall provide spaces for the name(s) of delegates, the inclusive dates of their period of service as delegates and alternates, and the name of the Congregation. These forms will be certified by the senior clergy person of that Congregation and sent promptly upon election to the Secretary of the Convention. Certification of such forms shall be prima facie evidence of the rights of those named to seats in the Convention. The Secretary will prepare a list of all such certified delegates and alternates for use at the Convention.

(c) Lay Delegates shall have seat, voice and vote. Alternates shall have seat and voice, but no vote. In the event that a delegate is unable to function in the capacity of delegate, the alternate to that delegate shall assume full rights of the delegate, with seat, voice, and vote.

CANONS – TITLE I: ORGANIZATION AND CONDUCT OF THE CONVENTION

(d) Registration. At the time of registration at the Convention each lay delegate and alternate shall fill out a registration form, prepared by the Secretary, which shall include name, address of residence, email address, and name of congregation. The Secretary will make sure that each registrant is properly certified and will prepare a list of lay delegates and alternates properly registered and certified. This list shall be available to all members. Such registration shall constitute the taking of the Lay Roll.

(e) Resolution of Questioned Membership. If the right of any lay delegate or alternate to membership in the Convention is questioned, the case shall be referred at once to a special committee of three laypersons appointed by the President of the Convention. After hearing a report from this committee, the Convention will decide by majority vote whether the person or persons at issue are qualified to be members pursuant to Article 5 of the Constitution of this Diocese.

Section 3. Credentialing of Ex-Officio Members

Ex-officio members are those enumerated in Article 5, sections 5 and 6, of the Constitution. At the time of registration at the Convention each ex-officio member shall fill out a registration form, prepared by the Secretary, which shall include name, address of residence, email address, and office or position in the Diocese which qualifies that person to be an ex-officio member. The Secretary will make sure from Diocesan records that each ex-officio registrant is properly entitled to membership and will prepare a list of such ex-officio delegates. The list shall be available to all members. Preparation of the list shall constitute the taking of the Ex-Officio Roll.

Canon 3. Attendance Upon Convention and Duties of Delegates

Section 1. Expenses

It shall be the duty of Congregations to provide the necessary travel remuneration to and from the Convention, and reasonable expenses for registration, food and lodging, of their clergy, and, if practicable, of their lay delegates. If clergy are being remunerated by Regional Ministry Councils, the Councils shall assume responsibility of the aforesaid expenses.

Section 2. Attendance

It shall be the duty of all clergy entitled to membership in the Convention and all lay delegates or their alternates to attend the annual Convention.

Section 3. Preparation and Dissemination

It shall be the duty of each delegate and alternate to read, study, and disseminate throughout their Congregations, by whatever means appropriate, all reports, proposed resolutions, and information contained in the Pre-Convention Journal and other advisories of Convention activities which may be provided. Delegates shall consult their Vestries or Committees for advice and counsel concerning issues and votes that might arise at the Convention.

Canon 4. Resolutions

Section 1. Requirements for Submission

Any group of five or more members of the clergy canonically resident in the Diocese, or five or more lay communicants in good standing of any congregations in this Diocese, or any Vestry, Mission Committee, or any board, commission, or committee included in Canons 2-3-4 of Title II of these Canons, may submit a resolution, or resolutions, to the Convention. Rules for format of a resolution are in Robert's Rules of Order. The resolution shall identify the sponsor(s). Any resolution that would, if passed, cause the expenditure of funds by the Diocese, should be flagged

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with the label “fiscal note” and be automatically referred to the budget committee of the Diocesan Council for review and comment to then be directed to the resolutions committee.

Section 2. Time period for Submission

No resolution, except of appreciation, sympathy, or condolence, may be entertained by any Convention unless such proposed resolution has been physically received by the Ecclesiastical Authority at least forty-five days prior to the convening of the Convention, and has thereafter been published in the Pre-Convention Journal or otherwise disseminated to all Congregations prior to the Convention. Proposed resolutions which have been received after the prescribed period may be presented to the Convention by the Committee on Resolutions if, in its opinion, the resolution refers to events which have occurred less than 45 days prior to the convening of the Convention and thus could not reasonably have been submitted during the prescribed time period.

Section 3. Precedence

Resolutions shall be published in the Pre-Convention Journal, and brought before the Convention, in the chronological order in which they were received by the Ecclesiastical Authority, except that the Convention may, if recommended by the Resolutions Committee, and by majority vote, change the order of consideration by grouping resolutions on similar subjects together in the order of receipt and thus consider all resolutions in that group before going to the next group or individual resolution.

Canon 5. Conduct of the Convention

Section 1. Rules of Order

The meeting of the Convention shall be conducted by its President in accordance with the latest edition of Robert’s Rules of Order governing general parliamentary procedure, except that the rules of order may be suspended and other rules substituted by the Convention by a majority vote. The President of the Convention shall vote as a member of the body, but when the President is the Bishop, and the vote is by Orders, his/her name shall be called last. The President may, when the debate seems to have ended, before putting the question, give his/her judgment upon the matter at issue and the vote shall then be taken unless some subsidiary motion be in order and be moved.

Section 2. Appointment of Committees of the Convention

The President shall appoint the following committees and the chairs thereof at the beginning of or prior to the Convening of the Convention:

- (a) Committee on Resolutions
- (b) Committee on Resolutions of Appreciation, Sympathy or Condolence
- (c) Committee on Constitution and Canons
- (d) Tellers for Lay Vote and the Clerical Vote
- (e) Special Committee on the Rights of Clergy to seats
- (f) Special Committee on the Rights of Lay Delegates to seats.

Section 3. Officers of the Convention and Diocesan Officers Elected at Convention

The Convention shall elect the following officers in the manner prescribed by the Constitution:

- (a) Secretary
- (b) Treasurer
- (c) Chancellor

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Section 4. Consideration of the Budget

The proposed Budget for the calendar year following that of the Convention will be presented by the Treasurer, and considered by the members of Convention sitting as a Committee of the Whole. Final action shall be taken on the budget, following such Committee of the Whole consideration, by the members sitting as Convention, subject to the authority of The Council to amend the budget from time to time except for authorizing a greater amount of total expenses that would cause an unbalanced budget. The Council, through a subcommittee it may designate to study and recommend to The Council for action, may approve a downward adjustment the mandatory apportionment of a Congregation which has petitioned The Council for review of same based upon extraordinary circumstances.

Section 5. Other Business and Agenda

The Convention may consider all other items on its agenda as established by the President and approved by the Convention. The Convention shall also conduct elections for committees, commission and other posts as necessary.

Section 6. Deputies to General Convention

As Deputies to the General Convention need to be elected a full year in advance of the next General Convention as per the Canons of The Episcopal Church, at the Diocesan Convention in the year next preceding the next regular meeting of the General Convention, or at the Diocesan Convention two years next preceding the next General Convention as may be needed to comply with the one full year rule, the Diocesan Convention shall elect by ballot four clerical and four lay deputies, and the same number of alternates, to the General Convention. Clerical deputies and alternates may be Presbyters or Deacons and must be members of the Diocesan Convention by right undisputed. Lay Deputies and alternates must be confirmed adult communicants, as defined in the Canons of The Episcopal Church, of a Congregation in this Diocese but not necessarily domiciled in the Diocese.

(a) Nomination procedures for these positions shall be as follows:

- (1) Each Deanery may nominate not more than two candidates to each order.
- (2) Nominations may be made from the floor of the Convention.
- (3) To the extent possible, the Diocesan news media shall be used to acquaint the Diocese with the candidates.

(b) Appointment of alternates. Any deputy unable to perform the duties of his/her office must give timely notice to the Ecclesiastical Authority, who shall notify the alternate who in order of his/her election stands next as entitled to represent the Diocese that he/she has assumed the duties of the deputy. If any alternate deputies have been elected by the same number of votes they shall be notified in alphabetical order. In the event that no regularly elected deputy or alternate is able to attend the General Convention, the Bishop may appoint one or more as necessary to represent the Diocese.

TITLE II: ORGANIZATION AND ADMINISTRATION

Introduction: In addition to the Officials and Committees appointed at Convention to perform functions at Convention, as prescribed in the Constitution and in Title I of these Canons, the Diocese elects or appoints various officers, boards, commissions, and committees to carry on its work throughout the year and fulfill its mission of propagating the Gospel of Jesus Christ in the state of West Virginia. The method of election/appointment, terms of office, and duties of these officers and bodies are described in this Title.

Canon 1. Appointment and Election of Officers and Other Officials, and Their Terms of Office

Section 1. Diocesan Bishop (hereinafter referred to as “the Bishop”)

The Bishop is elected according to Canon III.11 of The Episcopal Church and Article 8 of the Constitution of the Diocese of West Virginia.

Section 2. Other Bishops

The Bishop may choose to have elected a Bishop Coadjutor and/or Bishop Suffragan. Their election/appointment shall be conducted in accordance with the canons of The Episcopal Church and Article 8 of the Constitution. Their confirmation and ordination shall be conducted in accordance with Canon III.11.10 of The Episcopal Church.

Section 3. Treasurer

The Diocesan Treasurer is elected, and his/her term of office is established by the Convention in accordance with Article 9, Section 1, of the Constitution.

Section 4. Chief Financial Officer (CFO)

With advice of the Treasurer, this Officer is appointed by the Bishop with the term of office to be set by the Bishop. The CFO shall be qualified for the position by virtue of his/her educational and professional background and experience in financial accounting and operations.

Section 5. Chancellor

The Convention shall elect a Chancellor from persons nominated by the Bishop, in accordance with Article 9, Section 2, of the Constitution. The Chancellor must be learned in the law of the State and the Church.

Section 6. Vice Chancellor

With the advice of the Chancellor, the Bishop shall appoint as Vice Chancellor one or more persons learned in the law of the State and the Church, to serve concurrently with the Chancellor. The Vice Chancellor(s) shall serve at the will and pleasure of the Bishop.

Section 7. Church Attorney

Every third year, commencing January 1, 2021, the Bishop shall appoint a layperson, duly licensed to practice law in West Virginia, to serve as Church Attorney until a successor is appointed. The Church Attorney need not reside in or be a member of the Diocese. The Church Attorney shall not be from the same law firm as the Chancellor or the Vice Chancellor of the Diocese. If, in

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connection with a particular matter, the Church Attorney (i) is related to any party by blood or marriage, (ii) is a witness to essential facts involved in the matter, (iii) has a close personal or professional relationship with the respondent, or (iv) reasonably believes himself or herself unable to fairly and independently carry out his or her duties in the matter, the Church Attorney shall be declared by the Bishop disqualified and excused from service in connection with the matter, and the Bishop shall promptly appoint a suitable person to serve as Church Attorney with respect only to that matter.

