

SAMPLE PARISH BYLAWS

For _____CHURCH

**A parish of the
Archdiocese of Canada
Orthodox Church in America**

March 14, 2004

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ARTICLE I NAME:

The name of this Parish, located in the _____ of _____ in the Province of _____, is _____, a parish of the Archdiocese of Canada, Orthodox Church in America.

The Parish is a Corporation pursuant to Chapter 42 of the Ordinances of the North-West Territories, 1903, An Ordinance to incorporate the Bishop of the Russo-Greek Catholic Orthodox Church and the Parishes and Missions of the said church.

ARTICLE II PURPOSE, CANONICAL ECCLESIASTICAL JURISDICTION AND ADMINISTRATION:

To corporately worship Almighty God, the Holy Trinity One in Essence and Undivided: Father, Son and Holy Spirit;

This Parish is a local community of Orthodox Christians and a part of the Orthodox Church in America within the Archdiocese of Canada;

The Orthodox Church in America is an autocephalous Church with territorial jurisdiction in the United States of America and the Commonwealth of Canada. Its doctrine, discipline and worship are those of the One, Holy, Catholic and Apostolic Church as taught by the Holy Scriptures, Holy Tradition, the Ecumenical and Provincial Councils, and the Holy Fathers. The Orthodox Church in America is referred to in these Bylaws as "the Church". (Article I, THE STATUTE OF THE ORTHODOX CHURCH IN AMERICA);

The purpose, course of conduct, organization and administration of this Parish and its members are those of the Orthodox Church in America, and are subject to the STATUTE OF THE ORTHODOX CHURCH IN AMERICA, as adopted at the Second All-American Council of October 19-20, 1971, and as amended at any subsequent All-American Council of the Orthodox Church in America (referred to in these Bylaws as "the Statute");

This Parish is part of The Archdiocese of Canada Orthodox Church in America, a Diocese of The Orthodox Church in America; this Parish and its members are thereby governed by the Diocesan Bishop with the assistance of a Diocesan Assembly and a Diocesan Council (Article VI, Section 1, the Statute), and this Parish and its Members are subject to the Bylaws of the Archdiocese;

This Parish and its members shall operate according to the Parish Bylaws as duly ratified by the Parish and as ultimately approved and effected by the Diocesan Bishop; PROVIDED HOWEVER, nothing in these Bylaws shall allow for a course of conduct, or shall be construed, defined or interpreted in a manner contradicting, contravening, superseding or lacking harmony with the

Purpose, the Statute, the Bylaws of the Archdiocese and the Canonical Ecclesiastical Authority of the Orthodox Church in America.

ARTICLE III THE PARISH:

In accordance with the teachings of the Orthodox Church, the Bishop is the Diocesan Authority and the head of this Parish and its Rector/Priest and all the Parishes which constitute his diocese. He appoints this Parish's clergy, has the obligation and right of regular and special visitations to the Parish. The Bishop oversees the whole life and all activities of this Parish in accordance with the teachings of the Orthodox Church, and in cases of conflicts or disorder within the Parish, takes all necessary measures consistent with the Holy Canons of the Orthodox Church;

This Parish, having been established by decision of the Diocesan Bishop, is a local community of the Church having as its head, a duly appointed rector/priest and consisting of Orthodox Christians who live in accordance with the teachings of the Orthodox Church, comply with the discipline and rules of the Church and regularly support their Parish. Being subordinate to the Diocesan Authority, it is a component part of the Diocese (Article X, Section 1, the Statute) and a component part of the Deanery and subordinate to the District Dean (Article IX, Sections 1-3, the Statute).

ARTICLE IV THE PARISH RECTOR/PRIEST:

At the head of the Parish is its Rector. His obligations, responsibilities, authority, competence, and his relationship to the Church, his Bishop, his Parish and its members, and the corresponding obligations, responsibilities, authority, competence and the relationship of the Parish and the members to the Rector are those of, and are in accordance with the teachings of the Orthodox Church in America and as set out in Article X, Sections 1 and 4 of the Statute.

