

Proposed amendments to Canons of the Diocese of Oregon

Resolved, Canon 2.2, Section 3, be amended to read:

Canon 2.2

THE TREASURER

Sec. 1. The Treasurer of the Diocese shall be a person who has demonstrated competence in financial management. The Treasurer of the Diocese shall also serve as the Treasurer of the Corporation and the Convention. The Treasurer may appoint an Assistant Treasurer, with the same qualifications as required for the Treasurer. In the case of a vacancy in the office of Treasurer, the duties thereof shall devolve upon the Assistant Treasurer, if there be one, until such time as the Standing Committee elects a replacement.

Sec. 2. The Treasurer shall oversee receipt and disbursement of all funds collected under authority of the Convention, the Diocese and the Corporation, and the keeping of its accounts and records, and take charge of all deeds and papers which may be entrusted to the Corporation for the use and benefit of the Church. The Treasurer shall ensure that the Diocese conforms to the standard business practices set out in Canon 1.7 of The Episcopal Church, including the requirement that all accounts of the Diocese and Corporation be audited annually by an independent Certified Public Accountant approved by the Board of Trustees. Financial accounts of all diocesan funds, including the most recent audit report, with opinion letter and footnotes, an income statement, balance sheet, changes in financial position/cash flow statement, investment account statement, Corporation Sole accounts, and the Episcopal Bishop of Oregon Foundation, shall be rendered annually to the Convention.

Sec. 3. The Treasurer shall serve as an ex-officio member of Diocesan Council, and perform such additional duties as may from time to time be ordered by the Convention, the Board of Trustees, or the Diocesan Council.

Resolved, Canon 3.2, Sections 3 and 4, be amended to read:

Canon 3.2

THE CORPORATION OF THE DIOCESE

Sec. 3. The Corporation shall be governed by a Board of Trustees, consisting of the Bishop, the Bishop Coadjutor, if there is one, the Chancellor, the Secretary of Convention, the Treasurer, three Members of the Clergy, geographically and canonically resident in the Diocese, and three Lay Persons, who are adult communicants in good standing in the Diocese.

Sec. 4. Trustees, other than the Bishop, the Bishop Coadjutor, the Chancellor, the Secretary of Convention, and the Treasurer, shall be elected by the Convention for terms of three years. Any vacancy occurring between Conventions shall be filled by the Standing Committee until the next meeting of the Convention, which shall then fill the unexpired term.

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Resolved, Canon 3.3, Section 1 and 3, be amended to read:

Canon 3.3

THE DIOCESAN COUNCIL

Sec. 1. (a) The Council shall be composed of the following:

[1] The Bishop, the Bishop Coadjutor, the Treasurer, and the Secretary of Convention;

[2] Convocation representatives consisting of seven Members of the Clergy and seven Lay communicants in good standing selected by their respective Convocations as hereinafter provided;

[3] Members-at-large consisting of six Members of the Clergy and six Lay Communicants, elected by Convention for three-year terms, two in each order to be elected each year.

(b) Vacancies occurring among Convocation representatives shall be filled by the appropriate Convocation. Vacancies occurring among members-at-large between Conventions shall be filled by election of the Council. Those so elected shall serve until the next Convention, at which time a successor shall be elected to fill the remainder of the unexpired term.

(c) The Bishop shall preside at meetings of the Council. The Bishop Coadjutor or the Secretary, in that order, shall preside in the absence of the Bishop.

~~_____ (d) The Treasurer of the Diocese shall be an ex officio member, without vote, of any committee charged with the budget-making process.~~

~~_____ (e) The Secretary of Convention shall work under the direction of the Bishop.~~

~~f)(d)~~ The Council may appoint other officers and assign their duties.

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Sec. 3. (a) The Council shall:

- [1] Advise the Bishop on all matters pertaining to diocesan mission and ministry.
- [2] Perform such other duties as required by Canon or by Resolution of the Convention.

Resolved, Canon 3.9 be amended to read:

CANON 3.9

~~TEMPORARY~~ OTHER COMMISSIONS

Section 1. The Bishop may establish additional Commissions charged with a particular work in the Diocese. The Bishop may discharge such a Commission, with the consent of the Standing Committee.

Section 2. Should a vacancy occur in a Commission, the Convener of that Commission may request the Bishop to appoint a person to fill that vacancy. The newly appointed person shall complete the term of the person who left the Commission.

Section ~~2~~ 3. When such a Commission considers its assigned duties to be completed, it shall so report to the Bishop and request that it be discharged. The Bishop may then discharge the Commission or continue it with further instructions.

Resolved, Canon 5.2, Section 3, be amended to read:

Sec. 3. Calculation of Diocesan Program Assessments.