Section 8. Historiographer

The Bishop shall appoint some suitable person to serve as Historiographer of the Diocese with a term as established by the Bishop.

Canon 2. Appointment of Members of Boards, Committees, and Commissions, and Their Terms of Office

Section 1. Diocesan Trustees

There shall be a board of not less than six nor more than seven Trustees, to be called “The Diocesan Trustees of the Episcopal Church in the Diocese of West Virginia,” which shall consist of five Trustees elected by the Convention for a term of five years and until their successors are elected. The Bishop shall present nominees for these positions in any number he/she chooses. In addition to the five elected members, the Treasurer shall serve on the board ex-officio without vote, and serve as its Treasurer. The Bishop may from time to time appoint, for a term not in excess of three years, as a seventh Trustee, without vote, a bank or trust company qualified to act as fiduciary under the Uniform Common Trust Fund Act of the State of West Virginia. A chair of this board shall be elected from among the five elected and voting members of the board. No person shall be eligible to serve more than two consecutive five-year terms as Trustee.

As soon as practicable after the election of the members, or of any member, of the Diocesan Board of Trustees, it shall be the duty of the Secretary of the Convention to prepare a certificate, verified by affidavit, certifying to the election of such Trustee or Trustees, which certificate he/she shall transmit to the Treasurer, who shall cause the same to be recorded in the office of the Clerk of the County Commission of each County in the State in which the Diocese or the Diocesan Trustees have any property, as required by the Code of West Virginia. The expense of such recordation shall be considered as one of the necessary expenses of administration of the Diocese.

In case of a vacancy occurring on the Board between sessions of the Convention, except as to the Treasurer and the seventh Trustee, the remaining Trustees shall have the power to fill such vacancy until the next regular meeting of Convention when the Convention shall elect a Trustee to fill the remainder of the unexpired term. If there be no Bishop in office at the expiration of the term for which the seventh Trustee was appointed, such term shall ipso facto continue until terminated by the other Trustees or by the successor Bishop in office.

Section 2. Standing Committee

There shall be a Standing Committee consisting of four presbyters entitled to seats in the Convention and four laypersons who are adult communicants in good standing of Congregations in this Diocese, all of whom shall be elected at Convention by ballot. Nominations should be submitted 45 days before Convention to the Diocesan Office and may come from Deaneries or other sources, and further nominations may come from the floor. Terms of each member have been

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staggered in four steps by previous Conventions, so that each Convention is only required to elect one clergy member and one lay member at each Convention, unless vacancies are being filled. In the event of a vacancy the Standing Committee will appoint a person to fill the vacant seat until the next Convention. A person who has served on Standing Committee shall not be eligible for re-election to the Standing Committee until the Diocesan Convention following the convention at which his/her prior term of membership expired. This restriction shall not apply to any person who has been elected to fill a vacancy. As soon as practicable after each Annual Convention, the members of the Standing Committee shall meet at the call of the Bishop and shall elect a President and likewise a secretary. The Standing Committee shall make rules for its assembling and government. Five members shall constitute a quorum at any meeting of the Standing Committee.

Section 3. Diocesan Council

(a) The Diocesan Council also referred to as “The Council” shall be composed of the Bishop, the Bishop Coadjutor, if there be one, and the Bishop Suffragan, if there be one, and the following other members with seat, voice and vote:

- (1) Convener of the Women’s Ministries Committee
- (2) President of the Episcopal Churchmen
- (3) President of the Youth Council
- (4) Chair of the Commission on Racism and Diversity
- (5) One Clergy Member and one Lay Member from each Deanery, elected in accordance with the Deanery’s by-laws and, if either position becomes vacant, replaced according to the Deanery’s by-laws

(b) The following shall be ex-officio members of the Diocesan Council with seat and voice, but no vote:

- (1) Chancellor, or Vice Chancellor if the Chancellor cannot be present
- (2) Treasurer
- (3) An Assistant Bishop, if there be one
- (4) Specific Diocesan Staff who provide information and advice to Diocesan Council

(c) The Bishop shall be Chair of The Council. If there be a Bishop Coadjutor, he/she will be Vice-Chair thereof. If there be no Bishop Coadjutor then the Bishop Suffragan will be Vice-Chair, and if there be no Bishop, Bishop Coadjutor, or Bishop Suffragan, then The Council at its first meeting in a year will, as the first order of business, elect a chair and vice chair from among the voting members. A majority of the voting members shall constitute a quorum.

(d) The names of persons elected by Deaneries to the Diocesan Council must be submitted to the Bishop at least forty-five (45) days in advance of each Convention.

(e) The Diocesan Council shall meet at stated times, but not less than four times per year.

Section 4. Disciplinary Board

(a) Adherence to General Canons. The forms and methods of Ecclesiastical Discipline in the Diocese shall follow and comply with the provisions set forth in Title IV of the Canons of the General Convention of The Episcopal Church (the “General Canons”). To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

(b) Effective Date. Except for the provisions for selection of members of the Disciplinary Board, which shall take effect immediately upon adoption, these Canons shall take effect on January 1, 2021. The terms of previously elected members of the Disciplinary Board shall terminate on January 1, 2021, except with respect to cases pending on that date before the Disciplinary that are

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required to proceed under the predecessor to Title IV as set forth in Canon IV.20.3 of the General Canons. As to such cases, the predecessor to Title IV and the predecessor to this Section shall govern. The terms of members of the Disciplinary Board expiring on December 31, 2010, are extended until so terminated.

(c) Authority. Pursuant to Canon IV.5.3(i) the Diocese has elected to enter into a compact among the Dioceses of Ohio, Southern Ohio, Pittsburgh, Northwestern Pennsylvania, Western New York and West Virginia (“The Dioceses”) to develop and share resources necessary to implement Title IV and this Canon, including members of Disciplinary Boards, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under Title IV (hereinafter the “Disciplinary Board Compact”). The Bishop of the Diocese shall be authorized to execute and implement the Disciplinary Board Compact and any amendments or modifications thereto consistent with this Canon.

(d) Information. When any General Canon shall allow information concerning a charge or disciplinary proceeding be given to a Bishop, the only Bishop to whom such information may be given shall be the Bishop (or Bishops if so agreed) having jurisdiction over that charge or disciplinary proceeding under Canon IV.19.5 of the General Canons.

(e) Composition. The Disciplinary Board shall consist of thirteen (13) persons, seven of whom are members of the Clergy and six of whom are members of the Laity and shall constitute a Court for purposes of Article IX of the Constitution of The Episcopal Church.

(f) While the Disciplinary Board Compact is in effect, each of The Dioceses shall have one clerical and one lay member on the Disciplinary Board, and the thirteenth member, a cleric, shall be nominated by the Disciplinary Board and subject to the unanimous approval by the six diocesan bishops. The Disciplinary Board shall elect a President from its membership pursuant to General Canon IV.5.1.

(g) Terms. After the initial period, each member of the Disciplinary Board shall serve a three-year term, each term to begin on January 1 following appointment or election. During the first year, after election of a President, the remaining members shall draw lots as to the four having one-year terms (to December 31, 2021), the four having two-year terms (to December 31, 2022) and the four having three-year terms (to December 31, 2023). Thereafter, each Diocese shall elect or appoint replacements for members from that Diocese whose terms have ended for three-year terms, replacing lay with lay and clergy with clergy, provided that the thirteenth member shall be selected as provided in subsection (f) above. Members may serve no more than two successive terms nor be elected or appointed to serve again until one year has elapsed following the expiration of the second term. If a member is appointed to fill a vacancy pursuant to subsection (j) below, the term of such member shall be until the next annual convention of the Diocese. A successor shall then be elected to serve the remainder, if any, of the unexpired term or if no remainder exists, the successor shall serve a new three-year term. If a proceeding has been commenced, a member of the Disciplinary Board whose term has expired may continue to serve on the Disciplinary Board for all proceedings in that matter in which the Disciplinary Board is involved through final disposition.

(h) Residency requirements. The Clerical member of the Disciplinary Board from this Diocese must be canonically and geographically resident within the Diocese. The lay members of the Disciplinary Board from this Diocese shall be an adult communicant in good standing of a congregation in the Diocese and geographically resident within the Diocese.

(i) Election. The members of the Disciplinary Board from this Diocese shall be elected by Convention, with terms beginning the following January 1.

(j) Vacancies. Vacancies on the Disciplinary Board shall be filled as follows:

i. Upon the determination that a vacancy exists, the President of the Disciplinary Board

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shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.

- ii. That Bishop shall appoint a replacement Disciplinary Board member, who shall meet the same eligibility requirements as apply to elected Board members.
- iii. With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, any person selected as a replacement Disciplinary Board member shall serve for the unexpired portion of the vacating member's term. With respect to a vacancy resulting from a challenge, the replacement Disciplinary Board member shall serve only for the proceedings for which the elected Disciplinary Board member is not serving as a result of the challenge.

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

(l) President. The first Disciplinary Board President (a member of one of the Disciplinary Boards then in existence in the six Dioceses) shall be chosen pursuant to General Canon IV.5.1, and shall serve until December 31, 2023. On or before January 31 of the year following the conclusion of the initial three-year term of the President of the Disciplinary Board, the Disciplinary Board will convene to elect a President by majority vote to serve for the calendar year or until a successor President is elected. If no President is selected by the RDB after sixty (60) days, the then-current President will serve until a successor is elected by a majority vote of the Bishops of The Dioceses.

(m) Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

(n) Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may, but need not, be a Member of the Church.

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

(p) Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

(q) Advisors. In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Title, and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness in the proceeding. The role of the Advisor is defined in General Canon IV.2 and is not intended to act necessarily as attorney. The complaining party and the Respondent are each free to engage an attorney at their own costs.

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(r) Clerk. The Disciplinary Board shall appoint a Clerk to assist the Disciplinary Board with records management and administrative support. The Clerk may also be a member of the Disciplinary Board. The Clerk shall also maintain a roster of membership for the Disciplinary Board, which shall include the Diocese and term of each member.

(s) Costs and Expenses Incurred by the Church. The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Disciplinary Board Clerk and the Pastoral Response Coordinator shall be the obligation of the Diocese in which the Respondent is canonically resident, unless the alleged offense took place elsewhere and the respective bishops agree on a different cost allocation. Other costs shall be the responsibility of individual parties incurring them. As they apply to this Diocese, these costs are subject to budgetary constraints as may be established by The Council.

