

Canons of the Diocese of Atlanta

Canon 36 - Canon 45

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CANON / SUBJECT

CANON 36

Of Parochial Reports

Section 1. The Rector, or Vicar, and Wardens of every Parish or aided Parish, or, if there be no Rector or Vicar, the Wardens shall make written reports annually to the Bishop of its spiritual and temporal conditions in such form as may be directed by the Bishop or the Council in blanks furnished by the Secretary of the Council not later than the first day of January each year; which reports shall be sent to the Bishop not later than the fifteenth day of January each year. The Rector, or Vicar, shall make out the report of matters pertaining to such Rector's or Vicar's functions. And if there be in any Parish or Aided Parish in addition to the Treasurer thereof, any other Treasurer or Treasurers handling monies of which a report is called for in the report blanks furnished by the Secretary of the Council, it shall be the duty of the Rector or Vicar to secure reports of receipts and expenditures from each such Treasurer, and then it shall be the duty of the Wardens or the Vestry to appoint some one to consolidate all such reports into the one financial report of the Parish or Aided Parish.

Upon failure of a Rector, Vicar or Wardens to substantially comply with this Section, the Bishop may take such disciplinary action as is deemed appropriate against such Rector, Vicar or Wardens, including withholding any financial support of the Diocese to a delinquent Aided Parish.

Section 2. It shall be the duty of every cleric in charge of any Parish or Aided Parish in the Diocese, on termination of such charge

(a). to prepare a report of all official acts and services held in the Parish or Aided Parish from the date of such cleric's last report to and including the date of the cessation of such cleric's pastoral charge, one copy to be delivered to the Clerk of the Vestry of the Parish or Aided Parish and one copy to be delivered to the Cleric who succeeds,

(b). to make out a complete list of the names and addresses of all persons in the Parish or Aided Parish showing their connection with the Church as Baptized, Communicants, Confirmed Communicants in Good Standing, or Adults and to record this in the Parish

Register; and if space is not there provided, to make out the list and leave it with the Senior Warden or Clerk of the Vestry or Aided Parish who shall deliver it to the successor.

Section 3. A supplement to the Parochial Report, on a form approved by the Bishop, shall be mailed to the Diocesan Treasurer not later than the 15th of January of each year.

CANON 37

Of the Transfer of Communicants

Section 1. Whenever any Rector or Vicar shall receive a member without the certificate of membership provided by the National Canons, it shall be such Rector's or Vicar's duty to require such member to procure such certificate from the last parish without delay or request such certificate from that member's previous Parish. Until the reception of such certificate or other satisfactory evidence, no Rector or Vicar shall enter the name of a member from another Parish upon the register, nor shall any Rector or Vicar retain upon the register the name of any member whose certificate of membership shall have been acknowledged by the authorities of the Parish or Congregation of this or another church to which such transfer shall have been made.

Section 2. Should a member's previous Parish or Congregation fail to respond to such request upon reasonable notification, the Rector or Vicar may, upon such evidence as is sufficient in such Rector's or Vicar's judgment, enter the name of a member upon the register thereby entitling such person to all rights, duties and privileges of membership noting, however, the failure to receive such certificate.

Section 3. Upon receipt of such certificate, the Rector or Vicar shall cause the name of the member to be entered upon the register. It shall further be the duty of a Rector or Vicar to issue such certificates for members moving from the Parish or Aided Parish.

Section 4. Worshipping communities authorized by the Bishop under the provisions of these Canons shall establish registers and exchange certificates with other congregations. If such a community is dissolved or discontinued, all members on the register are to be issued certificates of membership in order that they may be transferred to extant congregations of the Church.

Section 5. The provisions of this Canon apply to any communicant of any Church in communion with this Church so far as it can be made applicable.

CANON 38

Of Memorials

Section 1. No memorial shall be placed in any Church without the consent of the Rector or Vicar and the Vestry.

Section 2. No memorial shall be altered or removed without consent of the Rector or Vicar and the Vestry; provided, that when there is no Rector, or Vicar, the consent of the Ecclesiastical Authority of the Diocese, with that of the Vestry, shall suffice.

