

CANON 15
CHURCHWARDENS

1. Qualifications

1. A person to qualify as a Churchwarden shall:-
 - a. be not less than twenty-one (21) years of age;
 - b. be a Lay Member of the vestry of the church in question;
 - c. have received the Sacrament of Holy Communion at least three (3) times during the previous year in the church in which he/she would serve as a Churchwarden;
 - d. not be the spouse of the Incumbent or any assistant, associate or honorary Cleric of the parish who is in receipt of remuneration for services rendered;
 - e. be in compliance with the diocesan policy "Responsible Ministry: Screening in Faith";
 - f. not be the spouse of any lay employee of the church, the other Churchwarden, any Deputy Churchwarden, Treasurer, Envelope Secretary, or any member of the Board of Trustees of the Cemetery; and
 - g. shall not hold any lay office subordinate to the churchwarden within the church whether or not in receipt of remuneration.
2. The qualifications set forth in 1(1)f and 1(1)g may be varied by the Diocesan Council.

2. Appointment, Election and Vacancies

1. At each annual meeting of the vestry two (2) Churchwardens shall be designated. One (1) shall be appointed by the Incumbent of the parish in which the church is situated, and the other shall be elected by the lay members of the vestry present. Notwithstanding the other provisions of this subsection, the Incumbent may choose to defer the appointment of a Churchwarden to a specified later date and the Vestry may choose to defer the election of a Churchwarden to a special meeting of the Vestry called for a specified later date. Should the Incumbent decline to appoint or to defer appointment, the Vestry shall elect a second Churchwarden. Should the Vestry decline to elect or to defer election, the Incumbent shall appoint a second Churchwarden.
2. A vacancy occurs when a Churchwarden resigns in writing to the Incumbent, dies, is removed, leaves the congregation permanently, ceases to be a member of such Vestry, or fails to perform the duties of the Office. When the vacancy is that of an appointed Churchwarden, the Incumbent shall declare the office vacant and appoint a successor. When the vacancy is that of an elected Churchwarden, the Incumbent shall call a special Vestry to declare the office vacant and to elect a successor. Such successors remain in office for the remainder of the term or until new successors are appointed or elected thereafter. The provisions of subsection (1) of this section shall be followed as applicable.
3.
 - a) The Incumbent may in his/her discretion after giving notice of his/her intention to do so to the Bishop, terminate in writing the appointment of the Churchwarden whom he/she has appointed and he/she then appoint a successor who shall remain in office for the remainder of the term.
 - b) The Vestry may in its discretion, terminate the term of the Churchwarden it has elected, by motion at a special vestry meeting called for the purpose. It shall be the duty of the Incumbent and the Churchwardens to call such a special vestry on receipt of a written request of at least six members of Vestry and the Incumbent and Churchwardens shall advise the Bishop of the calling of the Special Vestry. Upon the term of the Churchwarden being terminated by motion, Vestry shall elect a successor for the remainder of the term.
4.
 - a) In the event that the Incumbent of the parish ceases to hold that office for whatever reason, the Churchwarden appointed by the Incumbent shall remain in office until such time as a new Incumbent is installed when such Churchwarden shall tender a resignation to the new Incumbent who may reappoint the Churchwarden or appoint some other person to be Churchwarden.
 - b) However, if after the Incumbent ceases to hold office, the Bishop has not appointed a new Incumbent by the time of the next Annual Vestry Meeting, the Churchwarden shall tender a resignation and the Interim Priest-in-Charge may reappoint the Churchwarden or

appoint some other person to be Churchwarden and the Churchwarden so appointed shall remain in office until a new Incumbent is appointed at which time such Churchwarden shall tender a resignation or until the next Annual Vestry Meeting, whichever shall first occur.

