

CONSTITUTION

DIOCESE OF SAN JOAQUIN

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# DIOCESE OF SAN JOAQUIN

## THE CONSTITUTION

### Article I

#### ~~Title & Territory~~

This Diocese shall be known as the Anglican Diocese of San Joaquin. ~~Its territory shall embrace but not be limited to all that portion of the State of California included in the counties of San Joaquin, Alpine, Stanislaus, Calaveras, Mono, Merced, Mariposa, Tuolumne, Madera, Fresno, Kings, Tulare, Kern, and Inyo.~~

### Article II

#### Anglican Identity

The Anglican Diocese of San Joaquin is constituted by the Faith, Order, and Practice of the One, Holy, Catholic, and Apostolic Church as received by the historic Anglican Communion. The Diocese shall be a constituent member of the Anglican ~~Communion and in full communion with the See of~~ Canterbury Church in North America.

### Article III

#### The Authority of the Diocese

Sec. 1. The authority of the Diocese is vested in and exercised by its Bishop (and Bishop Coadjutor if there be one), its Convention, and its Standing Committee.

Sec. 2. 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 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.

### Article IV

#### The Bishop

Sec. 1. The Bishop is the Chief Pastor of this Diocese and may officiate within any ~~Parish or elsewhere in~~ congregation of this Diocese.

~~Sec. 2. The Bishop is the Ordinary of all religious or benevolent organizations of the Church within this Diocese and as such may attend and preside at any of their meetings and has final appellate jurisdiction over their proceedings.~~

### Article V

#### Conventions

Sec. 1. An Annual Convention shall be held for the purpose of approving and adopting the Diocesan budget for the ensuing year, the election of members of the ~~Diocesan Council,~~ Standing Committee,

delegates to the Provincial Assembly/ and Provincial Council, ~~delegates to the Provincial Synod~~ and other such items as appear on the approved agenda.

Sec. 2. The Annual Convention of the Diocese of San Joaquin shall ~~commence on the last Friday of October~~ be held in the Fall of each year, and the time and place shall be set by the Ecclesiastical Authority. For satisfactory reasons the Ecclesiastical Authority may change the time and place of Convention.

Sec. 3. Ninety (90) days written notice shall be given of the meeting of every Annual Convention by the Secretary of Convention. ~~The mode of notice shall be a circular addressed~~ Notice shall be given to every member of the Clergy and to each ~~Parish and Mission~~ congregation in this Diocese.

Sec. 4. Special meetings of Convention may be called by the Ecclesiastical Authority at any time provided at least thirty (30) days notice ~~be~~ is given. Notice of such meetings shall be given in accordance with the provision of Section 3 of this Article V. The lay delegates to the last annual meeting shall be entitled to seats and votes at such meetings, unless delegates shall have been chosen therefor by regular or special parish or vestry meetings.

Sec. 5. The Convention shall be composed of qualified members of the Clerical order and elected members of the Lay order of this Diocese.

Sec. 6. The Bishop, the Bishop Coadjutor, the Suffragan Bishop, the Assisting Bishop and other qualified Bishops, Presbyters, and Deacons shall each have a seat and vote in Convention, provided they have been canonically resident within the Diocese for three calendar months ~~next~~ before the meeting of Convention and provided they have been domiciled therein, or a ministry outside the diocese approved by the Ecclesiastical Authority.

Sec. 7. The Lay order shall consist of Delegates from each congregation in good standing in the Diocese with their number and mode of election being described in the Canons.

Sec. 8. No person under ecclesiastical censure shall be allowed a seat in the Convention.

Sec. 9. In all matters which come before the Convention, the Clergy and the Laity shall deliberate in one body, and on any question a majority of votes of the members present shall be decisive, except as otherwise specified in the Constitution or Canons of the Diocese.

Sec. 10. When it is required by the Constitution or Canons of the Diocese, or when it shall be demanded by three voting members (Clerical or Lay, or both), the two orders shall vote separately and their concurrence shall be necessary to constitute a decision.

## **Article VI**

### **Officers of Convention**

Sec. 1. The Bishop of this Diocese is ex officio President of the Convention. In his absence or inability to act, the Bishop Coadjutor, if there be one, shall serve as ex officio President. If there be no Bishop Coadjutor, then the Standing Committee shall appoint the acting President of the Convention.

Sec. 2. A Secretary of Convention, who shall also be Secretary of the Diocese, shall be appointed by the Bishop from among the Clerical members of the Diocese. The Secretary shall continue in office until a successor has been appointed.

Sec. 3. At each Annual Convention the Bishop Shall appoint a Chancellor and one or more Vice-Chancellors as may be needed who shall be communicants in good standing of the Church, learned in the law, who shall be the legal advisors for the Bishop, the Convention, and the Standing Committee, ~~and the Diocesan Council,~~ and shall have, ex officio, a seat and voice in Convention.

### ~~Article VII~~

#### ~~The Standing Committee~~

~~Sec. 1. The Standing Committee shall consist of four Presbyters and/or Deacons who shall be canonically resident and domiciled in the Diocese and four Lay members who shall be communicants in good standing in this Diocese.~~

~~Sec. 2. Members of the Standing Committee shall be elected at each Annual Convention. Their manner of election and their duties shall be those described by the Canons of the Province and of this Diocese.~~

~~Sec. 3. The Standing Committee itself shall have the authority to fill its own vacancies.~~

### ~~Article VIII~~ Article VII

#### ~~The Diocesan Council~~ Standing Committee

Sec. 1. There shall be a ~~Diocesan Council~~ Standing Committee formed and constituted in the manner specified by the Canons of this Diocese. This committee shall be the Standing Committee of the diocese as described in the Canons of the Province.

