

Learning Commons Training for Churchwardens

PROVISIONS OF CANONS & BYLAWS RELATING SPECIFICALLY TO CHURCHWARDENS

Canon 5.04 CHURCHWARDENS

1. At the annual Vestry meeting or any adjournment thereof, one Churchwarden shall be appointed by the cleric in charge of the Parish to which the said Church belongs, and one other shall be elected by a majority of those present and entitled to vote at such Vestry meeting. If the cleric being present and entitled to vote at such Vestry meeting declines or neglects to nominate a Churchwarden, or if the said cleric being absent from such meeting neglects to appoint in writing a Churchwarden, then both the Churchwardens for the current year shall be elected by the members of the Vestry present; and if the members of such Vestry neglect at such Vestry meeting to elect a Churchwarden, both such Churchwardens for the current year shall be appointed by the cleric.
2. As a general rule, no person shall be eligible for the office of Churchwarden except a member of such Vestry residing within twenty miles from such Church; and the Churchwardens shall hold office for one year from the time of their appointment, or until the nomination or election of their successors.
3. If any Churchwarden declines to accept office, or to act when called on by the cleric or Vestry, or is deprived of office, or resigns in writing to the cleric, or changes residence to twenty miles or more from the Church of which he or she was chosen Churchwarden, or becomes incapable to act, or is convicted of any indictable offence, or ceases to be a member of the Anglican Church of Canada, or of the Church or congregation for which he or she has been elected, or ceases to attend public worship in such Church or congregation for the space of six months, or dies, such office shall become vacant, and a Vestry meeting shall be called within one month in the manner provided for in this Canon for the nomination by the cleric or for the election by the said Vestry, as the case may be, of a new Churchwarden in place of the one whose office is vacated for any of the causes aforesaid, provided always that in any case of such new appointment by the cleric, such cleric may, if the cleric thinks fit, instead of a Vestry meeting being called for the purpose, nominate and appoint another Churchwarden during Divine Service on any Sunday within the time specified for making such appointments.
4. Where there is more than one congregation in any parish, one Vestry may be established for any one or more of such congregations, and in the case of more than one Vestry, Churchwardens may be appointed for each congregation, or for any two or more congregations as the Vestry or Vestries may determine.
5. The responsibilities and duties of the Churchwardens and any Deputy Churchwardens shall be as are from time to time prescribed by Statute, Canon, Bylaw and Regulation.

Bylaw 5.03 CHURCH PROPERTY

1. The possession of all Church land and buildings, the Churchyard and any burying ground attached or belonging thereto, is vested in the Incumbent and Churchwardens for the time being, and the care of the property is therefore their joint responsibility. The Incumbent and the Churchwardens shall act jointly in matters concerning the use of the Church buildings and grounds and neither shall act without the approval of the other. In the case of difference of opinion between the Incumbent and the Churchwardens regarding their respective powers and duties, and the exercise thereof, the matter under dispute shall be referred to the Bishop for adjustment. Except where the difference is also one between the Incumbent and the parishioners, the decision of the Bishop in such matters shall be final. All expenses and liabilities connected with such properties (except as provided in the following paragraph) shall be borne by the Vestry.

2. Where income is being derived from Church land and buildings for the benefit of the clergy of the parish, the same shall be remitted to the Synod Office in accordance with the provisions of Bylaw 4.05 and the Regulations, but any taxes assessed against such lands and buildings shall first be deducted from the income thereof.

3. The Parish shall pay the Incumbent's expenses for fuel, water, electricity, telephone services and internet services; and may pay the same for other clergy attached to the Parish.

Bylaw 5.04 PARISH STATISTICS

1. CLERGY RETURNS

The Incumbent shall give necessary assistance to the Churchwardens in compiling the statistical returns to the Synod required from them.

2. PARISH RECORDS

Parish records not in actual use, title deeds, and similar documents shall be placed in the care of the Synod Office for safekeeping, except such documents in the Deanery of Clarendon which shall remain in the Deanery as Quebec Civil law requires.

3. Every parish is entitled to have received or to receive from the Diocesan Offices one copy of the Canons, Bylaws and Regulations of the Diocese of Ottawa free of charge, and it shall be the responsibility of the Parish to maintain this copy for the use and reference of the clergy, Churchwardens and lay members and other officials of the Parish. An electronic version of the current edition of the Canons, Bylaws and Regulations is also available on the website of the Diocese of Ottawa.