3. Powers

1. The Churchwardens are a corporation with perpetual succession under the name "The Churchwardens of the Church of in the" and shall represent the interests of such church and of its members. They shall and may sue and be sued, answer and be answered unto, in all manner of suits and actions whatsoever, and may prosecute indictments, presentments, and other criminal proceedings for and in respect of such Church corporation and all matters and things appertaining thereto.
2. In all matters not lying solely in the right and power of the Churchwardens by virtue of Acts of the Legislature, it is their duty to carry out all legitimate directions of the Synod, and of the vestry of a congregation whom they represent.
3. The Incumbent and Churchwardens shall act jointly in matters concerning the use of the church buildings and grounds. In matters that are solely within the power of the Churchwardens, the two (2) Churchwardens cannot exercise their powers separately nor can one (1) act without the consent of the other.
4. The Churchwardens after consultation with the Incumbent are empowered to appoint and terminate the appointment of the Sexton, the Organist, the Vestry Clerk, the Treasurer, and any other subordinate lay officers of the Church.

4. Other Duties

1. The Churchwardens shall present a financial report, in a form approved by the Synod Council, for the previous calendar year to the vestry at its annual meeting. This report shall include a certificate of the auditors appointed by the vestry. (See Canon 14, S. 14).
2. The books of the Churchwardens shall be open to inspection by any member of the vestry at all reasonable times.
3. The Churchwardens, before retiring, shall also present at this meeting a budget of the financial requirements for the current year, including the Diocesan requirements for assessment and outreach. Such budget shall be presented to the Advisory Board or Parish Executive Committee for review prior to the annual vestry meeting. Such budget, as adopted, with or without amendment, by the vestry, shall generally govern the operations of the Churchwardens, during such year, unless changed at a subsequent meeting of the vestry.
4. The Churchwardens shall have custody and shall keep full and accurate accounts of all assets, liabilities, receipts and disbursements of the church in the books belonging to the Churchwardens and may deposit all monies and other valuable effects in the name or to the credit of the church in such chartered bank or trust company, or in the case of securities, in such registered dealer in securities as may be designated by vestry or the Synod Council from time to time. The Churchwardens may disburse the funds of the church as may be directed by proper authority taking proper vouchers for such disbursements and shall render to the members of the vestry at annual meetings, or whenever the members may require it, an accounting of all transactions and a statement of the financial position.
5. Churchwardens, or in their absence, their substitutes for the time being, assisted, if necessary, by the Sidespersons, shall:
 - a. collect the offerings of the congregation at each service of the church, and shall confirm the safe custody of all envelopes, loose cheques and cash immediately after such service, in the presence of the incumbent or some other witness. Within forty-eight (48) hours thereafter the same persons shall count and enter the amount of such offerings in the book provided for such purpose, in the presence of the incumbent or some other witness; and