(t) Records of Proceedings. Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan office in which the Respondent is canonically resident.

(u) Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings for clergy canonically resident in this Diocese under this Title at the Diocesan office and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

Section 5. Committee on Constitution and Canons

There shall be a committee consisting of three members of the clergy entitled to seats in the Convention and three laypersons who are communicants in good standing of Congregations in this Diocese who have attained the age of 18 years, elected by Convention for three-year terms. Member seats have been staggered by previous Conventions, requiring the Convention to elect one clergy member and one lay member, unless vacancies occur between Conventions. Elections will be from a list of candidates nominated by the Bishop or other nominations made from within the Diocese at large. Vacancies may be filled by the Committee with the advice and consent of the Bishop, and any person selected to fill that vacancy shall serve until the next Annual Convention, which shall elect a successor to complete the unexpired term. The Chancellor and Vice Chancellor(s) shall be ex-officio members, with seat, voice and vote, and the Chancellor shall act as Chair. If the Chancellor is absent a Vice-Chancellor shall act as Chair.

Section 6. Commission on Ministry

This Commission shall consist of no less than three and no more than nine members of the clergy, and an equal number of laypersons. The numbers of persons on the Commission shall be decided by the Bishop. Each member shall be appointed by the Bishop for a three-year term. No person shall serve for more than two consecutive terms. The chairperson shall be appointed by the Bishop, for a period of one year, but may be removed at any time at the Bishop's will and pleasure. Vacancies shall be filled by appointment by the Bishop.

Section 7. Committee of the Church Pension Fund

The Bishop shall appoint annually, at the Convention, a Committee of the Church Pension Fund to consist of three members of the clergy and three laypersons, for a term of one year and until their successors have been appointed. The Bishop may fill any vacancies on the Committee, such appointees to serve until the next Convention.

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Section 8. Regional Ministries Commission

This Commission shall consist of one lay representative from each Regional Ministry, chosen in accordance with the by-laws of each Regional Ministry. Each representative will have a term of one year, but the same person may be reappointed for two successive years. In addition, four clergy members will be appointed by the Bishop from clergy serving in Regional Ministries. The clergy members will have four-year terms but will not be capable of serving a second consecutive term. Terms of Clergy members have been staggered at previous appointments; thus it is only necessary that two clergy members be appointed in every year that ends with an even number. The chair of this Commission will be appointed by the Bishop. The Commission will meet at such times and places as it or the Bishop shall decide, but in no case less than two times in a year.

Section 9. Audit Committee

This committee shall consist of three to seven lay representatives appointed by the Bishop who are independent of all other diocese functions and relationships and knowledgeable in financial and accounting affairs. The committee shall function under a charter consistent with rules and recommendations for audit committees of not-for-profit organizations as provided by the AICPA, Inc., or similar organization, and approved by The Council from time to time.

Canon 3. Peterkin

Peterkin Board. Peterkin is a diocesan camp and conference center located near Romney, Hampshire County, West Virginia. The Bishop will appoint a board of not less than 6 or more than 18 persons who are communicants in good standing of a congregation of this Diocese, for terms of office as prescribed by the Bishop. The Bishop or a person designated by the Bishop will chair this Board. It shall meet at times and places established by the Bishop. The Board will set its own procedures, bylaws, and responsibilities as approved by the Bishop.

Canon 4. Appointment and Terms of Office of Other Committees

The Bishop may create other Committees as deemed necessary. Each Committee may make a report of its activities, and recommendations for action, if any, to the Convention. These Committees will have no delegates to Convention or seats on the Diocesan Council, but may bring their concerns before the Bishop and/or Council at any time prior to a Convention. The Bishop shall appoint all members of these committees and shall determine their composition, size and terms of office.

Canon 5. Nominations

All nominations for officers, boards, commissions, committees, and the like, unless otherwise specifically addressed in these Canons, are to be made pursuant to forms and requirements as from time to time created by the Bishop with the advice of The Council.

Canon 6. Powers and Duties of Officers and Other Officials of the Diocese

Section 1. Bishop

The Bishop is the Chief Executive Officer and Ecclesiastical Authority of the Diocese. His/her duties are delineated in canons of The Episcopal Church.

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Section 2. Treasurer

This position is non-stipendiary. The Treasurer shall:

- (a) be learned in accounting and finance and be a communicant in good standing of a Congregation of this Diocese;
- (b) under the direction of the Bishop, be responsible for the management and accountability of all funds and fiduciary matters of the Diocese, except those reserved for the Trustees in accordance with the Constitution and other provisions of these Canons;
- (c) provide counsel and advice to the Bishop, the Chief Financial Officer and to the various entities of the Diocese which have need of his/her counsel;
- (d) with the assistance of the Chief Financial Officer, as specified in canon I.7.1(f) of The Episcopal Church, ensure that an annual audit is performed in accordance with the laws of West Virginia, and that the audit is duly reported to the Diocesan Council;
- (e) with the assistance of the Chief Financial Officer, report to the Convention on the financial status of the Diocese, and present a proposed budget to the Convention;
- (f) serve as ex-officio member, with seat and voice, of the Convention, Diocesan Trustees, and Diocesan Council;
- (g) be bonded, in such penalty and with such surety as the Diocesan Council may approve to secure the faithful performance of the duties of the office. Such bond shall be made payable to the Diocesan Trustees and shall be held in the custody of such Trustees.

Section 3. Chief Financial Officer (CFO)

The CFO is a member of the Bishop's staff, and shall:

- (a) be responsible for the day-to-day financial activities, financial record-keeping, and financial reporting for the Diocese;
- (b) coordinate the budget process;
- (c) have custody of all funds, monies and securities belonging to the Diocese, except funds vested in the Trustees of the Diocese;
- (d) have the power, with the approval of the Treasurer, Trustees, or Diocesan Council as elsewhere prescribed in these canons, to transfer, deposit, withdraw and handle all funds and monies of the Diocese;
- (e) be responsible for the receipt, management, disbursement, and transfer of funds, monies and securities in his/her custody, and shall keep and, in a reasonable time prior to each annual Convention, return an account thereof to the Diocesan Council for incorporation in its report to the Convention;
- (f) serve as the principal financial liaison for the Diocese with all external and internal groups, congregations, agencies, banks and other fiduciary institutions, and other organizations or institutions with which the Diocese has financial transactions;
- (g) arrange for an annual audit by an independent public accountant certified or registered by the West Virginia Board of Accountancy, and selected by the Trustees, which shall be transmitted directly from the auditor to the Diocesan Council, which shall examine the same and report their conclusions to the Convention;
- (h) be bonded, in such penalty and with such surety as the Diocesan Council may approve to secure the faithful performance of the duties of the office and for monitoring and accounting for all monies and property received and handled by virtue of the office and accounted for by the CFO. Such bond shall be made payable to the Diocesan Trustees and shall be held in the custody of such Trustees.

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Section 4. Chancellor

It shall be the Chancellor's duty to be legal adviser of the Ecclesiastical Authority. The Chancellor shall be an ex-officio member of the Convention with seat and voice and shall act as Parliamentarian at meetings of the Convention. The Chancellor shall chair the Constitution and Canons Committee.

Section 5. Vice Chancellor

The Vice Chancellor(s) shall have the same qualifications as the Chancellor and shall assist the Chancellor as requested. With the permission of the Bishop, a Vice Chancellor may assume the duties of the Chancellor if the Chancellor is unable to perform his/her duties. A Vice Chancellor shall serve as Chair of the Resolutions Committee at Convention.

Section 6. Church Attorney

The Church Attorney shall investigate matters of ecclesiastical discipline on behalf of the Standing Committee, represent the Diocese in the prosecution of presentments against priests and deacons, and represent the Diocese in an appeal to the Court of Review of a trial of a priest or deacon. His/her duties are prescribed in Title IV of the canons of The Episcopal Church.

Section 7. Historiographer

The Historiographer will receive and preserve journals, papers and records of the convention, and collect articles, documents, and other printed or manuscript written matters, and any electronic video or audio material available, pertaining to the history of the Diocese. In preserving this material, the Historiographer will use all available means of storing and preserving material, both paper and electronic.

Canon 7. Powers, Duties and Responsibilities of Boards, Committees, and Commissions

Section 1. Diocesan Trustees

(a) Subject to any direction, action or resolution taken by the Convention or Council in respect to their duties, which shall be binding upon them, the Diocesan Trustees shall manage the holdings and funds of the Diocese and all other funds and property given, devised, or bequeathed for the use or benefit of the Diocese, or of any Diocesan activity, except those expressly given, devised, or bequeathed to the Bishop for the use of the Diocese, unless the same shall have been turned over by the Bishop to said Trustees. They shall take, control and administer any funds or property given, devised, or bequeathed for the use or benefit of any Congregation in the Diocese which may be turned over to them for that purpose by the proper authorities of such Congregation, or by the person or persons having control thereof.

(b) The Trustees shall annually report to the Convention showing the condition of the fund or funds in their charge, together with itemized statements of all receipts and disbursements, assets, and liabilities, which report shall be referred prior to Convention to the Diocesan Council, which shall submit it to the Convention along with such recommendations in relation thereto as they deem advisable. The Secretary shall cause the report to be printed in the Journal of the Convention.

(c) All funds under the control of the Trustees may be invested from time to time under the Uniform Common Trust Fund Act of the State of West Virginia, or, to the extent not invested under said Act, such funds shall be invested from time to time under the direction of the Trustees.

(d) The Trustees shall have charge of, and be vested with the legal title to, all real estate belonging to the Diocese, and it shall be their duty to see that such property is kept in repair and protected by property and casualty insurance.

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(e) The income and corpus from funds in the charge of such Diocesan Trustees shall be applied to the purposes for which such funds, respectively, were established or are maintained, and such income and/or corpus shall be disbursed to the parties who may be entitled thereto according to other Canons or the instrument creating or establishing the trust fund, or in the absence of any such provisions, in accordance with the direction of the authority placing such fund in the control of such Trustees, provided that the income from such fund shall bear its pro rata share of the necessary expense of administration and accounting.

(f) When any real property belonging to the Diocese is to be sold or encumbered, the instrument of conveyance or encumbrance shall be executed by such Diocesan Trustees, or a majority of them, as holders of the legal title to such property, provided that no such instrument of conveyance or encumbrance shall be executed unless and until the same shall have been approved by the Convention of the Diocese or the Diocesan Council, except when the Diocesan Trustees act as custodians for a Congregation in union with the Diocese, in which case the Diocesan Trustees may execute a deed for such property, or an instrument of encumbrance, to the Trustees of such Congregations upon the request of the Ecclesiastical Authority.