CANON 39

Reserved

CANON 40

Of the Cathedral of St. Philip

Section 1. The Cathedral of St. Philip in the City of Atlanta, is hereby continued as the Cathedral Church of the Diocese of Atlanta under the name of "The Cathedral of St. Philip in the Diocese of Atlanta,"

(a). to afford the Diocesan a place where of right the Diocesan may at any and all times administer the duties pertaining to such office; and may officiate at will, in preaching or in any public administration and for said purposes may appoint services to be used,

(b). to be the center of Diocesan Unity and administration, and

(c). to be the center of Church Extension — educational, social and eleemosynary.

Section 2. The local governing body of said Cathedral shall be known as the Cathedral Chapter and shall consist of not fewer than three nor more than twenty-one (21) confirmed Communicants who are qualified for the office of Vestry Member as hereinafter set forth, elected by the Parish for a term of three (3) years. A communicant shall not be eligible to be elected to a successive term on said Chapter or to succeed any other member thereof whose term expires at the same time, except for a member who has served less than one-half (1/2) of a full term who shall be eligible for re-election, but all members of said Chapter shall continue to serve until their respective successors are elected and qualify. A newly elected member of the Chapter shall take office in similar manner as Vestry Members take office under these Canons. Any vacancy on the Chapter shall be filled by election by the remaining members of said Chapter for any remaining portion of the unexpired term. The Senior Warden of said Cathedral shall be appointed by the Dean thereof and the Junior Warden of said Cathedral shall be elected by the congregation thereof, both from among the members of said Chapter and each to serve for a term of one (1) calendar year and until a successor is elected and qualifies. Said

Chapter and said Wardens shall be invested with all the rights and charged with all the duties with which Vestries and Wardens are invested and charged by the Canons of the Diocese except as may be provided by the Council of the Diocese or by its authority.

Section 3. The Dean of the Cathedral, elected by the Cathedral Chapter on the nomination of the Bishop, shall be the presiding officer of the Cathedral Chapter; and shall have all the powers and privileges usually enjoyed by the Rector of a Parish and shall likewise be charged with like duties, except as the same may otherwise be provided by the Diocesan Council or by its authority.

Section 4. The Bishop of the Diocese shall be the chief minister in charge of the Cathedral with the power to prescribe the uses thereof in conformity with the Book of Common Prayer and with the Constitution and Canons of the Church, Diocesan and General.

Section 5. The Delegates to the Annual Council of the Diocese from said Church shall be elected in the same manner as representatives of Parishes are elected unless otherwise provided by the Diocesan Council or its authority.

CANON 41

Of the Cathedral Board of Trustees

Section 1. The coordinating body of the Cathedral in its relation to the Diocese shall be the Cathedral Board of Trustees, hereafter to be incorporated and organized pursuant to the authority given by the Diocesan Council. Said Board of Trustees shall be charged with the administration of real properties which may be conveyed to it in trust for the Cathedral, as may from time to time be prescribed by the Diocesan Council.

Section 2. The Board of Trustees shall consist of (a) those persons elected to the Board in accordance with its Charter and (b) the Bishop who shall sit as its Chair. The Dean of The Cathedral shall be privileged to attend all meetings of the Board and offer such advice and consent as deemed appropriate.

Section 3. The Board of Trustees shall meet on the call of the Bishop or in the Bishop's absence on the call of the Vice-President, or upon the request of any five (5) members; six (6) members shall constitute a quorum, provided the Diocese and the Parish be equally represented.

Section 4. The Board of Trustees of the Cathedral shall have as its primary duty the maintenance and development of the Cathedral in accordance with its purposes as declared by the Diocesan Council.

Section 5. The said Board of Trustees shall have power to enact such by-laws, rules, regulations and statutes for its governance and the government of the Cathedral as in its opinion may be expedient and not in conflict with the Constitution or Canons of the Diocese.

