

Constitution of the Diocese of California

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Constitution of the Diocese of California

Article I

The Title and Territory of the Diocese

Sec.1.1. This Diocese shall be known as the Diocese of California (the “Diocese”) and shall be incorporated under the laws of the State of California under the name “The Episcopal Church in the Diocese of California.”

Sec.1.2. The territory of the Diocese shall include that portion of the State of California consisting of the City and County of San Francisco, the Counties of Marin, Contra Costa, Alameda and San Mateo, that portion of Santa Clara County lying within the parish boundaries of St. Mark’s, Palo Alto, and Christ Church, Los Altos, and including the unincorporated lands of Stanford University, as they existed on July 1, 1980.

Article II

Acceding to the Constitution and Canons of The Episcopal Church

Sec.2.1. The Diocese accedes to the Constitution and Canons of The Episcopal Church and acknowledges the authority of the General Convention of The Episcopal Church.

Article III

The Authority of the Diocese

Sec.3.1. The authority of the Diocese is vested in and exercised by its Bishop (and Bishop Coadjutor, if there is one), its Conventions, Annual and Special, and its Standing Committee, acting under and in subordination to The Episcopal Church, its Constitution and Canons and its General Convention.

Sec.3.2. The authority of the Bishop Coadjutor shall be such as the Bishop shall designate to the Diocesan Convention prior to the time of the election of the Coadjutor, and as subsequently enlarged by the Bishop.

Sec.3.3. The Ecclesiastical Authority of the Diocese is the Bishop. In the Bishop’s absence or inability to act, the Bishop Coadjutor shall be the Ecclesiastical Authority. If there is no Bishop Coadjutor or if both the Bishop and the Bishop Coadjutor are absent or unable to act, or if the Episcopate becomes vacant, the Standing Committee shall be the Ecclesiastical Authority.

Sec.3.4. The Executive Council shall consist of the Bishop and other members elected or appointed as provided by Canon. The Executive Council shall exercise such

powers of Convention between the meetings thereof as are necessary to develop and implement the policies, programs and budgets adopted by Convention and shall have such other powers and duties as Convention may delegate to it by Canon or other act of Convention. It shall act as the Board of Directors of the Diocesan Corporation in accordance with the powers delegated to it under these Constitution and Canons.

Article IV

The Bishop

Sec.4.1. In addition to being the Ecclesiastical Authority, the Bishop is the Chief Pastor of the Diocese and may preside and officiate in the worship of the Church within any parish or mission or elsewhere in the Diocese.

Sec.4.2. The Bishop shall, *ex officio*, be the President of the Convention. In the absence of the Bishop, the Bishop Coadjutor, if there is one, and in the absence of both, the Bishop Suffragan, if there is one, shall preside. In case of the absence or incapacity of the Bishops, the President of the Standing Committee shall serve as President of the Convention, or in his absence, a president *pro tempore* shall be elected from among the Presbyters present. The Canons of the Diocese may provide for the election of a Chairman of the Convention whose duty shall be to act as presiding officer.

Sec.4.3. The Bishop is the Ordinary of all religious and benevolent organizations of the Diocese, may attend and preside at any of their meetings, and has final appellate jurisdiction over their affairs.

Sec.4.4. Whenever the Bishop shall issue a pastoral letter, it shall be the duty of every minister in charge of a congregation to read the letter at all services on the Sunday following its receipt, or to cause copies of the same to be distributed to the members of the congregation not later than one month after its receipt.

Sec.4.5. All controversies between the rectors of two or more parishes; or between a parish, or its vestry, and its rector; or between persons adversely claiming to be members of the vestry of a parish, shall be referred to the Bishop for determination pursuant to the Canons of The Episcopal Church.

Article V

Annual and Special Diocesan Conventions

Sec.5.1. The Diocese shall assemble in Annual Convention at the Cathedral Church of the Diocese or at some other place appointed by the Bishop.

Sec.5.2. The Bishop shall have the power to call a Special Convention. The call shall designate the time, place and purpose of the Special Convention and no business other than that stated in the call shall be transacted except by unanimous consent.