(g) All devises and bequests of property or money intended for the use and benefit of the Diocese, or of any Congregation therein, should be made to the Diocesan Trustees of The Episcopal Church in the Diocese of West Virginia or to the trustees of the specific Congregation intended, as authorized and provided in the Code of West Virginia.

(h) All devises and bequests of property or money intended for the use and benefit of the Diocese, or of any Congregation therein, which shall have been, or which shall be, made to the Bishop of the Diocese individually, may be administered by the Bishop in the furtherance of the purposes of the devises, or bequests, or be turned over by the Bishop to the Diocesan Trustees, or to the proper Congregation trustees for such administration. In case such administration is retained by the Bishop, accounts of such funds shall be audited annually, and detailed report thereof made to the Diocesan Council, who may report thereon to the Convention, provided, that this provision shall not apply to the so-called “Bishop’s Special Fund.”

Section 2. Standing Committee

The Standing Committee shall be an advisory council for the Bishop, and, as such, may be summoned by the Bishop when the Bishop wishes its advice, and the Committee may counsel the Bishop of its own motion whenever it deems such a course expedient. Its powers and duties are specified in Titles I-IV of the canons of The Episcopal Church, and in other parts of these canons. As prescribed by Article IV of the Constitution of The Episcopal Church, if there be no Bishop or Bishop Coadjutor or Bishop Suffragan canonically authorized to act, the Standing Committee shall be the Ecclesiastical Authority of the Diocese.

Section 3. Diocesan Council

(a) The Diocesan Council shall exercise all the powers of the Convention of the Diocese during such times as the Convention is not in session, except for such power as shall be specifically reserved by the Convention to itself by Canon; provided, however, that The Council may not rescind, cancel or annul any action of the Convention, nor may it take any action which violates or contradicts or nullifies an action previously directed or policy previously prescribed by the Convention. It thus functions as the Legislative Body of the Diocese when the Convention is not in session, and, working with the Bishop as specified in various of these Canons, it generally oversees all activities of the Diocese when the Convention is not in session, which are not specifically reserved to the Ecclesiastical Authority.

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(b) The Diocesan Council, in its discretion, shall have the power to create committees, including but not limited to a budget committee, and appoint advisers and consultants, both from within its membership and from without, to facilitate the performance of its duties. The Council shall not delegate any of its powers as described above to such committees, advisers and consultants.

(c) It shall be the duty of The Council to make careful studies of the opportunities for carrying on the mission of the Church and propagating the Gospel of Jesus Christ in this Diocese, and to devise ways and means for the proper performance of such work. It shall be the duty of The Council to advise the Ecclesiastical Authority in all matters concerning the welfare of the Church within the Diocese, and to give advice to the Ecclesiastical Authority on matters concerning which the Ecclesiastical Authority shall seek such advice.

(d) It shall be the duty of The Council to prepare and maintain at all times in a current status long-range plans for carrying on the mission of the Church within the Diocese, which shall include plans and preparation for financing, implementing, and administering such plans. In such planning function, The Council shall work closely with the Ecclesiastical Authority, and shall advise the annual Convention, from time to time, of its conclusions in these fields.

(e) The Council shall each year prepare and present to the Convention of the Diocese a budget for the Diocese for the ensuing fiscal year, including sums for missionary work, for emoluments to support the Bishop and her/his staff, for all Diocesan personnel, and other expenses of the Diocesan office, for support of clergy, in consideration of the assessment/asking to be paid to The Episcopal Church in accordance with canons I.1.8 and I.4.6(d) of The Episcopal Church and for all other projected expenses. In preparing the budget, the Treasurer shall present to The Council the income which may be expected from interest or other fiduciary sources from Diocesan funds, so that, considering the financial needs of the Diocese, same may be considered by the Diocesan Council in making assessments of the various Congregations.

(f) Subject to such direction as may from time to time be given by the Diocesan Convention, and subject to review and revision by the Convention, The Council shall apportion an assessment on each Congregation, with the exception of Bishop's missions, and Regional Ministries except as described below, which shall be designed to provide a sum of money sufficient, when added to the expected income from Diocesan funds as described in the previous section, to meet all the expenses projected in the budget which has been proposed. The general basis of such assessments shall be a percentage of net disposable income of a congregation as reported in its annual Parochial or Congregational report to the Diocese as required by canon I.6.1 of the canons of The Episcopal Church.

The Council may take into consideration any exceptional conditions which may be shown to exist in a particular Congregation, and/or which are brought to its attention by the Congregation, such as a report that shows an extraordinary income because of exceptional circumstances. The Council shall assign an assessment for the following year to each congregation each year, which shall be based on its best reasonable judgment of the expected income of the Congregation for that year. Assessment of Regional Ministries shall only be made if the Regional Ministry has assumed responsibility for the assessments of some or all of its member congregations. The Council shall fix or approve all Diocesan Salaries and allowances, and of Clergy under the direct supervision of the Bishop in their training or other temporary assignments, subject to the approval of the Convention.

(g) Although all positions in The Council are non-stipendiary, the expenses of the Council, and any traveling expenses of members, or committees, advisers or consultants, required to travel in the performance of their duties, shall be paid from the budget established for the Council.

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Section 4. Disciplinary Board

The powers and duties of this Board are specified in Canon IV.5.1 of The Episcopal Church.

Section 5. Committee on Constitution and Canons

All proposed amendments or revisions to the Constitution or Canons must be presented to the Bishop at least ninety (90) days before the meeting of the annual Convention, and by the Bishop referred to the Committee on Constitution and Canons for study and report to the next meeting of the Convention. The Committee may rewrite and make changes to such proposals as it deems fitting and desirable. The Committee shall report its findings to the Bishop to the end that such proposals, both in their original form and form altered by the Committee, may be circulated to all Congregations and other bodies of this church at least thirty (30) days in advance of Convention by all reasonable means in order to allow every member of this Diocese to have the opportunity to review them. At Convention the Chair of the Committee will bring all proposed amendments to the floor of the convention for decision, and he/she shall inform the Convention whether the Committee recommends adoption, rejection, a Committee substitute and reasons therefore, or has no recommendation, for each proposed amendment. From time to time the Committee will examine the Constitution and Canons in all their parts and shall undertake a revision of both documents to bring them into accord with practices and usages which have evolved in the Diocese, and to ensure that they conform to all prescriptions of the then-current Canons of The Episcopal Church. Such major revisions will be proposed to the Bishop in enough time so that she/he may examine them and disseminate them throughout the Diocese in sufficient time that all members of the Diocese may examine them and have an opportunity to register their opinions, suggestions, and revisions, prior to Convention.

Section 6. Commission on Ministry

This Commission shall advise and assist the Bishop in the full implementation of all matters pertaining to Ministry as prescribed in Title III of the Canons of The Episcopal Church. It shall advise and assist the Bishop:

(a) in the determination of present and future opportunities and needs for the ministry of all baptized persons;

(b) in the design and oversight of the ongoing process for recruitment, discernment, formation for ministry, and assessment of readiness therefore of persons in the process of becoming ordained clergy;

(c) in assisting Congregations in the development, training, utilization and affirmation of lay ministries;

(d) in managing the licensing process for lay ministers, which may include Pastoral Leader, Worship Leader, Preacher, Eucharistic Minister, Eucharistic Visitor, and Catechist (Canon III.4.1(a) of The Episcopal Church);

(e) in providing multiple opportunities for continuing education of the clergy, and acting as a canonical support system for the development of professional skills of the clergy;

(f) in all other matters assigned by the Bishop, or in the absence of a Bishop the Standing Committee. In this regard it shall report in writing and without delay the findings of its interviews with each Nominee, Postulant and Candidate to the Bishop and the Standing Committee if there be no Bishop. It shall likewise report annually, or more often on request, to the Bishop on the performance of its duties. The expenses of the Diocesan Commission on Ministry necessarily incurred in the performance of its duties are a proper charge upon the Diocesan budget, and provision shall be made therefore in the budget.

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Section 7. Committee of the Church Pension Fund

(a) In conformity with the legislation adopted by the General Convention of 1913, pursuant to which The Church Pension Fund was duly incorporated, and in conformity with Canon I.8 of The Episcopal Church, as amended, the Diocese of West Virginia hereby accepts and acknowledges The Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York, as subsequently amended, as the authorized and approved pension system for the clergy of The Episcopal Church in the United States of America and for their dependents, and declares its intention of supporting said Fund in accordance with its rules.

(b) The duties of said Committee shall be as follows:

(1) to be informed of, and to inform, the clergy and laity of this Diocese of the pension system created by the General Convention and committed by it to the Trustees of The Church Pension Fund, in order that the ordained clergy of the Church may be assured of pension protection for themselves in the event of old age or permanent disability and for their widows, widowers, and minor orphan children in the event of death;

(2) to receive reports from the Church Pension Fund, from time to time, on the status of the pension assessments payable to said Fund, under its Rules and as required by canon law, by this Diocese and by the Congregations and other ecclesiastical organizations within this Diocese;

(3) to make an annual report to the Convention of this Diocese on matters relating to the Church Pension Fund;

(4) to take all measures necessary or advisable to the end that the clergy of this Diocese may be assured of the fullest pension protection by said Fund under its established rules.

(c) It shall be the duty of this Diocese and of the Congregations and other ecclesiastical organizations therein, each through its Treasurer or proper official, to inform the Church Pension Fund of salaries and other compensation paid to members of the Clergy by the Diocese, Congregations, and other ecclesiastical organizations, for services rendered, currently or in the past, prior to their becoming beneficiaries of said Fund, and changes in such salaries and other compensation, as they occur, and to pay promptly to the Church Pension Fund the pension assessments required thereon under the Canon I.8 of the Canons of The Episcopal Church, and in accordance with the Rules of said Fund. It shall be the duty of every member of the clergy canonically resident in or serving in this Diocese to inform The Church Pension Fund promptly of such facts as dates of birth, or ordination or reception, of marriages, births of children, deaths and changes in cures or administration, and to cooperate with said Fund in other ways as may be necessary in order that said Fund may discharge its obligations in accordance with the intention of the General Convention in respect thereto.