CANON 42

Of the Ecclesiastical Court and of Ecclesiastical Discipline

Section 1. Establishment: There is hereby established an Ecclesiastical Trial Court in and for the Diocese of Atlanta for the trial of any Priest or Deacon subject to its jurisdiction.

Section 2. Composition:

(a). The Ecclesiastical Trial Court shall consist of four (4) Priests or Deacons and three (3) Lay Persons. All Priests or Deacons elected to the Court must be canonically resident within the Diocese and all Lay Persons elected to the Court must be confirmed communicants of this Church, in good standing in the Diocese but not necessarily domiciled in the Diocese. All Members of the Trial Court must be at least 24 years of age.

(b). At each Annual Diocesan Council, two (2) persons shall be elected to serve on the Ecclesiastical Trial Court, a Priest or Deacon for a term of four (4) years and a Lay Person for a term of three (3) years. Members of the Court shall take office and their terms shall be deemed to begin at the adjournment of the Council at which they were elected. This provision shall apply to members of the Court in office at the time of this amendment for purposes of determining the member of the Court with the longest period of continuous service.

(c). Vacancies occurring within the membership of the Court shall be filled by a majority vote of the remaining members of the Court. Persons elected to fill a vacancy must be from the same order as the person they replace so as always to maintain the required composition of the Court. Vacancies must be filled within three (3) months of notification of the vacancy, unless sooner required by other provisions of General Convention or Diocesan Canons.

(d). Within two (2) months following each Annual Diocesan Council, the members of the Court shall elect from among themselves, by majority vote, one person to serve as Presiding Judge for a one-year term. In the absence of an elected Presiding Judge or if the elected Presiding Judge is disqualified in a particular case, the member of the Court with the longest period of continuous service who is not disqualified shall serve as Presiding Judge pro tempore.

(e). Within three (3) months following each Annual Diocesan Council, the members of the Court shall appoint a duly licensed attorney to serve as Church Attorney for a one-year term

(f). The Court may hold conferences by electronic means to elect the Presiding Judge and Church Attorney and for other administrative matters as the Presiding Judge deems necessary.

(g). No person who has served two (2) full consecutive terms of office shall be eligible for re-election until one year has expired since the termination of such person's last term.

(h). Once the Court has convened for the purpose of hearing a Presentment, all then sitting members of the Court shall remain the Court until such time as there shall be Judgment and Sentence on the Presentment then before the Court, the expiration of a member's term or the election of a member to the Standing Committee notwithstanding. A new member of the Court shall not sit for the Hearing of a Presentment for which the Court had convened at the time of election of such new member.

(i). The foregoing notwithstanding, (I) no member of the Standing Committee shall be eligible for election to the Court,(ii) no member of the Court subsequently elected to the Standing Committee shall be qualified to remain on the Court, and (iii) no member of the Court having previously served on a Standing Committee or Diocesan Review Committee that either investigated or made Presentment for any alleged offense to be tried by the Court shall be qualified to serve on the Court for such purpose

Section 3. Charge, Presentment and Trial:

(a). Charges for which a Priest or Deacon may be made to stand trial are contained in Title IV of the National Canons of the Episcopal Church.

(b). The mode and manner of making Charges, securing Presentments, and conduction of trial shall be as established in Title IV of the National Canons of the Episcopal Church.

Section 4. Powers, Duties, and Procedures: The powers, duties, and procedures of the Ecclesiastical Trial Court and the definitions of terms used in this Canon shall be governed by Title IV of the National Canons of the Episcopal Church as revised by the General Convention in September 1994 and as subsequently amended and modified, as if such revision had taken effect instanter upon adoption.

CANON 43

Of the Election of a Bishop

Section 1.

(a). When the office of Bishop becomes vacant or when the Bishop announces an intent to retire or resign, the Standing Committee will announce, within the ensuing two (2) months, a time for Council to convene for an election.

(b). When the Bishop and Council consent to the election of a Bishop Coadjutor or a Bishop Suffragan, and after receiving the consent of a majority of the Bishops of the Church exercising jurisdiction and of the Standing Committees of the Church, the Standing Committee will announce, within the ensuing two (2) months, a time for Council to convene for an election.