ARTICLE V PARISH MEMBERSHIP:

Section 1:

a member of this Parish is one who is a member/parishioner according to/as defined by the Statute: By virtue of their Baptism and Chrismation, the parishioners are members of the Body of Christ and must strive to live in accordance with their high calling (Eph. 4:1). No one can be a member of the parish if he openly betrays the teaching of the Orthodox Church, or if he leads a life or acts in a manner condemned by the Holy Canons as incompatible with the name of Orthodox Christian;

Section 2: a voting member of this Parish is one who is:

- a) a member at least eighteen (18) years of age, who partakes of the Sacraments of Confession and Holy Communion at least once a year; and
- b) has belonged to the Parish for a period of six months; or has been canonically transferred from another Parish; and
- b) has fulfilled the financial obligations as may be established from time to time by the All-American Councils, Diocesan Assemblies and this Parish.

ARTICLE VI PARISH PROPERTY:

Section 1:

The Parish is the sole owner of all Parish properties, assets and funds but shall own, hold, administer, encumber and dispose of the same as Trustee to accomplish the religious nature, purpose and goals of the Parish and the Church, and without limiting the foregoing, specifically subject to and in accordance with the Statute;

Section 2:

The Parish may purchase, lease, sell, mortgage or otherwise encumber real property upon the happening of the following:

- a) an ordinary resolution by the Parish Council or a resolution by a voting member in good standing properly on the Agenda of a Parish, Annual or Special meeting, and;
- b) a special resolution of the voting members in good standing present at a Special or Annual Meeting, duly called, convened and constituted; and
- c) the approval of the Bishop;

Section 3:

Bequests, gifts or devises for special purposes should be used for that special purpose as far as reasonably practical, PROVIDED HOWEVER that the Parish is not bound to accept such bequest, gift or devises nor bound to such special purpose unless the bequest, gift or devise is, in writing specifically made with the special purpose as a pre-condition.

Section 4:

Upon the Abolishment or the Withdrawal of the Parish, the Church shall be and shall become the owner of all Parish properties, assets, funds, and historical records. All Parish properties, assets and funds shall be transferred, assigned, given to, the Bishop and to be held and/or disposed of by him for The Archdiocese of Canada Orthodox Church in America for the accomplishment of the religious nature, purpose and goals of the Church.

The Parish and its members, the Parish Council and the Rector shall do all things and execute all documents necessary to accomplish such ownership, transfer, assignment and giving, and shall not do anything or execute any documents to accomplish any other purpose.

A document signed by the Bishop, setting out the following:

1. that He is the Bishop of the Archdiocese of Canada Orthodox Church in America;
2. the Parish is dissolved or has withdrawn;
3. specifying the Parish property, assets or funds to be transferred, assigned or given;
4. he He, as Bishop, will hold and/or dispose of the property, assets or funds for the Archdiocese of Canada Orthodox Church of America for the accomplishment of the religious nature, purpose and goals of the Church shall be conclusively deemed and accepted as good, full and sufficient proof of the statements made therein, and as constituting full power and authority of the Parish and the Archdiocese to transfer, assign and give the said property, assets or funds to the Bishop.

ARTICLE VII PARISH MEETINGS:

Section 1:

Since, according to the universal teaching of the Orthodox Christian Church, all the members of the Body of Christ are responsible for the preservation of the Faith and the edification of the Church, these Bylaws provide for Parish meetings, (Annual meetings, and Special meetings of the Parish). Only voting members in good standing, present in person, may participate and vote.