Section 8. Regional Ministries Commission

This Commission shall conduct oversight of the Regional Ministries. It shall receive from the Ecclesiastical Authority any petitions referred to it by the Ecclesiastical Authority of Congregations wishing to form a regional ministry, and make recommendations concerning the petitions back to the Ecclesiastical Authority regarding the same. It shall arrange for and conduct a general review of each Regional Ministry at least once every five years. It shall devise and oversee an annual report from each Regional Ministry, which shall provide such financial, membership, and activities, information which the Diocese shall need for the efficient administration of its affairs. It shall coordinate and provide resources for Regional Ministries to further the evangelistic, liturgical, Educational, and Outreach programs in those Ministries in order to fulfill the call of all our Congregations to live out our sacred mission of Baptismal Ministry. It shall receive from the Ecclesiastical Authority any petitions from Congregations wishing to

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withdraw from Regional Ministries, and, after receiving such petitions and undertaking consultations with the Congregation and Regional Ministry Council, make recommendations back to the Ecclesiastical Authority. It shall make a report to the Annual Convention on its activities, and make recommendations to the Convention and to the Ecclesiastical Authority concerning any measures needed for the furtherance of the activities and organization of Regional Ministries.

Canon 8. Deaneries: Composition of Chapter, Delegates To, and Delegates From

Section 1. Basic Organization

The Diocese shall be divided by the Bishop into Deaneries, and the clergy within each such Deanery, together with lay delegates from the several Congregations therein, shall meet at least once a year in a Deanery Chapter at such time and place as its Dean may determine. The Bishop may change geographical boundaries of Deaneries, subject to approval by the Convention. Each Deanery through its respective representation on the Diocesan Council shall report at least once a year to the Diocesan Council on the activities of its Deanery. Each representative is also asked to report regularly to his or her Deanery Chapter on the work of the Diocesan Council, to the end that the Congregation Representatives on the Deanery Chapter may communicate the substance of these reports to the individual Congregations in the Deanery.

Section 2. Officers and By-laws

The Dean shall set the agenda and preside at Chapter meetings. Election of a Secretary and Treasurer and term of office of Officers, handling of funds, and election of Deanery delegates to the Diocesan Council, shall be as prescribed in the Deanery by-laws. Subject to approval by the Bishop, by-laws shall be established by each Deanery, and amended as the bylaws direct. Amendments must be approved by the Bishop.

Section 3. Clergy Members

All clergy if active, where they are associated, and if retired, where domiciled, within the Deanery boundary shall be entitled to voting membership in the Deanery Chapter. No clergy shall lose his or her membership and voting privilege on account of age, infirmity, or on account of service in the Armed Forces of the United States as a Chaplain. No member of the clergy shall be entitled to exercise any rights while she/he is under ecclesiastical investigation, trial or penalty.

Section 4. Lay Members

Each congregation in the Diocese shall be entitled to lay representation on the Deanery Chapter of the same number of delegates and alternates which it is entitled to have at Convention, except that each Bishop's Mission in a Deanery shall also be entitled to one delegate and one alternate. Lay delegates from Congregations have seat, voice and vote on the Deanery Chapter. Lay alternate delegates from each Congregation have seat and voice but no vote on the Deanery Chapter, but shall become delegates if the delegate is absent. Each lay delegate and alternate shall be a communicant in good standing of the Congregation represented, and shall be chosen as that Congregation decides. Vacancies in delegations may be filled by Vestries or Mission Committees. Certificates of valid delegates and alternates, and changes in delegates or alternates, shall be sent by the senior clergy person of each congregation to the Secretary of the Deanery Chapter.

Section 5. Voting in Chapter

A majority of the clergy and a majority of laypersons representing a majority of the Congregations shall constitute a quorum. The members shall deliberate in one body, and a majority vote shall

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give validity to any measure, except that in the election of clergy and lay member delegates to the Diocesan Council a vote may be taken by orders if three delegates unite to request it. In the latter case the delegates elected must receive a majority of votes from each order.

Section 6. Deanery Representation on Diocesan Council

Each Deanery is entitled to have one clergy and one lay delegate to the Diocesan Council, who shall have seat, voice and vote in that Council. These delegates are elected as prescribed by Section 4 above and by the bylaws of the Deanery. Deaneries may also elect alternates to the clergy and lay delegates, to assume all powers and functions of its delegates if the delegates are unable to attend Diocesan Council meetings, in accordance with its bylaws. Deanery delegates shall serve for four years, and shall be eligible for re-election for one successive four-year term. After serving two full terms, a person is ineligible for election to the Diocesan Council for four years. Vacancies in delegate seats shall be filled for the remainder of that term by the Deanery Council in accordance with its bylaws.

Canon 9. Deaneries: Powers and Duties

Section 1. Selection of Deans

So as to keep good communications between The Council and a Deanery, the clergy representative of the Deanery elected to be the Deanery's representative to The Council shall be the Dean for the Deanery.

Section 2. Deans

The Dean may exercise within the Deanery general administrative and superintendence functions for the promotion of clerical fellowship and the coordination and encouragement of clerical persons, as delegated and assigned by the Bishop. Such authority shall not in any way conflict with the vested rights of the clergy and Congregations.

Section 3. Deanery Chapter

The Deanery Chapter shall elect delegates to the Diocesan Council, and nominate persons for other officer positions or members of Commissions in the Diocese as elsewhere stipulated in these Canons. The Chapter may also discuss various issues of concern to the Deanery and to the Diocese, such as proposed resolutions for Convention and proposed amendments to the Constitution and Canons of the Diocese. The Deanery may forward advice and recommendations to the Diocesan Council, and Convention, as it sees fit. The Deanery may engage in evangelism, outreach, educational, mission, and social activities. It may maintain a bank account and a budget for necessary expenses, and it may request funds for its budget from its Congregations. The Deanery Chapter shall serve as a means to exchange information concerning Diocesan affairs to Congregations, and Congregation affairs to Diocesan bodies.

TITLE III. CONGREGATIONS OF THE DIOCESE

Introduction: In keeping with ancient practice, this Diocese organizes itself into local groups of worshippers, which are called Congregations, and which meet together to worship God and fulfill the mission that we have been given by our Lord and Savior, Jesus Christ. Our types of Congregations are:

- Parishes
- Organized Missions
- Bishop's Missions
- Regional Ministries

Canon 1. Parish Congregations (hereinafter referred to as Parishes)

Section 1. Formation of a Parish

Whenever at least twenty (20) members of The Episcopal Church in this Diocese shall desire to form a new Parish, they may assemble and appoint a Committee of Organization. This Committee shall present to the Bishop a petition to be admitted into union with the Diocese as a Parish. Said Petition shall include:

- (a) the facts which render the organization of a new Parish desirable;
- (b) assurances that the new Parish has acceded to the doctrine, discipline and worship of The Episcopal Church in the United States, and to the Constitution and Canons of said church and of this Diocese;
- (c) assurance and documentation of expected income showing that it can:
 - (1) without assistance from any funds from the Diocese, maintain its Rector, by providing at least the minimum stipend and allowances established by the Diocesan Convention, and by providing a suitable residence;
 - (2) discharge its full share of the Diocesan Apportionment; and
 - (3) provide for insurance and other expenses of a Parish as necessary.

Section 2. Approval

Having received the aforesaid petition the Bishop, if he/she approves the formation of a new Parish, will present the petition with his/her recommendation to the annual Convention, which shall then by majority vote either receive the new Parish into full communion with the Diocese, or not. If the vote is affirmative the delegates of the new parish will be afforded all privileges of the Convention.

Section 3. Formation of a Vestry and Parish Organization and Calling of a Rector

Having received notification that its petition has been accepted by the Convention, the Organizing Committee shall give notice to the members of the new Parish to assemble for the election of a Vestry. The election shall be conducted in accordance with Section 5 of this Canon. The duly elected Vestry shall assume all the authority and duties of a Vestry as prescribed in the Canons of The Episcopal Church and section 7 of this Canon. The Vestry shall proceed to the election of a Rector in accordance with Canon III.9.3 of The Episcopal Church. The Vestry may create by-laws for the conduct of its affairs and the affairs of the Parish.

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Section 4. The Rector

The Rector shall have full authority and responsibility for the use of Parish buildings, and for the conduct of the worship and the spiritual jurisdiction of the Parish, subject to the Rubrics of the Book of Common Prayer, the Constitution and Canons of The Episcopal Church and of this Diocese, and the pastoral direction of the Bishop. Employees of the Parish are directly employed by the Rector and are responsible to him/her. Duties and licensing of Rectors shall be in accordance with Canon III.9 of The Episcopal Church. Dissolution of the Pastoral relation shall follow the procedures prescribed in Canon III.9 of The Episcopal Church.

Section 5. The Annual Meeting and Election of Vestries

Annually, during the month of November, or December, or the next following January, but in no instance later than January 31, there shall be a meeting of all members of a Congregation, date, time, and place decided by the Vestry and due and effective notice given. At this meeting ten percent of the adult communicants in good standing of the Congregation shall constitute a quorum. The Rector, if there be one, or a person whom he/she designates, or one of the Wardens shall preside at the Annual Meeting. A secretary shall also be chosen whose duty it is to keep minutes of the proceedings and to report to the Vestry at its next meeting the names of those chosen to be members of the Vestry and other pertinent matters. Before proceeding to business, prayer shall be offered for God's direction and blessing. The annual meeting shall take the following actions:

(a) The presiding officer shall appoint a committee of three persons, competent voters, to judge the rights of persons to vote, and of the competence, under the law, of persons to be members of the Vestry; and may appoint tellers to assist the committee in tabulation of the vote.

(b) This committee shall take the ballot, and declare the result. No vote shall be cast by proxy. The number of persons of which the Vestry is to be composed shall be determined by the competent voters who assemble.

(c) Elect, by ballot, a Vestry of not less than three or more than fifteen persons, the election being conducted and the persons elected to serve such terms as the by-laws of the Congregation stipulate. Clergy shall not be eligible to serve. The Diocese encourages the election of youth to be members of Vestries. If the election process or results be disputed by any communicant of the Parish the matter may be referred to the Bishop for decision, whose judgment shall be final;

(d) Elect, by ballot, delegates and alternates of the Congregation to the Diocesan Convention, and to the Deanery;

(e) Elect a representative and alternate to the Regional Ministry Council, if the Congregation is a member of a Regional Ministry;

(f) Conduct other business which the Vestry or the Congregation decides must be done by the Annual Meeting.

(g) Competent voters shall be: All baptized persons who have attained the age of sixteen years, and who for the three (3) months last past have been regular worshippers in the Congregation and regular contributors to its support, either by subscription, or by some method by which they shall be known to the Treasurer of the Vestry, and relied upon as such.