Section 2.

(a). The Standing Committee will initiate the canonical process to obtain the required consents for an election.

(b). The Standing Committee will act as an oversight committee and establish a process and time line for the election.

Section 3. Notice of the convening of Council for an election will be sent by the Secretary of the Standing Committee, at least one hundred twenty (120) days before the time appointed for the session, to all parish vestries, all clergy entitled to vote at such session, and all Lay Delegates entitled to vote at such session and their Alternates.

Section 4. A Committee for Nominations will be formed of one clergy and one lay representative elected from each convocation and one person elected by the Standing Committee from among its members.

Section 5. The Committee for Nominations, in consultation with the Standing Committee and the Executive Board, will produce a profile of the Diocese. The Committee for Nominations will seek out and receive names of persons for consideration of election and, after having secured consent to be placed in nomination, conduct background checks on all of them. The Committee for Nominations will report to the Standing Committee the names of not fewer than three persons who (i) have consented to stand as proposed nominees for nomination and (ii) have passed the background check, and (iii) meet the criteria developed in the profile.

Section 6. The Standing Committee will send data about each proposed nominee to all members of Council entitled to vote in the election, at least forty-five (45) days prior to the convening of the session for an election. No later than thirty (30) days prior to the convening of the session for an election, other persons may become proposed nominees upon nomination of five (5) clerics, canonically resident in this Diocese, and ten (10) Lay Delegates to Council representing at least three (3) different Parishes of the Diocese. The names of those so nominated shall be sent to the Committee for Nominations, which will report to the Standing Committee the names of those persons who (i) have consented to

stand for election and (ii) have passed the background check. All proposed nominees will be invited for interviews with members of Council.

Section 7. The Standing Committee will develop, in consultation with the Committee on Constitution and Canons and within one hundred eighty (180) days of the adoption of this Canon, the "Rules of Order for the Election of a Bishop" and present such Rules of Order for adoption at the next following annual Council of the Diocese. The Rules of Order will be sent to all members of Council entitled to vote in the election, at least thirty (30) days prior to the convening of the session for an election.

Section 8. The session of Council for an election will begin with worship.

Section 9. The President will convene the session of Council and call for nominations. The Standing Committee will place in nomination the names of all persons whose names were submitted to it by the Committee for Nominations. Seconding speeches will be governed by the Rules of Order. No nominations from the floor will be in order.

Section 10. At the time for balloting the Secretary of the Council will call for a ballot by orders. Votes will be cast as directed by the Rules of Order and by the Chief Teller, separately counted and reported. The election will require a majority of votes in each order on a concurrent ballot.

Section 11. An appropriate period of time will be allowed for prayerful reflection before each ballot.

Section 12. Upon election, Council will remain in session until the Canonical Testimonials are signed by a majority in each order of those eligible to vote at the Council.

CANON 44

Of the Diocesan Review Committee

Section 1. Establishment:

There is hereby established an Diocesan Review Committee in and for the Diocese of Atlanta for the purpose of considering a Charge filed against any Priest or Deacon subject to its jurisdiction, and issuing, or deciding not to issue, a Presentment.

Section 2. Composition:

(a). The Diocesan Review Committee shall consist of three (3) Priests or Deacons and two (2) Lay Persons. All Priests or Deacons of the Diocesan Review Committee must be canonically resident within the Diocese and all Lay Members of the Diocesan Review

Committee must be confirmed communicants of this Church, in good standing in the Diocese but not necessarily domiciled in the Diocese. All Members of the Diocesan Review Committee must be at least 24 years of age.

(b). The initial members of the Diocesan Review Committee as of the date of adoption of this Canon shall be appointed by the Bishop and confirmed at the Diocesan Council which adopts this Canon, which appointment shall be for an appropriate number of years so as to conform to the next following paragraph.

Thereafter, at each Annual Diocesan Council, two (2) persons shall be appointed by the Bishop and confirmed by Diocesan Council to serve on the Diocesan Review Committee, a Priest or Deacon for a term of three (3) years and a Lay Person for a term of two (2) years.