Sec.5.3. Thirty days' written notice of every Annual or Special Convention shall be given by the Secretary of the Convention or, if the office of Secretary is vacant, by the Secretary of the Standing Committee. The notice shall be sent to every Cleric canonically resident in, and every parish and mission of, the Diocese and shall specify the time and place and, in the case of a Special Convention, the purpose of the Convention.

Sec.5.4. With the concurrence of the Standing Committee, the Bishop may change the time or place, or both, of an Annual or Special Convention, provided that notice of such change shall be given in accordance with the preceding section.

Article VI

Composition of Diocesan Conventions

Sec.6.1. The Convention shall be composed of Bishops, Presbyters and Deacons ("Clerics"), and lay delegates, sitting as one body.

Sec.6.2. The following Clerics shall be voting members of Convention:

(a) Every Cleric not under ecclesiastical discipline who is and has been canonically resident within the Diocese and performing the duties of office on a regular basis for a period of thirty calendar days prior to the first day of the Convention, and who is and has been for the same period:

(i) regularly elected or appointed to, and officiating in, a parish or mission within the Diocese, or

(ii) regularly assigned by the Bishop for ministry within the Diocese,
or

(iii) regularly working with the consent of the Bishop in whatever occupation and who has, within the preceding twelve months, complied with Title I, Canon 6, Section 2 of the Canons of The Episcopal Church;

(b) Every Cleric not under ecclesiastical discipline who is and has been canonically resident within the Diocese for a period of six calendar months prior to the first day of the month in which the Convention is held, who, while active within the Diocese in any of the capacities mentioned above, retires from active service by reason of age or permanent disability according to the records of the Church Pension Fund; and

(c) A Bishop, Bishop Coadjutor or Bishop Suffragan of the Diocese not under ecclesiastical discipline who has resigned and who resides within the Diocese.

Sec.6.3. Every other Cleric who is canonically and actually resident in the Diocese and not under ecclesiastical discipline shall be entitled to seat and voice in the Convention, but not to a vote. The Convention may by a majority vote give a vote to any such cleric who

is employed by and receiving remuneration from the Diocese or from any congregation or institution of the Diocese.

Sec.6.4. The delegates and alternates, who shall be members of The Episcopal Church as defined by its Canons, shall be elected annually by the Cathedral congregation and by each parish and mission congregation in union with the Convention in accordance with the Canons of the Diocese. Each such delegate and alternate shall be a member of the congregation from which elected.

Sec.6.5. Any vacancy occurring in a lay delegation between annual meetings shall be filled by election by the vestry of a parish, the Bishop's committee of a mission, or the Bishop and Trustees of Grace Cathedral, as the case may be.

Sec.6.6. The Cathedral congregation and each parish and mission shall elect two delegates and shall elect one additional delegate for each one hundred communicants in good standing, or a major fraction thereof, in excess of one hundred; provided, however, that the Cathedral congregation or any parish or mission shall not be entitled to more than seven delegates. The enumeration of communicants in good standing shall be based on the parochial report to the Diocese for the previous year.

Sec.6.7. No lay person under ecclesiastical censure shall be allowed a seat in the Convention.

Article VII

Diocesan Conventions

Sec.7.1. Whenever this Constitution or the Canons require that a vote be taken by orders, the clerical order and the lay order shall vote separately and must concur in order to constitute an act of the Convention. In all matters other than the election of a Bishop, an amendment of the Constitution, or the suspension or dissolution of the parochial relationship, if the orders do not concur on the first ballot, they shall then vote as one body, and a majority of such votes shall determine the outcome of the matter. In the case of an election, other than the election of a Bishop, the Canons may provide that on a second ballot, those receiving a majority in both orders shall prevail over those who have a higher total vote but have failed of a majority in one of the orders. Each Cleric entitled to vote and each delegate shall have one vote and no more. Cumulative voting and voting by proxy or by absentee ballot shall not be permitted.