Section 2:

Since it is the sacred duty of the Parish Rector/Priest to guide the whole life and all activities of the Parish for which he is responsible before God:

- a) notice of Parish meetings shall be announced according to canonical procedure by the Parish Rector/Priest from the Ambo on the three consecutive Sunday Divine Liturgies prior to the said meetings; special resolutions shall not be voted upon unless notice of the resolution was given as part of the notice of the Parish meeting;
- b) no Parish meetings may be held without the approval and blessing of the Parish Rector/Priest;
- c) all items on the Agenda and topics for discussion must be submitted to and approved by the Parish Rector/Priest;
- d) the Parish Rector/Priest shall preside over all Parish meetings; the Parish Rector/Priest may appoint a voting member in good standing to preside for all or part of the meeting;
- e) any matter touching upon the person or role of the Parish Rector may only be an Agenda item or topic for discussion with the knowledge and consent of the Bishop. The Bishop or his nominee shall preside at such meeting;
- f) the Rector is at liberty to submit all decisions arising from any meetings to the Diocesan Bishop or the canonically appointed Diocesan Authority for final approval or disapproval;
- g) all matters of Orthodox Christian Faith, morals and practice are outside the competency/jurisdiction of the Parish and Parish meetings, as the Truths of Holy Orthodoxy are entrusted to us by God; canonical ecclesiastical order and administration are outside the competency/jurisdiction of the Parish and Parish meetings;
- h) the Parish Rector/Priest shall be at liberty to be present at all Parish meetings, councils, groups, and gatherings;
- i) the Parish Rector/Priest is a voting member in good standing, a member of Parish Council and all other councils, groups and gatherings "ex officio ecclesiae";

Section 3:

Excepting matters relating to extraordinary resolutions, all or any matters/procedures set out in Article VII, Section 2, may be waived or varied with the consent of the Rector/Priest and the unanimous consent of those present at the Parish meeting;

Section 4:

The Rector shall decide if there are enough members in good standing attending to constitute quorum at all parish meetings. In the absence of a quorum, the meeting shall be adjourned and notice of the meeting shall be

given as set out in Article VII, Section 2a). No quorum shall be required at the adjourned meeting, excepting for extraordinary resolutions.

Section 5:

a) The decision making process within the Church is more accurately understood as a course of conduct leading to an enlightenment of the faithful to God's Will. This course of conduct should lead to consensus, by which it is meant that there remains no objection to the decision. This course of conduct necessarily embraces, and allows fully the time and opportunity to embrace, the following elements: prayer, discussion and reflection. Voting forces decisions, while pursuing consensus allows for decisions to be formulated in a peaceful, orderly manner as the Parish integrates new matters into its life. Resolutions shall be considered in a manner and in a process that is searching for consensus. Resolutions shall be passed with at least the following approval:

i) ordinary and special resolutions: 80% of those voting;

ii) extraordinary resolutions: 90% of those voting;

b) special resolutions shall be any resolution about real property, borrowing money or amendments to the Parish Bylaws;

c) extraordinary resolutions shall be any resolution about the abolishment or withdrawal of the Parish;

d) extraordinary resolutions shall not be considered or voted upon unless notice of the resolution was given as part of the notice of the Parish meeting.

Section 6:

The Parish meetings shall be held on the Parish premises unless impracticable;

Section 7:

An Annual Parish meeting shall be held at least once per year;

Section 8:

The Agenda of the Parish Annual Meeting shall be as follows:

1) Opening Prayer;

2) Determination of a Quorum;

- 3) Minutes of Previous Meeting;
- 4) Reports;
- 5) Financial Statement;
- 6) Auditor's Report;
- 7) Adoption of Parish Budget;
- 8) Elections to:
 - a) the Parish Council;
 - b) the Auditing Committee;
 - c) the Archdiocesan Assembly (representatives);
 - d) the All-American Council (representatives);
- 9) Unfinished Business;
- 10) New Business;
- 11) Adjournment;
- 12) Closing Prayer.