(c). Vacancies occurring within the membership of the Diocesan Review Committee shall be filled by a majority vote of the remaining members of the Committee. Persons elected to fill a vacancy must be from the same order as the person they replace so as always to maintain the required composition of the Diocesan Review Committee. Vacancies must be filled within three (3) months of notification of the vacancy, unless sooner required by other provisions of General Convention or Diocesan Canons.

(d). Within two (2) months following each Annual Diocesan Council, the members of the Diocesan Review Committee shall elect from among themselves, by majority vote, one person to serve as President for a one year term.

(e). No person who has served two (2) full consecutive terms of office shall be eligible for re appointment until one year has expired since the termination of such person's last term.

(f). Once the Diocesan Review Committee has convened for the purpose of considering a Charge, all then sitting members of the Diocesan Review Committee shall remain on the Diocesan Review Committee until such time as there shall be a disposition of the Charge then before the Diocesan Review Committee, the expiration of a member's term or the election of a member to the Standing Committee or the Trial Court notwithstanding.

A new member of the Diocesan Review Committee shall not sit for the consideration of a Charge for which the Diocesan Review Committee had convened at the time of election of such new member.

(g). The foregoing notwithstanding, (i) no member of the Standing Committee or of the Trial Court shall be eligible for election to the Diocesan Review Committee, (ii) no member of the Diocesan Review Committee subsequently elected to the Standing Committee or the Trial Court shall be qualified to remain on the Diocesan Review Committee, and (iii) no member of the Trial Court having previously served on a Diocesan Review Committee that either investigated or made Presentment for any

alleged offense to be tried by the Trial Court shall be qualified to serve on the Trial Court for such purposes.

Section 3. Presentment:

(a). Charges for which a Presentment may issue are contained in Title IV of the National Canons of the Episcopal Church.

(b). The mode and manner of considering Presentments shall be as established in Title IV of the National Canons of the Episcopal Church.

Section 4. Powers, Duties, and Procedures:

The powers, duties, and procedures of the Diocesan Review Committee and the definitions of terms used in this Canon shall be governed by Title IV of the National Canons of the Episcopal Church, as subsequently amended and modified, as if such revision had taken effect instantaneously upon adoption.

CANON 45

Of the Canons

Section 1. Legal Rights: Nothing in these Canons shall prejudice the legal rights of any Parish or Vestry already existing by act of incorporation.

Section 2. Amendments:

(a). No proposed alteration of or amendment to these Canons shall be considered by the Council until such proposed alteration or amendment shall have been submitted to the Committee on Constitution and Canons not less than thirty (30) days prior to Council, except by a two-thirds vote of Council. The Committee on Constitution and Canons shall report to the Council on all Canons so presented to it.

(b). No new Canon shall be considered by the Council unless the same shall have been submitted to the Committee on Constitution and Canons and the Department on Annual Council at least thirty (30) days prior to the Council, and provided further that copies of all such proposed Canons shall be mailed by the Department on Annual Council to all clergy Delegates of the Diocese at least fifteen (15) days before the Council meets. All parochial clergy shall immediately refer such proposals to the Lay Delegates to Council from that Parish or Aided Parish. The Committee on Constitution and Canons shall report to Council on all Canons so presented to it.

(c). When the foregoing provisions have been complied with, the Canons so proposed may be amended or a substitute adopted upon the same or related subject.

(d). The Committee on Constitution and Canons is authorized to make non-substantive changes in spelling, punctuation, grammar or numbering of Canons of the Diocese and subdivisions thereof in preparation for publication either in the Council Journal or separately.

Section 3. Any person elected to any office by Council, other than the episcopate, shall take office on the first day of the second calendar month next following such election, unless otherwise provided.

Section 4. Any person elected to any office under the provisions of the Canons shall serve until a successor is elected.

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All Canons and resolutions of the Diocese of Atlanta in conflict with the foregoing Canons are hereby repealed.