Bylaw 5.05 CHURCHWARDENS' QUALIFICATIONS

1. A Churchwarden shall be not less than eighteen years of age and shall be a member in full communion of the Vestry of the congregation in which he or she regularly worships and is appointed to serve.
2. For the purposes of the applicable Statutes of Ontario and Quebec, the Incumbent of the Church for the time being and the Churchwardens thereof are deemed to be the trustees.
3. In all matters not lying solely in the right and power of the Churchwardens by virtue of applicable Statutes of Ontario and Quebec, it is their duty to carry out all legitimate directions of the Synod and of the Vestry of the congregation which they represent.
4. The two Churchwardens cannot exercise their powers separately, and neither can act without the consent of the other.
5. The Churchwardens with the approval of the Incumbent are empowered to appoint the Sexton, the Organist, the Vestry Clerk, and any other lay officers of the Church.

6. CHURCHWARDENS' DUTIES

The Churchwardens shall present a financial report for the previous fiscal year to the Vestry at its Annual Meeting in such form as may be specified by Regulation together with a report thereon of the auditors appointed by the Vestry.

7. The books of the Churchwardens shall be open to inspection by any member of the Vestry at all reasonable times.
8. The Churchwardens shall also present at this meeting a budget of the financial requirements for the current year, including the Diocesan apportionment. Such budget shall be presented to such bodies as may be specified by Regulation for review prior to the annual Vestry meeting. Such budget, as adopted, with or without amendment by the Vestry, shall govern the operations of the Churchwardens during such year, unless changed at a subsequent meeting of the Vestry; provided that in a situation in which the Incumbent and Churchwardens consider that the best interests of the parish will be served by a departure from the budget, they may act according to their best judgement and report their action to the next meeting of the Parish Council; and provided that the Parish Council may authorize a departure from the budget which they shall explain at the next Vestry Meeting.
9. On retiring from office, a Churchwarden shall pay and deliver over to his or her successors all monies, books, goods, chattels and other things belonging to the Church that are in his or her possession. In case of failure to comply with this within fourteen

days of such retirement from office, the succeeding Churchwarden shall take such measures as may be necessary to compel compliance.

10. Churchwardens, or in their absence, their substitutes for the time being, assisted if necessary by the Sidesperson, shall collect the offering of the congregation at each service of the Church and shall count, enter and initial the amount of such offerings in the book provided for this purpose, as soon as reasonably possible, after such service, in the presence of the Incumbent or some witness. They shall also take charge of all the revenue of the Church.

11. The Churchwardens shall make or cause to be made deposits of all monies coming into their possession for the Church to the credit of such Church in a chartered bank, or a trust or loan and savings company; and all payments shall be made by cheques on a chartered bank or trust company. All cheques shall be signed by both Churchwardens, or by one of them and another person designated for that purpose by the Vestry.

12. The financial returns required of Churchwardens by Bylaw or Regulation shall be forwarded by them to the Director of Financial Ministry or as he or she may direct at such times and in such manner as may be prescribed by Bylaw or Regulation.

13. The Churchwardens shall keep a record of all deeds, mortgages, insurance policies and other documents of importance pertaining to the Church buildings and lands, with full particulars regarding any trusts under which such property is held. Title Deeds and Mortgages shall be deposited at the Synod Office for reference and for safekeeping.

14. The Churchwardens shall be responsible for the care of the land and buildings, furnishings and effects belonging to the Church, and for keeping such buildings, furniture and effects insured under the provisions of the Comprehensive Insurance Policy of the Diocese as contained in Bylaw 3.22(5). The same shall not prevent reasonable other or additional amounts of insurance coverage being placed by the Churchwardens with respect to the Church or its property or the Incumbent or Churchwardens as such.

15. The Churchwardens shall make provision for the conduct of the Services of the Church and for the provision of all necessary supplies therefore.

16. The Churchwardens shall take care that due reverence is observed both within and without the Church during Divine Service; shall be responsible for the heating, ventilation, and cleaning of the Church and its furnishings; and shall not allow it to be used for any profane purpose.

17. In the event of the Churchwardens being unable to agree regarding any question coming within the scope of their duties, the matter in dispute shall be referred by either of them or by the Incumbent to the Archdeacon for adjudication. Appeal from the decision of the Archdeacon may be made to the Diocesan Council, and the decision and

any consequential directions of the Diocesan Council shall be final and binding upon those concerned.

18. The Vestry may elect at its Annual Meeting, or any Parish Council established pursuant to Regulation may appoint, a person to act as Deputy to either or both of the Churchwardens, until the next Annual Meeting of the Vestry or until their successors are elected or appointed. A deputy to a Churchwarden shall in the absence of that Churchwarden have all the rights, privileges and duties of that Churchwarden, except those relating to or arising out of the corporate status of the Churchwardens.

19. The Churchwardens, upon taking office, shall prepare, or if they are successors in office, shall secure, from their predecessors in office a true and proper inventory of all the real and personal property in the custody or care or in any way belonging to the Anglican Church (Ottawa) congregation or congregations in respect of which they have been elected or appointed; and shall maintain the same and deliver a copy thereof, as so maintained to their successors in office.