Section 9:

Special meetings of the Parish may be called as follows:

- a) by the Bishop, or the Rector/Priest or the Parish Council; or
- b) by a written request, signed by 30% of the voting members in good standing, submitted to the Parish Rector/Priest, or the Bishop;

Section 10:

The Agenda of the special meeting of the Parish shall be as follows:

- 1) Opening Prayer;
- 2) Determination of a Quorum;
- 3) Statement of Purpose of Meeting;

- 4) Resolutions;
- 5) Adjournment;
- 6) Closing Prayer.

Section 11:

A record of the minutes of all Parish meetings shall be made by a Secretary appointed for that purpose, to be signed by the Rector/Priest and Secretary and made available to the Bishop and any voting member so requesting.

ARTICLE VIII THE PARISH COUNCIL:

Section 1: COMPOSITION

The Parish Council shall consist of the following:

- a) the Parish Rector, who is by definition, non-elected and voting, by ex officio ecclesiae, the presiding member of the Parish Council; and
- b) the following elected members: the President, Secretary, Treasurer and such further number of elected members as shall be determined from time to time by the Rector/Priest in consultation with the Parish and Bishop;

Section 2:

The members of the Parish Council shall be nominated for election and elected according to the following process:

1. The annual nomination process begins with the rector encouraging all voting members to consider serving on the Parish Council and invites those willing to make themselves known to him.
2. The Rector then selects people from the membership for various positions, consults with them concerning their willingness to serve, and forms a slate of individuals matched to positions.
3. This slate is announced to the parish on three consecutive Sundays prior to the annual meeting along with instructions that if anyone has objections to those put forward, to bring them to the attention of the rector prior to the meeting date (similar to wedding bans).
4. If an objection is brought forward, the rector must investigate and make a judgment either to accept the objection and withdraw the person from the slate and insert another, or to overrule the objection and maintain the proposed slate.

5. The person making the objection or the one objected to, has the right to appeal to a higher office (Dean or Bishop) to have the decision reviewed.
6. If, by the date of the meeting, no objections have been made, the slate is announced as the new council.
7. If, as a result of an objection, a new name has been added to the slate, that person will not be elected until his/her name has been read on three consecutive Sundays and no objections have been accepted by the Rector.
8. If at a time other than the annual meeting, the Rector desires to add a person or persons to the Parish Council, either because an elected member(s) has had to resign or because a need for an additional person(s) on the council has been identified, the same process is followed with the exception that if after the third reading no objections have been raised, the person would be declared elected (as in step 7).

Section 3

A member of the Parish Council must be, and remain, a voting member of the Parish in good standing; if the member fails to remain a voting member in good standing, as determined by the Parish Rector/Priest, the Rector shall remove the member from Parish Council and shall appoint another. The removed member shall cease and desist all official activities as a member of Parish Council;

Section 4

The elected members of the Parish Council shall be elected annually at the annual meeting; they shall serve until the installation of a new Parish Council. All elected members shall not take office until having been confirmed in their offices by the Diocesan Bishop and until having been duly liturgically sworn in or inducted by the Parish Rector/Priest.

Section 5

The quorum for the Parish Council shall be 50% of the elected members plus the Rector/Priest (unless he has authorized the Parish Council to proceed in his absence);

Section 6

The Parish Rector, being representative of the Diocesan Bishop, is the presiding officer at all meetings of the Parish Council. Since the Parish Council is the main organ of co-operation between the clergy and the laity on all levels of the Parish life, the Parish Rector convenes all regular and special meetings

of the Parish Council. The Rector/Priest shall guide its discussions. The Parish Council shall assist the Parish Rector/Priest in the administration of the Parish and shall seek to implement and execute the decisions of the Parish meetings. The Parish Council shall in all matters work in close co-operation with the Parish Rector/Priest and will take no action without his knowledge, approval and blessing, excepting with the authority and blessing of the Bishop. The Parish Council shall carry on the general business, commercial and administrative activity of the Parish and shall support the Rector/Priest and the Episcopal authority on initiatives for the spiritual growth of parish life. Resolutions may be made by Parish Council to put issues to the Parish at a Parish meeting for consideration and approval. The Parish Council shall proceed in the same spirit as set out in Article VII, Section 5, excepting however, to allow for issues to be discussed by the whole Parish, resolutions shall be passed by a simple majority.