(h) Those competent to serve as such members of the Vestry are: All baptized persons who have attained the age of sixteen years, and who for the six (6) months last past have been regular worshippers in the Congregation and regular contributors to its support, either by subscription, or by some method by which they shall be known to the Treasurer of the Vestry, and relied upon as such.

(i) The members of the Congregation present at the Congregational Meeting shall cast ballots for the election of members of the Vestry, each person being entitled to vote for as many candidates as there are members of the Vestry to be elected. Any candidate receiving a majority

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of all the votes cast shall be declared elected. If the required number of candidates be not elected by receiving a majority of all the votes cast, announcement shall be made of the names of those elected as a result of having received such a majority and of the number of members of the Vestry still to be elected; and the congregation shall continue to ballot until the Vestry's complement be elected. If those present at a Congregational Meeting should desire to do so, they may provide for the election to the Vestry of those persons who receive a plurality of votes cast; provided, however, that the decision to elect by plurality instead of majority shall be passed by a vote of two-thirds of those present, prior to the balloting for candidates and such decision may be made prior to the first ballot or prior to any subsequent ballot.

Section 6. Organization of Vestry

As soon as possible after a Vestry has been elected, it shall assemble, presided over by the Rector or someone he/she designates, and take the following actions:

- (a) Open its meeting with prayer;
- (b) All Vestry members, all Officers, and all clergy of the Parish, shall, if they have not previously done so, before participating in any business, qualify by subscribing to the following Declaration:

“I do believe the Holy Scriptures to be the Word of God, and to contain all things necessary to Salvation; and I yield my allegiance to The Episcopal Church, the Episcopal Diocese of West Virginia, and my adherence to their doctrine, discipline, and worship, and promise to serve as a member of the Vestry of _____ with fidelity.”

- (c) Choose from its number a Senior and Junior Warden;
- (d) Choose a Secretary or Registrar from its number;
- (e) Choose a Treasurer, not necessarily from its number but who shall attend all Vestry meetings as an advisor, and if not a member, with seat and voice but no vote;
- (f) Determine its own quorum, fix the time and place of regular or special meetings, and appoint standing or special committees as it may desire to assist in the performance of its duties; The Rector may call special meetings of the Vestry as he/she deems desirable.

Section 7. Duties and Responsibilities of Vestry

The Vestry functions as the governing body of a Parish, and has the authority to manage all of the temporal affairs of the Parish. Among its duties are:

- (a) to elect a Rector in accordance with the these Canons and the Canons of The Episcopal Church;
- (b) to assist in all ways in gathering adherents to the faith and into the welcoming arms of Christ;
- (c) to function as the agents and legal representatives of the Parish in all matters concerning its corporate property, except for those matters reserved to Parish Trustees, and to represent the Parish in all matters regarding the relations of the Parish to its Clergy;
- (d) to oversee all the financial aspects of the Parish, and to arrange for audits of all the accounts of the Parish entrusted to the Treasurer and other officials;
- (e) to see that the Rector and other clergy, and other employees of the Parish, are properly remunerated, in full and with regularity, that proper pension premiums and stipulated allowances are paid in full and with regularity, and that housing is provided in accordance with Diocesan policy;
- (f) to see that all contracts concerning erection, furnishing, maintaining and preserving the Church edifice and such other properties as belong to the Parish are properly made and executed;

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- (g) to provide for the appointment of Trustees under the law of the State of West Virginia, and for duly reporting to governmental authorities the names of Trustees as required by law;
- (h) to provide generally for all the temporal business of the Parish.
- (i) to comply with any letter of agreement entered into with its elected rector.

Section 8. Calling of Priests

Canon III.9.3 of the Canons of The Episcopal Church shall apply in calling a Rector and in assigning Priests-in-Charge and Assistant Priests. In filling a vacant position of Rector, the Bishop may initiate a process of a parish self-study and evaluation before consideration of nominees is given. The Bishop will have the right to make nominations to the Vestry, and the Vestry will have the right to make nominations to the Bishop. The Bishop must approve all nominations that are given interviews. No Priest may be called or appointed unless the Vestry agrees to provide to the one chosen at least the minimum stipend and allowances as established by the Diocese in Convention.

Section 9. Duties of Wardens

It shall be the duty of the Wardens to keep watch over the Church property; to see that it is duly prepared for every occasion of public worship; to collect the offerings of the people; to take charge of the font and communion plate; to provide out of the Parish or Organized Mission funds, under the direction of the Vestry, a sufficient supply of the vestments and books to be used in public worship, and also the elements for each celebration of the Holy Communion; to attend to the accommodations of the congregation with seats, and to maintain order and decorum in the time of public worship. The Wardens, in addition to the duties appertaining to their office, shall, in case there be no Rector or Vicar, make the entries in the Parish or Organized Mission Register. In addition, the Senior Warden shall be responsible to the Rector. In all matters requiring the representation of a lay person to represent the Parish in the community of which it is a part, the Senior Warden shall be the representative. The Junior Warden shall perform the duties of the Senior Warden if that person is unable to function, and shall also assume other duties as assigned by the Senior Warden and the Vestry.

Section 10. Duties of Treasurer

The Treasurer shall take charge of all monies of the Parish, manage and disburse same under the direction of the Vestry, and make such reports to the Vestry as required.

Section 11. Trustees

For each Parish there shall be not less than three nor more than five Trustees, or where there are two or more Congregations under one Vestry, not less than three nor more than five Trustees for each Congregation. A Congregation may elect Trustees or may delegate to its Vestry or its Committee in lieu of a Vestry the right to elect Trustees. If neither Congregation, Vestry, nor Committee elects Trustees, the Bishop may appoint same. Said Trustees shall hold office at the will and pleasure of the body which elected them. Said Trustees, at all times, shall act as agents of the Congregation if elected by the Congregation or of the Vestry or Committee if elected by such bodies or of the Bishop if appointed by her/him. Trustees shall meet the qualifications set forth for members of the Vestry as set forth in Section 5 of this Canon except that they must be at least eighteen years of age. Names of Trustees shall be registered with County Clerks in accordance with the provisions of the Code of West Virginia.

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Section 12. Duties and Responsibilities of Trustees

Trustees may receive, hold, administer, or provide for the administration of any funds or personal property given or bequeathed to, or for the use and benefit of the Parish, which by the terms of the gift or bequest are not placed in the charge of some specially named Trustee, and shall devote such funds, or the income therefrom, as the case may be, in accordance with the provisions of the bequest or gift, and if there be no special provisions, then as may be directed by the Vestry or by the Bishop if there be no vestry. Each year, at the Congregational Meeting, the Trustees shall make a written report showing the condition of the fund or funds in their charge including assets and liabilities.

Section 13. Duties of the Secretary of the Vestry

This officer shall ensure that all proceedings of the Vestry, and Annual Meeting, are recorded and preserved, and shall assist the Rector as necessary in maintaining all Parish records.

Section 14. Parish Records

(a) The Rector shall maintain a Parish register in accordance with Canon III.9.5(c) of The Episcopal Church. It shall contain an accurate record of all baptisms, confirmations, marriages, and burials within the Parish, and a list of all active and inactive communicants, baptized members, families, and persons within the Parish.

(b) Every Rector shall send to the Ecclesiastical Authority each year, no later than March 1, a parochial report of the condition of the Parish, following the form and requirements as per Canon I.6.1 of The Episcopal Church. If there be no Rector, it shall be the duty of the Wardens to send such report.

Section 15. On Restoring Congregational Health/Change of Status Including Dissolution

When any Parish shall be reported as having fewer than twenty (20) communicants, or when a Parish for three (3) successive years fails to be represented by a lay delegate in the Convention, or when a Parish shall fail for two (2) successive years to meet its Diocesan Assessment, the Bishop may, at her/his discretion, report such fact or facts to the Convention, with a recommendation as to its status and its relation to Convention. The Convention shall then proceed to vote whether the Parish shall cease to exist as such or not, or whether it shall be changed in status to an Organized or Bishop's Mission Congregation, or otherwise have its status changed.

Canon 2. Organized Mission Congregations (hereinafter referred to as “Organized Missions”)

Introduction: Organized Missions are Congregations which do not have sufficient communicants to be able to fully support a Rector, but can do so with varying degrees of financial assistance from the Diocese, or by joining a Regional Ministry.

Section 1. Creation of an Organized Mission

Such a Congregation may be formed from an extinct Parish, a Bishop's Mission, or any group of The Episcopal Church members wishing to form a Congregation. To form an Organized Mission there must be associated not less than twelve communicants who shall petition the Bishop in writing to organize and constitute the Congregation. In their petition they shall give assurances that the new Organized Mission has acceded to the doctrine, discipline and worship of The Episcopal Church, and to the Constitution and Canons of said Church and of this Diocese. If the Bishop approves the petition he/she shall so inform the Diocesan Council and proceed to appoint

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a Mission Committee to organize the Mission. The Committee shall then proceed as rapidly as possible to elect a Vestry in accordance with the procedures prescribed for Parishes in Canon III.1 above. At the next Convention after organizing the new Mission, the Bishop, with the advice and consent of the Diocesan Council, will present the new Congregation and ask the Convention to approve its enrollment in the registry of Congregations in this Diocese, and to accept its delegates and alternates as participating members of the Convention.

Section 2. Organization, Responsibilities, and Duties

The duties of the Vestry and such Officers as they elect shall have the responsibilities and follow the procedures which are prescribed for Vestries, Officers and Congregations of Parishes in Canon III.1 above, with the exception of calling a senior clergy person. All Vestry members, officers, and all clergy of the Organized Mission, shall, if they have not previously done so, before participating in any business, qualify by subscribing to the following Declaration:

“I do believe the Holy Scriptures to be the Word of God, and to contain all things necessary to Salvation; and I yield my allegiance to The Episcopal Church, and my adherence to its doctrine, discipline, and worship, and to serve as a member of the Vestry of _____ with fidelity.”

Section 3. Appointment of Clergy

The Bishop, after close consultation with the Vestry, will assign a Vicar to be the senior clergy person of the Organized Mission, or will make other arrangements for the conduct of worship, and will assign in like manner Vicars to fill vacancies. This procedure will not be applicable if the Organized Mission is part of a Regional Congregation.