- b. receive on a frequent and periodic basis a statement of pre-authorized giving receipts of the parish or electronic transfer deposits to the parish, and shall initial such statements and enter the amount of such receipts or deposits in the book provided for this purpose.
- 6. In places where there is a chartered bank, trust company or Province of Ontario Savings Office, the Churchwardens shall make deposits of all monies coming into their possession for the church to the credit of such church, in a chartered bank or a trust company.
- 7. The Churchwardens shall be responsible for overseeing the disbursement of all monies of the vestry. Payments of any amount may be made in cash, by cheque (certified or otherwise), bank draft, credit card or electronic funds transfer. At its annual meeting, the vestry shall name and authorize signing officers who shall include the Churchwardens and may include other members of the vestry whom the Churchwardens so nominate. Cheques, credit card payments, electronic funds transfers or any other disbursements (including payments in cash) shall be authorized by two (2) signatures. One (1) of the signatures on any cheque or authorization for payment by credit card, electronic funds transfer or any other disbursement (including payments in cash) shall be that of a Churchwarden. The vestry may also authorize alternate signing officers who are not Churchwardens to authorize payments in cash, by cheque (certified or otherwise), bank draft, credit card or electronic funds transfer in place of a Churchwarden but only when no Churchwarden is reasonably available; and any such payment so authorized must be reviewed and the cheque or supporting authorizing documentation must be initialed by a Churchwarden within sixty (60) days of the monies being disbursed. A Deputy Churchwarden may be authorized by the vestry to exercise the same level of signing authority granted to a Churchwarden and described in the foregoing but only if so nominated in writing by both Churchwardens.
- 8. The Churchwardens shall keep in separate accounts a record of all monies received by them for extra-parochial purposes.
- 9. The statistical and financial returns required of Churchwardens by the Synod together with a copy of the current annual budget of the parish shall be completed and forwarded by them to the Secretary of Synod for receipt no later than the fifteenth (15th) day of March in each year.
- 10. They 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 in the vaults of the Diocesan offices for reference and for safe-keeping.
- 11. They shall be responsible for the care of the land and buildings, furnishings and effects belonging to the church.
- 12. They shall effect and maintain such insurance as required by Synod Council and may purchase supplemental insurance at their discretion.
- 13. They shall make provision for the conduct of the services of the Church, as follows:-
 - a. A flagon for the wine, a chalice or cup, a paten or plate, and proper linen for the Service of Holy Communion.
 - b. A sufficient quantity of the best wheat bread and of good wine for the Lord's Supper.
 - c. An Alms Dish and Collection Plates or Bags for the offerings.
 - d. A Bible, a Book of Common Prayer, a Book of Alternative Services, or any other book authorized for use in divine services, and Registers for Services, Baptisms, Confirmations, and Burials.
 - e. One (1) or more Surplices.
- 14. They shall take care that due reverence is observed both within and without the church during Divine Service.
- 15. They shall be responsible for the heating, ventilation, and cleaning of the church and its furnishings, and shall not allow it to be used for profane purposes.

16. 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 Synod Council for adjudication, and the decision and any consequential directions of the Synod Council shall be final and binding upon those concerned.
17. The Churchwardens have management and administration of the temporal affairs of the church and shall ensure that all valid orders and resolutions of vestry are carried into effect.
18. The Churchwardens have the sole authority to authorize those expenditures and execute legal documents and agreements on behalf of the church which are consistent with resolutions adopted by vestry, the Canons of the diocese and shall not be contrary to law.

5. Deputy Churchwardens

1. In addition to the other provisions of this Canon, the Incumbent may appoint a Deputy Churchwarden and the Vestry may elect a Deputy Churchwarden. If a meeting of the Advisory Board, prior to the Annual meeting of the parish require more than two (2) Deputy Churchwardens, the Incumbent shall make a written request to the Bishop for permission for more than two (2) Deputy Churchwardens. Such requests shall outline clearly what necessitates it and for what period of time the permission is requested. Appointment or election of such additional Deputy Churchwardens shall not take place until such permission is granted.
2. Sections 1 and 2 of the Canon apply to Deputy Churchwardens except that their appointment or election is permissive and not obligatory and that each of the Incumbent and the vestry retains the right but not obligation of appointing or electing an equal number of Deputy Churchwardens as are appointed or elected by the other.
3. A Deputy Churchwarden does not automatically succeed a Churchwarden. Deputy Churchwardens shall assist Churchwardens, as directed by the Churchwardens, in the performance of their duties. During the temporary absence or incapacity of a Churchwarden and during a vacancy until such vacancy is filled, a Deputy Churchwarden, as requested by the Incumbent, shall fulfill the full duties of a Churchwarden.

6. Cemetery Trustees

Where the parish is the owner of a cemetery or crematorium under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, trustees, who shall be responsible to the Churchwardens for the operation of the cemetery, columbarium or crematorium, may be appointed by the Churchwardens. Such Trustees shall prepare and submit an annual report to the Churchwardens, who shall present such report to the Vestry.

7. Treasurers

The Treasurer shall be responsible to the Churchwardens and shall perform such duties with respect to the financial affairs of the parish as the Churchwardens direct.