Article VIII

Standing Committee of the Diocese

Sec.8.1. A Standing Committee consisting of four Clerics and four lay persons shall be elected at the Annual Convention in the manner and for the terms of office prescribed by the Canons. The Clerics shall be members of the Convention and the lay members shall be

communicants in good standing of the Church registered in a congregation of the Diocese. They shall continue in office until their successors are elected.

Sec.8.2. The powers, functions and duties of the Standing Committee shall be those prescribed by the Constitution and Canons of The Episcopal Church and by this Constitution and the Canons of the Diocese.

Article IX

Deputies to the General Convention

Sec.9.1. Deputies to the General Convention, together with alternate deputies shall be elected at least twelve (12) months preceding the date that the General Convention for which they are to be seated is scheduled to convene. Such election shall occur at the Annual Convention, or at a Special Convention called for that purpose.

Sec.9.2. By concurrent vote of the clerical and lay orders, voting separately, the Convention shall elect four (4) clerical deputies and their alternates, and four lay deputies and their alternates, who shall continue in office until their successors are elected. Clerical deputies shall be Presbyters or Deacons, eligible under the Constitution of The Episcopal Church, to serve as such. Lay deputies shall be confirmed adult communicants of the Church, and registered in a congregation of this Diocese.

Sec.9.3. In the event of a vacancy or vacancies among the elected deputies, the Bishop shall designate one or more of the alternate deputies, in descending order in accordance with the number of votes received by each at the time of election, to fill such vacancy or vacancies.

Article X

Admission of Parishes and Missions

Sec.10.1. A parish may be admitted into union with the Convention by the affirmative vote of a majority of the members of the Convention provided the parish shall first have presented to the Convention:

- (a) a certificate from the Bishop approving the organization of such parish;
- (b) governing documents in form approved by the Bishop, subscribed by the wardens, in which such parish expressly accedes to the Constitution, Canons and worship of The Episcopal Church and to the Constitution and Canons of the Diocese; and
- (c) satisfactory evidence that it has been organized in conformity with the Canons.

Sec.10.2. A mission may be admitted into union with the Convention by the affirmative vote of a majority of the members of the Convention if the mission shall first have presented to the Convention a certificate from the Bishop stating that such mission is duly organized.

Article XI

Forfeiture of Privileges

Sec.11.1. Whenever any parish in union with the Convention shall have persistently disregarded or refused to conform to any of the Canons of The Episcopal Church or of the Diocese, the Bishop shall give due notice of such violation to such parish. If, after receipt of the notice by the parish, the parish shall have failed in a timely manner to cure the violation described in the notice, and the Bishop is of the opinion that the parish may be liable to suspension of its privilege of representation in the Convention, or to the dissolution of its parochial relationship with the Diocese, the Bishop shall so advise the Convention. Thereupon, by a concurrent two-thirds vote of the clerical and lay orders, voting separately, the Convention may proceed to suspend the representation of such parish in the Convention or wholly dissolve the parochial relationship of the parish with the Diocese.

Sec.11.2. Whenever, in the judgment of the Bishop, the status of any mission should be changed or the mission dissolved, the Bishop, after consultation with the vicar and the Bishop's committee, and with the concurrence of the Bishop and Council of the Diocese ("Diocesan Council"), may take such action and report the same to the next Convention.

Article XII

The Election of Bishops

Sec.12.1. The election of a Bishop, a Bishop Coadjutor, or a Bishop Suffragan, for the Diocese shall be held at a Convention of the Diocese.

Sec.12.2. The call to elect a Bishop, a Bishop Coadjutor, or a Bishop Suffragan, shall be issued by the Standing Committee, which shall give, through its Secretary, at least thirty days' written notice of such election to the Cathedral, to every parish and mission of the Diocese and to every Cleric eligible to vote.

Sec.12.3. A majority of all Clerics entitled to vote, and not less than two-thirds of all the parishes and missions (including the Cathedral congregation) represented by at least one delegate, shall constitute a quorum. If such representation of the clerical order and of the foregoing congregations is not present at any ballot, and if a quorum is called for, then it shall be announced that no quorum exists, and the Convention shall be recessed until such a quorum is present.