Section 4. Membership in a Regional Ministry

In order to be able to afford to remunerate priests and staff members, and more effectively to perform its mission, any Organized Mission shall be able to join itself to a Regional Ministry with the procedures prescribed in Canon 4 of this Title. It shall then share resources and clergy as outlined in Canon 4. If an Organized Mission is a member of a Regional Mission, its Vicar shall be called in accordance with Canon III.4.4, but no Vicar, or other clergy, shall be assigned without the consent of the Vestry of the Organized Mission.

Section 5. Representation at Convention

Each Organized Mission will have one delegate, with seat, voice and vote, and one alternate, with seat and voice, to the Convention, and to the Deanery Council. Such delegates shall be chosen in the same manner as Parishes choose delegates.

Section 6. Finances and Property

The Vestries and Trustees of Organized Missions shall have the same fiduciary and property control powers and responsibilities as the Vestries and Trustees of Parishes.

Section 7. Transition to Parish Status

Whenever an Organized Mission believes that it has the requisite number of communicants and financial capabilities to become a Parish, it shall so petition the Bishop, using the procedures prescribed in Canon III.1.1.

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Section 8. Dissolution of an Organized Mission

In case an Organized Mission shall fail for three years to: maintain 10 or more Communicants; send a delegate to Convention; meet its designated portion of the appointed clergy's remuneration; meet its designated portion of a Regional Ministry Budget; meet its Diocesan apportionment; or otherwise experience conditions which warrant such a change, the Bishop, with the advice and consent of the Diocesan Council, may remove its name from the list of organized Missions or otherwise change its status. Such action by the Bishop shall be reported to the next Annual Convention.

Canon 3. Bishop's Mission Congregations (hereinafter referred to as "Bishop's Missions")

Introduction: A Bishop's Mission is a special congregation established and governed by the Bishop to bring worshippers together in special situations, when the persons worshipping therein are unable to form a Parish or Organized Mission for lack of numbers, financial resources, or other special reasons.

Section 1. Formation

A Bishop's Mission may be formed by the Bishop either as a result of a petition from a group of communicants, or on his/her initiative to fill a special need. The Bishop shall take such action with the advice and consent of the Diocesan Council, and the decision to form a Bishop's Mission shall be reported to the next Annual Convention.

Section 2. Property, Indebtedness and Fiduciary Matters

All property of a Bishop's Mission shall be vested in the Trustees of the Diocese, and the Bishop shall have charge of its furnishings. The financial affairs and any matters of indebtedness of the Bishop's Mission shall be the responsibility of the Bishop and managed by a person, or committee, appointed by the Bishop, and such person or committee shall be responsible to the Treasurer of the Diocese for the conduct of its financial affairs. Bishop's Missions shall not be subject to a Diocesan Assessment.

Section 3. Mission Committee

The Bishop shall appoint a Mission Committee to administer the Bishop's Mission. This Committee shall exist at the pleasure of the Bishop, and shall perform the normal functions of a Vestry insofar as possible. It shall be the responsibility of this committee to make an annual report to the Diocese of its affairs in the form and fashion required by the Bishop.

Section 4. Membership in a Regional Ministry

The Bishop may propose that a Bishop's Mission become a member of a Regional Ministry, and it shall become a member if the Regional Ministry Council, and each of the Vestries in the Regional Ministry, accept its membership by majority vote and is otherwise approved by the Bishop who may refer the matter to the Regional Ministries Commission pursuant to Canon 4, Section 2 of this Title below. If it becomes a member, it shall have the same representation on the Regional Ministry Council as the other member Congregations, and shall contribute to the Regional Ministry's budget insofar as it can.

Section 5. Representation at Convention

If a Bishop's Mission is able to maintain ten (10) communicants for a year, it shall then be able to send a lay delegate and an alternate to the Convention, who shall have the same privileges as lay

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delegates and alternates from Organized Missions. Otherwise it shall have the right to send one delegate and one alternate to Convention who shall have seat and voice but no vote.

Section 6. Clergy and Worship

The Bishop shall make all arrangements as practicable to provide clergy on a part-time basis, and Lay Ministers, in order that Holy Worship may be conducted at the Bishop's Mission on a regular basis. If the Bishop's Mission is a member of a Regional Ministry, the Missioner of that Regional Ministry shall make arrangements for clergy or Lay Ministers as appropriate and practicable, and the Missioner of the Regional Ministry shall have the title of Vicar at the Bishop's Mission.

Section 7. Change of Status or Dissolution

If a Bishop's Mission maintains twelve or more communicants for a year, it may petition the Bishop to become an Organized Mission. If the Bishop accepts the Petition he/she shall present the proposed new Organized Mission to the Diocesan Council for approval, and to the next Convention for approval, and the procedures of Canon III.2 above shall then be followed. If the Bishop's Mission fails to maintain at least seven (7) communicants for a year, and has not the means or will to continue in existence, the Bishop at his/her pleasure shall dissolve it and so report such action to the Diocesan Council and to the next Convention.

Canon 4. Regional Ministries

Section 1. General Description

A Regional Ministry is a formal affiliation of Congregations and/or specialized ministries with clergy and laity sharing a mutual ministry for the purpose of spreading the Gospel. Although the individual Congregations of the Regional Ministry retain their autonomy, the congregations of the Regional Ministry as a body may engage in corporate worship and mutual activities such as Outreach. The Congregations of the Regional Ministry may join their resources together in order to support clergy and administrative staff to support the mission of each Congregation and of the Regional Ministry.

Section 2. Establishment

Should two or more Congregations in geographical proximity desire to join together to form a Regional Ministry, the Congregations shall petition the Bishop to join them together to form a Regional Ministry. The decision to make such a petition shall be made by at least a three-fourths vote of the Vestries or Mission Committees of the Congregations wishing to make such a petition. After receiving the petition the Bishop may refer it to the Regional Ministries Commission for advice. Having received such advice, the Bishop may then decide to form a Regional Ministry, and will report the formation of same to the next Annual Convention.

Section 3. Organization

The Regional Ministry Governing Body shall be a Regional Ministry Council, composed of at least two representatives from each member Congregation, and Clergy of the Regional Ministry. The Council shall establish by-laws for the conduct of affairs of the Regional Ministry. By-laws and amendments thereto must be approved by the Regional Ministry Commission and Bishop. The bylaws shall provide for election of clergy, election of officers, numbers and appointment procedures of lay representatives of Congregations on The Council, Budgetary matters, conduct and organization of Council meetings, and such other matters as The Council may deem necessary. The by-laws shall be consistent with the Canons of The Episcopal Church and of this Diocese.

Section 4. Clergy, Titles and Method of Election

Each Regional Ministry shall have a Ministry Team to fulfill all Canonical Duties in relation to all activities of the Regional Ministry Congregation and of individual Congregations. The team shall consist of positions for ordained clergy, administrators, and/or Lay Ministers as needed and as decided by the Bishop. The clergy person called by the Regional Council or appointed by the Bishop as “Missioner” or other title as prescribed by the Bishop, may also have the title of “Rector” or “Vicar” in the individual Congregations as mandated by Diocesan and National Canons. In all cases, the Rector or Vicar of each Congregation shall be designated in consultation with each vestry, the Regional Council, and the Bishop. The Regional Ministry by-laws shall stipulate the process by which the Clergy are called, but such process must be consistent with the Canons of The Episcopal Church and of this Diocese. In all cases, when a vacancy occurs in the Ministry Team, the Bishop, with the advice of the Regional Ministries Commission, shall have the right to make nominations, or to approve nominations, made to fill the position. No member of the Ministry Team shall be called unless the Vestries or Mission Committees of each member Congregation, and the Bishop, have approved of the choice.

Section 5. Clergy, Duties of

The Missioner shall be the person who facilitates the coordination and development of the Regional Ministry Team. Specific duties of the missioner are to be enumerated in the missioner’s contract and may vary from Regional Ministry to Regional Ministry. In relation to the Ministry Council the Missioner is to be Spiritual Guide, Counselor, and resource for canonical interpretation. Voice and vote of the Missioner are to be determined by the by-laws of each Regional Ministry in accordance with Diocesan and National Canons.

Section 6. Fiduciary Matters

The Regional Ministry shall have the authority to possess funds, open and manage bank accounts, disburse funds in accordance with its budget. Any grant or other sum, which comes from the Diocese, may be paid directly to the Regional Ministry.

Section 7. Budget and Management of Financial Affairs

The Regional Ministry shall create an annual budget, according to its by-laws, which may include the payment of clergy and other employee stipends and benefits, outreach, canonical supplies, and other program expenses deemed necessary by its Council. Each Congregation member of the Regional Ministry will inform the Regional Ministry Council of its contribution to the budget in time for the budget to be created and approved, in each instance no later than the first week of December. The budget income may also include bequests, income from Trust funds, Regional Ministry fund-raising events, tithes directly to its budget, grants from the Diocese, and other funds as it may expect to receive.

Section 8. Autonomy of Members

Each Congregation belonging to a Regional Ministry shall retain its own identity, Vestry, Mission Committee, Congregational budget, representation at Deaneries and Diocesan Conventions, and such other appurtenances of autonomy as specified elsewhere in the Canons of The Episcopal Church and of this Diocese. Vestries and Mission Committees shall retain full control over their respective Congregational properties and temporal affairs, as provided by the Canons of The Episcopal Church and of this Diocese.

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Section 9. General Review

The Regional Ministries Commission shall conduct a general review of each Regional Ministry at least once every five (5) years.

Section 10. Of the Mode of Securing an Accurate View of the State of the Regional Ministry

Each Regional Ministry shall submit an annual report to the Regional Ministries Commission, which shall be in such form and include all matters that the Regional Ministry Commission deems necessary for the proper oversight of the Regional Ministry and to perform its duty to inform the Convention of the State of the Regional Ministries Congregations. The Regional Ministry Commission will annually provide budgetary and membership information concerning all Regional Ministries to the Convention, and such information shall be published in the Convention Bulletin.

Section 11. Tenure and Withdrawal

Any Congregation that becomes a member of a Regional Ministry shall assume a commitment to remain in the Regional Ministry for a period of not less than two years. A general review of each newly formed Regional Ministry will be held after two years. After that period any Congregation wishing to withdraw from the Regional Ministry may do so only after all of the following have occurred:

- (a) An affirmative vote of two-thirds (2/3rds) of its Vestry or Mission Committee;
- (b) An affirmative vote by a majority of the representatives of the Regional Ministry Council;
- (c) After such vote, referral of the request to the Bishop with a plan showing provisions for pastoral oversight and financial stability if the Congregation withdraws which the Bishop may send to the Regional Ministries Commission as he/she sees fit;
- (d) Regional Ministry Commission investigation of all aspects of the request, which may include discussions with the Congregation wishing to withdraw, with other Congregations in the Regional Ministry, and with the Regional Ministry Council.
- (e) Referral of the request back to the Bishop by the Regional Ministries Commission with a recommendation;
- (f) Decision of the Bishop to allow the withdrawal.