Sec. 2 The Committee members' manner of election and their duties shall be those described by the Canons of the Province and of this Diocese. The Committee shall have the authority to fill its own vacancies.

Sec. ~~23~~. The Bishop shall be Presiding Officer of the ~~Diocesan Council~~ Standing Committee. ~~The Council Committee~~ shall select such other officers as may be specified by the Canons.

Sec. ~~34~~. The ~~Diocesan Council~~ Standing Committee shall, between meetings of the Convention, have full authority to act for the Convention in all matters not expressly reserved to the Convention, ~~or to the Standing Committee.~~

### ~~Article IX~~

~~Delegates to the Provincial Assembly and Provincial Council shall be elected at the Annual Convention.~~

### ~~Article X~~ Article VIII

#### Union with the Convention

Sec. 1. Any organized congregation may be admitted into union with the Convention by making the canonically required application and certifications through a majority vote by orders of Convention.

Sec. 2. A congregation of the Diocese may be suspended from representation in the Convention, or its connection with this Diocese may be wholly dissolved if it fails to make a parochial report for the

preceding year or has persistently disregarded or refused to conform to the Canons of the Church. The matter shall be determined by a majority vote by orders of Convention.

~~Sec. 1. Any canonically organized congregation of this Diocese whether a Parish or a Mission, may be admitted into union with the Convention by a majority of votes; provided, it shall have presented a certificate of approval to Convention of the organization of such a Parish or Mission by the Ecclesiastical Authority and a Constitution and Bylaws adopted at a Parish or Mission meeting and subscribed by the Wardens and Vestrymen or Bishop's Committee, in which such Parish or Mission expressly accedes to the Constitution and Canons of the Diocese of San Joaquin.~~

~~Sec. 2. Whenever any Parish in union with the Convention shall neglect to make a parochial report for the preceding year or have persistently disregarded or refused to conform to the Canons of the Church, due notice of such violation having been given in writing to such Parish by the Bishop, such Parish may be suspended from representation in the Convention, or its connection with this Diocese may be wholly dissolved by a majority vote in each order, Clerical and Lay. Whenever in the opinion of the Bishop any Parish shall be liable to such forfeiture of privileges, he shall signify the same to the Convention, which may thereupon proceed to suspend such Parish, or reduce it to the status of a Mission.~~

### ~~Article XI~~Article IX

#### Assessments

The Convention shall have power to raise money by assessment on the Parishes and Missions canonically organized congregations of this Diocese, by Canon or by special vote, for the regular expenses of this Diocese and for such other purposes as the Convention may from time to time approve or direct. The Convention shall also have the power to impose such penalties as may be appropriate for neglect to pay such assessments.

### ~~Article XII~~Article X

#### Trust Funds

~~Sec. 1. All Diocesan trust funds now or hereafter created shall be vested in the Corporation Sole of which the Bishop of the Diocese is the incumbent. The terms of any trust shall be the sole measure of the extent and use to which it may be put.~~

Sec. 2<sup>1</sup>. The Convention of the Anglican Diocese of San Joaquin may provide for the creation of trust funds to be operated and administered for the benefit of said Diocese, its offices or activities, and also determine the type of legal entity to administer the same.

~~Sec. 3. A. This Diocese is organized and operated exclusively for religious purposes within the meaning of Internal Revenue Code Section 501(c)(3).~~

~~B. No substantial part of the activities of this Diocese shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Diocese shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.~~

~~C. The property of this Diocese or any of its subsidiaries or related entities is irrevocably dedicated to religious purposes and no part of the net income or assets of this Diocese or any of its subsidiaries or~~

~~related entities shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of this Diocese or any of its subsidiaries or related entities, its assets remaining after payment, or provision for payment, of all debts and liabilities of the Diocese or any of its subsidiaries or related entities shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively for religious purposes and which has established its tax exempt status under Internal Revenue Code Section 501(c)(3).~~

## Article XI

### Prohibited Activities

Sec. 1. This Diocese is organized and operated exclusively for religious purposes within the meaning of Internal Revenue Code Section 501(c)(3).

Sec. 2. No substantial part of the activities of this Diocese shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Diocese shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

Sec. 3. The property of this Diocese or any of its subsidiaries or related entities is irrevocably dedicated to religious purposes and no part of the net income or assets of this Diocese or any of its subsidiaries or related entities shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of this Diocese or any of its subsidiaries or related entities, its assets remaining after payment, or provision for payment, of all debts and liabilities of the Diocese or any of its subsidiaries or related entities shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively for religious purposes and which has established its tax exempt status under Internal Revenue Code Section 501(c)(3).

## ~~Article XIII~~Article XII

### Amendments

Sec. 1. The mode of altering the Constitution shall be as follows: Proposals for amendments to the Constitution of the Diocese shall be submitted in writing to the Secretary of Convention by the person or persons initiating such change at least ninety (90) days prior to the Annual Convention. The secretary of Convention shall, not later than sixty (60) days prior to the Annual Convention, cause copies of such proposed changes to be sent to the Chairman and each member of the Committee on Constitution and Canons and to each member of the Clergy of the Diocese and to all congregations. The foregoing requirements may be dispensed with by three-fourths vote of the members of Convention present, voting by orders.

Sec. 2. Any proposed amendment if approved by a majority vote of Convention, voting by orders, shall be referred to the next Annual Convention of the Diocese for final consideration, and if again approved in such meeting by two-thirds of each order voting separately thereon, the amendment shall be adopted and shall be in force from the date of adoption, unless some future date be specified in the amendment itself.