(a) Each Parish and Mission of the Diocese shall pay a Diocesan Program Assessment ("DPA"). The DPA for each Parish or Mission shall be (i) the amount computed according to subsection (b) below, (ii) the amount computed according to a Covenant of Mutual Ministry between that Parish or Mission and the Diocese entered into in accordance with subsection (c) below, or (iii) the amount computed according to a Covenant of Diocesan Assistance between that Parish or Mission and the Diocese entered into in accordance with subsection (d) below. In any case, the DPA shall be calculated annually for the next succeeding calendar year and paid monthly.

(b) The amount of DPA owed for any year shall be equal to the Applicable

Rate times Assessable ~~Income~~ Ministry Expenses ("AME"). The Applicable Rate shall equal 10 percent of the Base Amount plus 18 percent of Assessable ~~Income~~ Ministry Expenses in excess of the Base Amount. The Base Amount for any year shall equal \$30,000 plus a cost of living adjustment for changes after 2009. The cost of living adjustment shall be calculated by the same method as used in calculating cost of living adjustments to Diocesan Stipend, Housing and Utilities. Assessable ~~Income~~ Ministry Expenses equals the average of the following for the latest two years as reported by the congregation ~~on~~ in the Parochial Report: "To diocese for assessment, apportionment, or fair share" (line 12) plus, "All other operating expenses" (line 14). ~~Normal Operating Income (line A of the Parochial Report) less "Outreach from Operating Budget" (line 13 of the Parochial Report). Normal Operating Income and "Outreach from Operating Budget"~~ Those lines are defined in the same manner as these terms are defined from time to time in the Instructions for the Episcopal Church Parochial Report as set forth in the Manual of Business Methods in Church Affairs ("The Manual") as published by The Episcopal Church, or any successor publication.

Resolved, Canon 5.3, Section 2(e), be amended and its subsequent subsections renumbered, to read:

Canon 5.3

BUSINESS METHODS IN CHURCH FINANCE

Sec. 2.(e) All accounts of the Diocese and Diocesan institutions shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes and Missions shall be audited annually by an independent Certified Public Accountant or a local audit committee conforming to the requirements of Sec. 1 (f) of this Canon. All reports of such audits covering the financial records of the previous calendar year, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in ~~no~~ any event, not later than September 1 of each year, ~~covering the financial reports of the previous calendar year.~~

Resolved, Canon 5.3.3(a) be amended to read:

Sec. 3. ~~(a)~~ No Vestry, Trustee, or other body authorized by Civil or Canon law to hold, manage, or administer real property for any Parish or Mission, ~~or Institution shall~~ may encumber or alienate the same or any part thereof without the written consent of the Bishop and Standing

Committee of the Diocese, except under such regulations as may be prescribed by Canon. For the purpose of this Canon, the word "encumber" shall be construed to include execution of a mortgage, a trust deed, and a contract of sale of real property.

~~(b) Notwithstanding the provisions of Sec.3 (a), any Diocesan Institution may encumber its property for purposes of expansion or improvement of its facilities without prior consent, but it shall promptly report to the Bishop any such encumbrance.~~

Resolved, Canon 6 be amended to read, and the subsequent subsections be renumbered:

Canon 6: PARISHES AND MISSIONS

~~The Diocese of Oregon is organized for ministry into local congregations. These include parishes, missions, and other formations as needed to carry out the work of the Gospel.~~

Canon 6.1

DIOCESAN ORGANIZATION

The Diocese of Oregon is organized for ministry into local congregations. These include parishes, missions, and other formations as needed to carry out the work of the Gospel.

Resolved, Canon 6.11 be repealed and the subsequent Sections be renumbered:

~~Canon 6.11~~

~~Audit of Accounts~~

~~All accounts of Parishes, Missions or other entities shall be audited annually by an independent Certified Public Accountant or such audit committee as described in The Episcopal Church Manual of Business Methods in Church Affairs.~~

~~All reports of such audits, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in no event, not later than September 1st of each year, covering the financial reports of the previous calendar year.~~

Resolved, Canon 6.12 be amended to read:

Canon 6.12

Determination of Controversies

Sec. 1. All controversies between the ~~Rectors~~ Members of the Clergy in Charge of two or more ~~Parishes~~ Congregations, or between a ~~Parish~~ Member of the Clergy in Charge of a Congregation and ~~the that Congregation~~ and its Vestry or Bishop's Advisory Committee, and its Rector, ~~or between persons adversely claiming to be Members of the Vestry of a Parish,~~ or between persons adversely claiming to be Members of the Vestry of A Parish, shall be referred to the Bishop for final determination consistent with the Canons of The Episcopal Church.