Section 12. Dissolution or Restructuring

If the Bishop decides, after consultation with the Regional Ministries Commission, that a Regional Ministry is no longer viable in its present form, he/she may dissolve it or change its composition. Any such action will be reported to the next Convention.

Canon 5. Property and Indebtedness of Congregations

Introduction: This Canon refers only to Parish, Organized Mission, and Regional Ministry Congregations. Bishop's Missions shall not have the authority to own property or incur Indebtedness, as specified in III.3.2 above.

Section 1. Property

(a) All real property acquired by the Parish, Organized Mission, or Regional Ministry, shall be conveyed to, and the legal title thereto shall be vested in the Trustees of the those Congregations. It shall be the duty of the Vestry or Regional Ministry Council to have incorporated in any deed for the conveyance of any property acquired by the Congregation a clause providing that such

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property shall be held by said Trustees for the use, benefit, and advantage of such Parish, Organized Mission, or Regional Ministry, and of such persons as shall belong thereto who shall yield their assent and approbation to the doctrine, discipline, and worship of the Episcopal Church in the Diocese of West Virginia.

(b) When it is deemed advisable to sell or encumber any real estate belonging to any Congregation, direction shall be given accordingly by formal resolution of the Vestry or Regional Ministry Council, which resolution shall be recorded upon the minutes of said body, and shall be incorporated in the deed of conveyance, or the instrument creating the encumbrance, when executed by the Trustees; but no such property shall be sold or encumbered without the written consent of the Ecclesiastical Authority of the Diocese. Subject to such consent, proceedings to sell or encumber any such property shall be governed by Sections 9,10, and 11 of Article 1 of Chapter 35 of the Code of West Virginia, and it is hereby made the duty of the Vestry or Council to comply with the foregoing sections of the Code of West Virginia. The Trustees shall not execute conveyance for such property until they have been furnished with the written consent of the Ecclesiastical Authority above provided for, the fact of which consent shall be recited in the deed, and until they have been furnished with the affidavit regarding publication as called for by said Section 10, Art. 1 of Chapter 35 of the Code of West Virginia, which affidavit shall accompany and be recorded with the conveyance or the instrument creating the lien.

(c) When it is deemed advisable to rent or lease a consecrated church building, the written consent of the Ecclesiastical Authority of the Diocese must be had before any contract of rental or lease is entered into, and such consent shall be recited in such contract.

(d) In case any Congregation shall become extinct or be dissolved, or shall have ceased to use its property for religious or charitable purposes, or in case its property may be regarded as abandoned, the charge and custody of the property thereof shall vest in the Ecclesiastical Authority, and proceeding may be taken in the name of the Ecclesiastical Authority, or in the name of a Trustee or Trustees appointed by the Ecclesiastical Authority, to procure the sale of such property, as provided in Section 12, Art. 1 of Chapter 35 of the Code of West Virginia, and the proceeds of said sale shall be disposed of in accordance with the special provisions of the conveyance, dedication, devise, gift, or bequest of such property, and if there be no such special provision for such disposition, then said proceeds shall be used for the benefit of the Episcopal Church in the Diocese of West Virginia in such a way as the Ecclesiastical Authority may determine.

Section 2. Indebtedness

No indebtedness shall be incurred by a Parish, Organized Mission, or Regional Ministry Congregation without the written approval of the Ecclesiastical Authority of the Diocese, except:

(a) Indebtedness for permanent improvements or additions to real estate or equipment, where the amount of such indebtedness, plus indebtedness of every kind already existing, shall not exceed one hundred and fifty per cent of the average of the current annual revenue of such Congregation during the then preceding three fiscal years, and the payment of all such indebtedness shall be provided through some plan of amortization or periodical payments.

(b) Indebtedness for current expenses where the amount of such indebtedness, plus all indebtedness theretofore incurred for current expenses and then still existing shall not exceed twenty percent of the total current revenue of such Congregation during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the ensuing fiscal years in such proportion that there shall result a reasonable expectation of such indebtedness being paid from the revenues of such years not exceeding three.

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(c) In computing current revenues under the above limitation on indebtedness, receipts from endowments shall not be included when the same are designated for any purpose other than the general or regular expenses of the Congregation, nor shall there be included any revenues designated for other than purposes than support of the Congregation.

(d) Whenever the approval of an indebtedness is required under this Canon, there shall be submitted to the Ecclesiastical Authority a statement of the plan for amortization or payment, and the incurring of the indebtedness shall only be approved after the approval of such plan.

(e) Whenever indebtedness of a Congregation is to be secured by a lien upon property thereof, the requirements of this Canon shall be in addition to those of Section 1(b) of this Canon relating to the encumbering of Church property.

TITLE IV: MINISTRY

Canon 1. Election or Appointment of Bishops

The Diocesan Bishop, and Bishops Coadjutor and Suffragan, if it is decided that such shall be needed, are elected in accordance with canon III.11 of the canons of The Episcopal Church and Article 8 of the Constitution of the Diocese of West Virginia. Nominations for these positions shall be made by a Search and Nominating Committee, appointed by the Standing Committee and consisting of one Clerical and one lay member from each Deanery.

Canon 2. Clergy

The ordained Clergy of this Diocese shall consist of Bishops, Priests, also called Presbyters, and Deacons. Title III of the Canons of The Episcopal Church prescribes the process of selection, life, duties and discipline of ordained clergy.

Canon 3. Priests

Section 1. Ordination

The process for bringing persons forward to ordination shall be under the direction of the Bishop with the assistance of the Commission on Ministry, and shall be in accordance with canon III.8 of the Canons of The Episcopal Church. Appointment and duties of the Commission on Ministry are in Title II of these Canons.

Section 2. Mandatory Support of Priests

It shall be the duty of all Vestries and Mission Committees, or Regional Ministry Councils if remuneration of clergy has been assigned to such Councils, to provide and pay at stated and regular intervals competent sums for support of their priests, such sums for priests in the full-time ministry to be not less than the minimum established by Diocesan Convention. The Commission on Ministry will assist the Bishop to examine the manner in which this sacred obligation is being met in each congregation.

Section 3. Dissolution of the Pastoral Relation

Provisions of canon III.9 of The Episcopal Church shall apply to the dissolution of the pastoral relationship between a Rector and a Congregation.

Section 4. Retired Priests

All retired priests who meet the requirements of Article V, Section 2, of the Constitution of this Diocese, are entitled to all the rights and privileges of the Convention, and those accorded to them in the Constitution and Canons of the Diocese, except that no retired priest shall be eligible to serve in the following capacities:

- (a) As a member of the Vestry, or member of a Mission Committee
- (b) As a member of the Standing Committee
- (c) As a member of the Diocesan Council

Canon 4. Deacons

Section 1. General

Deacons serve directly under the authority of and are accountable to the Bishop. Their life and work are prescribed in Canon III.7 of The Episcopal Church. The Bishop may assign Deacons to work in Congregations, or in other ministries of the Diocese. If assigned to a Congregation the Deacon will act under the authority of the Member of the Clergy or other leader exercising oversight in all matters concerning the Congregation. No Deacon may be put in charge of a Congregation.

Section 2. Distribution of Holy Communion

When the services of a priest cannot be obtained, the Bishop may, at discretion, authorize a Deacon to distribute Holy Communion to the Congregation from the reserved Sacrament. The distribution procedures are prescribed on pages 408-409 of the Book of Common Prayer.

Section 3. Support

Deacons may receive stipends, housing, allowances, and expenses, as arranged by the Bishop, from the Congregation or other Ministry to which they are assigned, or from the Diocesan budget, or a combination of the two, as necessary to support their assigned duties. Deacons may also serve in non-stipendiary positions as assigned by the Bishop.

Canon 5. Lay Ministry

The Bishop may license confirmed communicants in good standing as Pastoral Leaders, Worship Leaders, Preachers, Eucharistic Ministers, Eucharistic Visitors, or Catechists (“Lay Ministers”). Requirements and guidelines for the selection, training, continuing education, and deployment of such persons, and the duration of licenses, shall be established by the Bishop in consultation with the Commission on Ministry.

Canon 6. Liturgy

In all questions pertaining to the Liturgy of the Church, or to the ornaments, arrangements and appointments of the Church, or of the Holy Table, where there is no specific Rubric or Canon of The Episcopal Church or of this Diocese, the judgment of the Bishop, given in writing to the Clergy and Vestries or Mission Committees, shall be decisive.

Canon 7. Ecclesiastical Discipline

The ecclesiastical discipline of a priest or deacon shall be governed by Title IV of the Canons for the Government of The Episcopal Church. Those provisions of Title IV of the Canons for the Government of The Episcopal Church which are applicable to this Diocese are hereby incorporated as part of this Title. To the extent, if any, that any of the provisions of the Canons of this Diocese are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

TITLE V: AMENDMENTS

Canon 1. Amendments

Proposed amendments to these Canons must be submitted to the Ecclesiastical Authority at least ninety (90) days prior to an Annual or Special Convention. The Ecclesiastical Authority will refer the proposed amendment(s) to the Constitutions and Canons Committee, which shall review the proposals and make recommendations thereon to the Ecclesiastical Authority in time that any proposed amendments may be publicized throughout the Diocese, and in the pre-convention journal, prior to the Convention in accordance with Canon II.6.5 herein. At Convention the Chair of the Constitution and Canons Committee will present the proposed amendments, with any recommendations which the Committee thinks proper, in the form of motions. Such motions shall follow the normal Parliamentary procedures of Robert's Rules, except that in order for an amendment to be adopted it must receive a two-thirds vote of the delegates attending convention, or, if voted upon by orders, must receive a two-thirds vote of each order at the Convention. If the motion to amend Canons does not receive a two-thirds vote of acceptance, but does receive a majority vote, the matter shall then lie over to the next Annual Convention. At the next Annual Convention the amendment which received a majority positive vote at the previous Convention, without any substantive changes as decided by the President, shall be considered adopted if it receives a positive vote of a majority of the delegates.

Canon 2. References to the Constitution and Canons of The Episcopal Church

The identifying numbers of references made herein to the Constitution and Canons of The Episcopal Church are to be considered changed as needed to maintain consistency as changes may be made to said numbers in the documents to which reference is made.

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