Sec.12.4. Voting shall be by ballot. The clerical and lay orders shall vote separately, and the concurrent majority vote of each order present shall constitute the election.

Article XIII

Assessments

Sec.13.1. The Convention shall have the power to raise money by assessment on the Cathedral congregation and on the parishes and missions of the Diocese, by Canon or by special vote, for the operating expenses of the Diocese, and for such other purposes as the Convention may from time to time approve. The Convention shall also have the power to impose such penalties as it may determine for failure to pay such assessments when due.

Article XIV

Trust Funds

Sec.14.1. The canonical provisions and regulations relating to the trust funds of the Diocese now existing or which may hereafter be created, as such provisions and regulations may stand at the time of any gift or bequest to such funds, or at the time of any collection taken up in the Diocese for any of such funds, and such further conditions as may have been specified in any gift or bequest to any of such funds, shall constitute a contract between the Diocese and the donors or contributors to such funds which the good faith of the Diocese is pledged faithfully to keep and observe. The Canons regulating the trust funds of the Diocese may from time to time be amended, but no such amendments shall in any way affect gifts, bequests or contributions which have been made prior to such amendment.

Article XV

Authentication and Preservation of Constitution and Canons

Sec.15.1. The President and Secretary of the Convention shall certify the Convention's adoption of any Constitutions, Canons, and amendments thereto. The Secretary of the Convention shall maintain a book, entitled "Constitutions and Canons of the Diocese of California," in which such provisions and certifications shall be recorded. The provisions in that book shall be presumed to have been duly adopted and correctly recorded.

Article XVI

Amendments

Sec.16.1. This Constitution may be amended at any Annual Convention by a concurrent majority affirmative vote cast by the clerical and lay orders voting separately.

Sec.16.2. No proposed amendment shall be considered or acted upon by any Annual Convention (except to refer the proposed amendment to a committee for a report to the next Annual Convention) unless copies of such proposed amendment shall have been filed

with the Secretary of the Convention at least sixty days before the first day of the Convention.

Sec.16.3. The Secretary shall have copies of all proposed amendments printed for use of the Convention and shall deliver copies of all those filed with him to the Chairman of the Committee on Canons, which Committee shall report on the proposed amendments on the first day of the Convention.

Sec.16.4. The Committee may, in its judgment, recommend a substitute for or modification of the proposed amendment.

Sec.16.5. Any proposed amendment which shall have been introduced and reported on and duly considered and approved at an Annual Convention, shall be referred to the next Annual Convention for final consideration and action; provided, however, that the proposed amendment may be amended before its adoption on second reading by a two-thirds affirmative vote cast by each order, voting separately. If then approved and adopted by the Convention, by a majority of the votes cast by each order, voting separately, and concurred in by the Bishop, the amendment shall become effective.

Article XVII

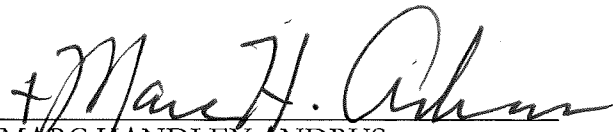
Repeal

Sec.17.1. Upon the concurrence by the Bishop following approval and adoption of this Constitution by the Convention, the Constitution previously in effect shall be repealed.

Concurrence

In Accordance with Article XVI, Section 16.5, of the Constitution of the Diocese of California, I concur in the amendment to the Constitution as adopted on second reading by the 160th Diocesan Convention on October 16, 2009.

Dated: October 17, 2009


MARC HANDLEY ANDRUS
Bishop of California

Certificate

We hereby certify that the foregoing is a true and correct copy of the Constitution of the Diocese of California as the same was adopted on second reading by the 160th Convention of the Diocese of California on October 16, 2009.

Dated: October 17, 2009


MARC HANDLEY ANDRUS
Bishop and Ordinary
President of the Convention


DAVID FRANGQUIST
Secretary of the Convention