Section 7

Contracts, formal documents and other papers binding the Parish shall, unless otherwise provided for in these Bylaws, be signed by, and the Trustees for purposes of Section 6 of the aforementioned Chapter 42 of the Ordinances of the North-West Territories, 1903 and any other purposes shall be:

a) the Rector/Priest; and

b) one of the following:

President,

Secretary,

Treasurer.

Section 8

Clergy compensation must be reviewed and determined at least annually by the Parish Council

ARTICLE IX GENERAL PROVISIONS:

Section 1

Without limiting the provisions in the Statute and the Bylaws of the Archdiocese relating to church courts and canonical procedure, in the case of disagreement with, or conflict arising from any decisions made by the Rector or the Parish Council, the problem(s) may be brought before the entire Parish by invoking the provision for a Special meeting described in Article VII, Section 9. If this meeting fails to bring resolution to the issue, those opposed to the decisions of the Rector and/or the Parish Council may submit a statement describing the situation to the Provincial Dean. The statement is to be signed by at least 30% of the voting members of the Parish. The Dean is to consult with representatives of those supporting and those opposed to the decision(s) in question and attempt to mediate a solution. If a solution is not reached, the Dean is to submit the matter to the Archdiocesan Bishop. After reviewing the documentation and consulting those involved in the dispute, the Bishop is to render a final decision and communicate it in writing to the Parish.

Section 2

For matters not covered by these Bylaws, the Parish may enact procedures and regulations to meet the need of a particular situation, always subject to the Bishop's approval;

Section 3

The term "Abolishment" shall mean the termination of the on-going existence of the Parish. Notwithstanding any decision or resolution to this effect by the members of the Parish, this Parish cannot and shall not be abolished excepting by the further decision of the Bishop;

Section 4

The term "Withdrawal" shall mean the withdrawal by the Parish from the jurisdiction of the Orthodox Church in America or the renunciation by the Parish of the authority of the Orthodox Church in America or the Statute over the Parish;

Section 5

The term "voting member in good standing" shall mean a voting member who is not in deprivation of the abilities to participate in or vote at Parish meetings or Parish Council meetings. The Parish Rector/Priest may, by his pastoral decision, determine to deprive a voting member of such abilities due to his/her behaviour. The Pastoral determination is different from and in addition to any

other disciplinary action canonically administered by the Parish Rector/Priest, and may be for such period of time as the Parish Rector/Priest shall determine. People deprived of such abilities may appeal the decision of the Parish Rector to the Diocesan Bishop or a Diocesan Court convened established by him PROVIDED HOWEVER the deprivation of ability shall be and remain effective from the time of Pastoral determination until further decision.

Such deprivation of abilities may, without limiting the grounds for the pastoral decision, be imposed upon those members who:

- a) openly and rudely disturb peace and order in the church edifice or at Parish meetings;
- b) disobey openly the rulings of the official Parish bodies;
- c) by their words or deeds openly bring disgrace upon or undermine the Orthodox Faith, the Church, ecclesiastical authorities or the Parish;
- d) secretly or openly injure the life and activities of the Parish;
- e) fails or refuses to comply with the by-laws of the Parish.

Section 6

The Rector or his delegate shall provide annually, or as requested, census and membership information to the Archdiocese;

Section 7

In circumstances when the Rector/Priest is unable or unwilling or fails to do or sign the things required of him as Parish Rector or as he has been instructed by the Bishop to do or sign, then the Bishop or his nominee shall be at liberty to so do or sign in his stead.

Section 8

Each member of the Parish shall for all purposes, be bound by the Parish Bylaws and shall for all purposes be deemed to know, and to have agreed to be bound by, the same.

Section 9

Each member shall be given a copy of the Parish Bylaws upon request.