Sec. 2. The Bishop ~~shall have final authority to determine a particular matter within his or her sole authority and~~ may refer any such matter to arbitration or mediation for help in obtaining an appropriate resolution.

Resolved, Canon 6.14, be amended to read, with internal renumbering as necessary:

Canon 6.14

~~DISSOLUTION AND SUSPENSION OF PARISHES AND MISSIONS~~ CHANGE OF STATUS OF PARISHES AND MISSIONS

Sec. 1. A Parish may become a Mission upon petition by the Rector and Vestry, with the approval of the Bishop and the ~~Diocesan Council~~ Standing Committee and confirmation by the Convention. Upon approval being given, the property of the Parish shall be conveyed to the Diocese and the Parish Corporation shall be dissolved.

Sec. 2. After notification to the Parish, the Bishop shall report to Convention any Parish that is subject to suspension or dissolution. Reasons for suspension or dissolution of a Parish are:

(a) Failure for two successive years to make a Parochial Report;
(b) Failure for two successive years to have the services of a Rector or appointed Priest in Charge, and failure to request the Bishop to appoint a Priest as Rector or Priest in Charge;

(c) Disregarding, for one year, any provision of the Constitution or Canons of The Episcopal Church or of the Diocese of Oregon, notice of the violation having been given to the Parish by the Bishop;

(d) Being essentially defunct.

Sec. 3. Upon the Bishop's notification, the Convention may proceed by ~~an~~ affirmative, a two-thirds majority vote of Convention delegates to suspend the Parish from representation in the Convention, or to change it to the status of Mission, or to dissolve it; ~~provided, that the Convention may of its own motion take up the case of any such Parish and deal with it according to the provisions of this section.~~

Sec. 4. Any Parish which may have been suspended, ~~dissolved,~~ or changed to the status of Mission, may be restored to its former standing, ~~or afforded other, or lesser, relief,~~ at any subsequent annual meeting of the Convention by a two-thirds majority vote of Convention delegates.

Sec. 5. After notification to the Mission, the Bishop shall report to Convention any Mission that is subject to suspension or dissolution. Reasons for suspension or dissolution of a Mission are:

(a) Failure for two successive years to make a Parochial Report;

(b) Failure for two successive years to have the services of a Vicar or appointed Priest in Charge, and failure to request the Bishop to appoint a Priest as Vicar or Priest in Charge;

(c) Disregarding, for one year, any provision of the Constitution or Canons of The Episcopal Church or of the Diocese of Oregon, notice of the violation having been given to the Parish by the Bishop;

(d) Being essentially defunct.

Sec. ~~5~~ 6 Upon the Bishop's notification, the Convention may suspend the Mission from representation in the Convention by a two-thirds majority vote of Convention delegates. Any Mission may be suspended from representation in the Convention by an affirmative Vote by Orders.

Sec. 7. Any Mission thus suspended from representation in the Convention may be dissolved by the Bishop and the property thereof, real and personal, disposed of by the Bishop with the advice and consent of the Standing Committee; any Mission thus suspended and not dissolved by the Bishop may be restored to its former standing at any subsequent ~~time~~ annual meeting of the Convention by ~~an affirmative~~ a two-thirds majority vote of Convention delegates. ~~Vote by Orders.~~

Sec. ~~6.~~ 8 In the event that a Parish becomes a Mission or is dissolved, the property

of the Parish shall be conveyed to the Diocese, and the Parish Corporation shall be dissolved.

Resolved, Canon 7.1, Section 3 be repealed, and the subsequent Sections be renumbered:

Canon 7.1

Vicars and Other Missionaries

~~Sec. 3. Every Vicar or other Member of the Clergy doing missionary work in the Diocese, shall transmit quarterly written reports to the Bishop for the Mission, in such form as may be prescribed by the Diocesan Council.~~

Resolved, Canon 7.6, Section 2, be amended to read:

Canon 7.6

Dissolution of the Pastoral Relationship

Sec. 2. The pastoral relationship may also be dissolved as provided by Canon 6.12 above and the Canons of ~~the General Convention.~~ The Episcopal Church.

Resolved, Canon 9.2, Sections 1 through 4, be amended to read:

Canon 9.2

DISCIPLINE STRUCTURE

Sec. 1. Disciplinary Board. There shall be a Disciplinary Board (Board) consisting of four Clergy members, who may be Priests or Deacons, and three lay persons. Members of the Standing Committee shall not be members of the ~~Disciplinary~~ Board.

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

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

Section 4. Election.

