

# Technical Amendments

## Canons 11.26, 11.31, 11.32, 14.05, and Appendix

### Technical Amendments

#### *Canons 11.26, 11.31, 11.32, 14.05, and Appendix*

*Resolved*, that the Canons of the Diocese of California be amended as follows (deletions in ~~bold strikethrough text~~, insertions in ***bold italic text***):

1. Canon XI, Section 11.26 is amended to state as follows:

Sec. 11.26 Election of the Rector. The election of a rector shall require an affirmative vote of two-thirds of the lay members of the vestry. No commitment shall be made by the vestry to anyone under consideration as a prospective rector, nor shall any formal call be issued, until the name of the Cleric under consideration as rector has been made known to the Bishop. If the Bishop has not responded within 30 days, or such additional time as has been agreed upon, from the date of notice to the Bishop, the vestry may proceed with the commitment and call. In case the Bishop objects to the choice of the vestry, a second meeting of the vestry shall be held and the person first proposed can be elected only by a unanimous vote of the whole vestry. If the vote is not unanimous, the same procedure shall be repeated for the election of another candidate. The call shall be in the form of an agreement, which shall be signed by the wardens and, when accepted, signed by the new rector. The agreement shall, subject to the provisions of Title III, Canons ~~16.5~~ ***9.7*** and ~~21~~ ***9.13***, of The Episcopal Church and of this Canon XI, Sections 11.32 and 11.33, provide for life tenure. The signed agreement shall be sent to the Bishop who, when satisfied that the person chosen is a duly qualified Cleric and has accepted the office, shall approve the call and acceptance by causing copies of the agreement to be countersigned personally or by a designated representative and returned to the new rector and to the parish. The Bishop shall then notify the Secretary of the Convention, who shall record the appointment and announce it at the next Annual Convention.



# Technical Amendments

2. Canon XI, Section 11.31 is amended to state as follows:

Sec. 11.31 Reconciliation of Disagreements Affecting a Pastoral Relationship. Where the need therefor appears, a reconciliation of the pastoral relationship, as provided in Title III, Canon ~~20~~ **9.12**, of the Canons of The Episcopal Church, may be sought in accordance with the following procedure.

(a) Appeal to Bishop. In the event of differences between a rector and vestry an appeal may be made to the Bishop for pastoral ministrations to reconcile those differences. The appeal may be made by the rector, a majority of the whole vestry, or jointly. The appeal shall state in writing that there are differences between rector and vestry and shall invite the Bishop's pastoral ministrations.

(b) Appeal by Rector. If made by the rector, a signed copy of the appeal shall be mailed or delivered to each member of the vestry.

(c) Appeal by Vestry. If made by the vestry, alone or jointly with the rector, the appeal shall state whether it emanates from a regular or special meeting of the vestry. Those voting in favor of the appeal shall sign it.

(d) Special Meetings. Notwithstanding any provision in the bylaws of the parish to the contrary, a special meeting of the vestry to consider the making of an appeal under this Canon may be convened by the rector, a warden, or at least one-quarter of the lay members of the vestry. A special meeting not convened by the rector or a warden shall consider no other business. The convenor(s) of the special meeting shall, at least ten days before the meeting, mail or deliver to each member of the vestry and to the rector a signed written notice of the purpose, time, date, and place of the meeting. A certificate of compliance with this requirement, signed by the convenor(s), shall accompany the appeal.

(e) Nothing in this Section 11.31 shall preclude the application of Title III, Canon ~~19(b)~~ **9.6(c)(2)** of the Canons of The Episcopal Church.



# Technical Amendments

3. Canon XI, Section 11.32, subdivision (h) is amended to state as follows:

Sec. 11.31 Dissolution of the Pastoral Relationship. \* \* \* \*

(h) In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under ~~Section 1 of~~ Title IV of the Canons of The Episcopal Church, all proceedings under this Canon with respect to such charge shall be suspended until the charge has been resolved or withdrawn.

4. Canon XIV, Section 14.05 is amended to state as follows:

Sec. 14.05 General Ordination Examination. When a candidate for holy orders takes the general ordination examination administered by the General Board of Examining Chaplains, the Commission on Ministry and the Standing Committee shall in no case recommend such candidate for ordination to holy orders until it has considered the report of the examination from the General Board in the manner and form prescribed by Title III, Canon ~~31, Section 4~~ 15.4, of the Canons of The Episcopal Church.

4. The definitions of “Bishop Coadjutor” and “Bishop Suffragan” in the Appendix are amended to state as follows:

“Bishop Coadjutor” has the meaning set forth in Title III, Canon ~~25, 11.10(a)~~ of the Canons of The Episcopal Church.

“Bishop Suffragan” has the meaning set forth in Title III, Canon ~~26 11.10(b)~~ of the Canons of The Episcopal Church.

5. The definition of “Court of Review” in the Appendix is repealed as follows:

~~“Court of Review” means the court described in Title IV, Canon 3(B), of the Canons of The Episcopal Church.~~

## *Explanation and Report of the Committee on Canons*

These technical amendments correct certain cross-references to the Canons of The Episcopal Church. No substantive change is intended. The definition of the term “Court of Review” should be repealed because it no longer appears anywhere in the Canons of the Diocese.