(a) The members of the Board shall be nominated by the ~~The~~ the Bishop ~~and elected by Convention,~~ and elected by Convention, ~~in consultation with the Standing Committee,~~ shall appoint the initial seven members of the Board. They shall take office on July 1, 2011 and shall serve until December 31, 2011. Initial members shall be eligible for nomination and election to the Board as provided **in (b)** below.

(b) In years divisible by 3, one Clergy and one Lay member shall be elected; in the next year, one Clergy and one Lay member shall be elected; in the third year, one Lay and two Clergy members shall be elected.

~~(a) (c)~~ Beginning with the annual Convention of 2011, the members of the Board shall be nominated by the Bishop and elected by the Convention. The term of the Board members shall be three years, commence commencing on the first ~~(1st)~~ day of the calendar year following election.

~~(b)~~ The terms of office of the Board shall be staggered and arranged into three classes, with terms of the classes expiring in successive years. The annual Convention of 2011 shall elect three classes of Board members as follows: the first class shall consist of one Clergy member and one lay member for a term expiring December 31, 2012; the second class shall consist of one Clergy member and one lay member for a term expiring December 31, 2013; the third class shall consist of two Clergy members and one lay member for a term expiring December 31, 2014. The term of each class after its initial term shall be three (3) years. The term of Board members nominated and elected subsequent to the 2011 annual Convention shall be three (3) years.

~~(c)~~ At annual Convention 2012 and at subsequent Conventions, each member shall be elected for a three (3) year term.

—————(f) (d) The Bishop may nominate Board members for reelection.

Resolved, Canon 9.2, Sections 10 and 12, be amended to read:

Sec. 10. Church Attorney. Within sixty (60) days following each annual Convention, but no later than December 31, the Bishop in consultation with the Disciplinary Board shall appoint a Church Attorney to serve for the following calendar year. The person so selected must be a Member of the Church and a an attorney duly licensed attorney to practice law in Oregon, but need not reside within the Diocese. The Church Attorney may be removed for cause by the Bishop in consultation with the Disciplinary Board. If the Church Attorney is so removed, the appointment of a new Church Attorney shall be subject to the provisions of this Section.

Sec. 12. Advisors. ~~In each proceeding under this Canon, the~~ The Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent in accordance with the provisions of Title IV of the Canons of The Episcopal Church. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Canon, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

Resolved, Canon 9.4, Section 1, be amended to read:

Canon 9.4
Records

Sec. 1. Records of Proceedings. Records of ~~active~~ proceedings before the Board, including ~~the period of any pending appeal,~~ the records of any appeal, shall be preserved and maintained in the custody of the Clerk, ~~if there be one, otherwise by the Diocesan offices.~~

Resolved, a new Canon 10 be adopted, and subsequent Canons be renumbered, to read:

CANON 10

THE CATHEDRAL

Sec. 1 The Cathedral Church of the Diocese shall provide in its constitution and by-laws for three members of its Chapter to be elected by the Diocesan Convention.

Sec. 2. The Chapter members elected by the Convention shall serve three year terms, staggered so that one member is elected for a full term at each annual Convention. Each term begins on January 1 in the year after election. No member elected by the Convention who has served a full term on that body may be reelected to the Chapter until the next annual Convention following the end of the member's term.

Sec. 3. (a) Vacancies occurring in the members of the Chapter elected by Convention may be filled until the next annual Convention by the Standing Committee, based on nomination by the Bishop after consultation with the Dean of the Cathedral.

(b) Notice of such replacement appointments shall be reported promptly to the Nominations Committee in order that persons may be nominated at the next convention to fill the remainder of the term vacated.

Resolved, Canon 10.1, be amended to read:

CANON 10.1

OF DIOCESAN INSTITUTIONS

Sec. 1. A Diocesan Institution is a nonprofit corporation, not primarily related to a Parish or Mission; ~~and~~ that is of a charitable, educational, religious, or health care nature.

Sec. 2. Each Diocesan Institution's Articles of Incorporation shall provide that:

(a) There shall be representation of the Diocese on the Governing Body by members elected by Convention or members appointed by the Bishop, or by the Bishop; and

(b) Those portions of the Articles of Incorporation which provide for Sec. 2 (a) representation, and for the corporation's relationship with the Diocese, shall not be amended without the consent of the Convention ~~or the Diocesan Council~~.

Sec. 3. A nonprofit corporation may be recognized by the Convention as a Diocesan Institution if it applies for such status and if the Bishop has first recommended such action and the Chancellor has certified that its Articles of Incorporation meet the requirements of this Canon. A controlled subsidiary of a Diocesan Institution may be granted status as a Diocesan Institution by the Convention in the same manner.