*Submitted by the Committee on Canons. Questions may be directed to Christopher Hayes <christopher.hayes@borowsky.com>.*

*As reported by the Committee on Canons (corrected 09/04/2012)*





# Organization of General Convention Deputation

## To be adopted as Canon 16.02

### Organization of General Convention Deputation

#### *To be adopted as Canon 16.02*

*Resolved*, that the Canons of the Diocese of California be amended as follows (deletions in ~~bold strikethrough text~~, insertions in ***bold italic text***):

Canon XVI is amended by inserting after the existing Section 16.01 a new Section 16.02, and redesignating the remaining sections accordingly:

***Sec. 16.02 Organization of General Convention Deputation. The deputation to the General Convention, consisting of lay and clergy deputies and alternates meeting as one body, shall elect its own leadership. The chair or co-chairs shall be elected from among the deputies, and if there be co-chairs, there shall be one from each order.***

#### ***Note on Numbering***

If this proposal is adopted, existing Canon 16.02—which is the subject of a separate proposal—would automatically be renumbered as Canon 16.03.

#### ***Proponent's Explanation***

This proposed new canon would formalize the General Convention deputation's process of electing its leadership.

The practice in most dioceses is to confirm the clergy and/or lay deputies with the highest vote at Diocesan Convention. For General Convention 2009 and 2012, we have discerned that senior deputies from smaller deaneries may have the gifts for leadership and General Convention experience, but a moderate vote count. Therefore, we would like to be able to elect the deputies with leadership qualities and General Convention experience, instead of the individual(s) with the most name recognition at Diocesan Convention.

*Submitted by Warren Wong (co-chair, General Convention Deputation, 2009 and 2012), delegate from St. James Episcopal Church, San Francisco. Questions may be directed to Warren Wong <wjstjames@gmail.com>.*

#### ***Report of the Committee on Canons***

The Committee on Canons finds this amendment suitable in form for adoption.

*Submitted by the Committee on Canons.*

*As reported by the Committee on Canons (08/27/2012)*





# Deputies to the Provincial Synod

## Canon 16.02 (potentially renumbered as Canon 16.03)

### Deputies to the Provincial Synod

#### *Canon 16.02 (potentially renumbered as Canon 16.03)*

*Resolved*, that the Canons of the Diocese of California be amended as follows (deletions in ~~bold strikethrough text~~, insertions in ***bold italic text***):

Canon XVI, Section 16.02 is amended to state as follows:

Sec. 16.02 Deputies to the Provincial Synod. The deputies and alternate deputies representing the Diocese at the Synod of the Eighth Province shall be elected ~~at least six (6) months prior to the scheduled date of the Provincial Synod.~~ ***Eligibility for such offices shall be by the deputation to the General Convention from among its members*** in accordance with the Canons of The Episcopal Church and the Ordinances of the Eighth Province. ~~Deputies and alternates so elected shall serve at all meetings of the Provincial Synod for which elected during the two (2) years subsequent to the date of the Synod, and until their successors are elected. Any vacancy in such deputation shall be filled by the Bishop with the concurrence of Executive Council.~~

#### *Note on Numbering*

If the proposed new canon relating to the General Convention deputation is adopted, this canon will automatically be renumbered as Canon 16.03.

#### *Proponent's Explanation*

This proposal would allow the Provincial Synod deputation to be elected by the General Convention deputation from among its own members, eliminating the election of a separate deputation by the Diocesan Convention.

The members of the General Convention Deputation have historically served both roles. Awhile back, several dioceses split these roles to create more leadership



# Deputies to the Provincial Synod

opportunities. The hope was to establish a provincial community. However, this experiment has not been successful.

The Provincial Deputies are not funded and do not convene prior to the Provincial Synod. During the current triennium, the Provincial Synod takes place one day before General Convention in Indianapolis. In 2015, the General Convention will take place within our province at Salt Lake City, Utah. We anticipate this to be the standard. This was to allow Bishops and Deputies to reduce travel cost and adjust for it with an extra day's per diem.

By utilizing the members of the General Convention Deputation, specific individuals will be asked to take on a provincial ministry for the triennium and to be accountable to the Diocese. This will allow for a better line of communications from the province to the Diocese of California.

*Submitted by Warren Wong, delegate from St. James Episcopal Church, San Francisco; endorsed by the Rev. Katherine Salinaro (provincial synod deputy), Holy Trinity Episcopal Church / Iglesia Episcopal La Santísima Trinidad; Dianne Audrick Smith (provincial synod deputy), St. Augustine's Episcopal Church, Oakland; Carole Jan Lee (former provincial synod deputy), St. James Episcopal Church, San Francisco. Questions may be directed to Warren Wong <wjwstjames@gmail.com>.*

## ***Report of the Committee on Canons***

The Committee on Canons finds this amendment suitable in form for adoption.

*Submitted by the Committee on Canons.*

*As reported by the Committee on Canons (08/27/2012)*

