

12. — New Ministries, Partnerships, Realignment, Reorganization, Re-designation, Disestablishment, and Administration of Parishes and Congregations of the Diocese

A. New Ministries

1. Parishes and Regional Ministries in the Diocese of Huron are strongly encouraged to seek opportunities for the establishment of new ministries.
2. A new ministry may be created at the initiative of a Parish or Regional Ministry, by motion of Vestry and with the approval of the Bishop and Diocesan Council. In this instance, the new ministry shall ordinarily be designated as a “Worshipping Community” within the Parish or Regional Ministry structure.
3. A new ministry may be created at the initiative of the Bishop. The Bishop shall consult, as appropriate, with Parishes that may be affected by this new ministry. In this instance, the new ministry shall ordinarily be designated as a “Special Ministry” of the Diocese. Liturgical use must be in consultation with and authorized by the Bishop.
4. A Worshipping Community created as a new ministry (as distinct from a Worshipping Community created through re-designation) shall:
 - a) Have the direct and ongoing support of a supporting Parish or Regional Ministry.
 - b) Be governed by the Vestry, Churchwardens and other officers of the supporting Parish or Regional Ministry.
 - c) Be included in the Vestry of the supporting Parish or Regional Ministry.
 - d) Be represented by one or more member(s) on the Parish Council/Regional Council. If greater than one, the number of representing members shall be by agreement between the Worshipping Community and the Supporting Parish/Regional Ministry.
 - e) Not be subject to apportionment for a period of five years from its establishment by Diocesan Council. All items of expenditure shall be listed on the Financial Return but excluded from the Adjusted Operating Expense of the supporting Parish, for a period of five years. After the five year starting period, all items of expenditure shall be listed on the Financial Return and included in the Adjusted Operating Expense of the Supporting Parish. At the request of the Supporting Parish, the Bishop may permit an additional two-year exemption, for up to seven years in total.

5. A Special Ministry shall:
 - a) Have the direct and ongoing support of the Bishop and executive staff of the Diocese.
 - b) Be governed by an administrative committee appointed by the Bishop. The administrative committee may include, but is not limited to, members of the Special Ministry. The Bishop may appoint to the administrative committee any baptized member of the Anglican Church of Canada whom the Bishop deems to be appropriate. The committee's members serve one-year terms, renewable at the Bishop's pleasure.
 - c) Be subject to the authority of the Territorial Archdeacon responsible for the area in which the Special Ministry is located.
 - d) Possess Special Ministry status temporarily, for a five-year term, dating from the creation of the ministry by the Bishop. At the request of the administrative committee, the Bishop may permit an additional two-year term, for up to seven years in total.
 - e) Report annually to the Bishop by February 28th its operating expenses as defined in Canon 28 for the preceding year, submitted on a printed Financial Return supplied by the Synod Office. The expenditures shall not be subject to Diocesan apportionment. The Financial Return shall be accompanied by the annual report. The financial report included in the annual report shall be independently reviewed or audited and differences (if any) between the financial report and the Financial Return explained.
6. A Worshipping Community or Special Ministry may apply to the Bishop and Diocesan Council for parish status at any time. Applications for Parish status shall:
 - a) Be by motion from Vestry of the supporting Parish, in the case of a Worshipping Community.
 - b) Be by request from the administrative committee, in the case of a Special Ministry.

B. Conditions for Change of Parish/Congregation Status

1. Parishes may prayerfully consider the possibility of re-designation, partnership, realignment, reorganization or disestablishment at any time. Parishes wishing to enter into discussions about any such process are required to inform the Territorial Archdeacon(s) responsible for their area(s) prior to the commencement of discussions.
2. The Bishop or Territorial Archdeacon (who may use the advice of an Archdeaconry

Commission) may request any Parish to consider prayerfully the possibility of re-designation, partnership, realignment, reorganization, or disestablishment if the Bishop, Territorial Archdeacon or Archdeaconry Commission deems such a possibility to be for the greater good of the Anglican community.

3. The Diocesan Council, upon receiving a report by the appropriate Territorial Archdeacon(s) who may use the advice of the Archdeaconry Commission(s), may re-designate, realign, reorganize, or disestablish Parishes of the Diocese, subject in all cases to the Bishop's approval of any realignment, reorganization or disestablishment and subject to one or more of the following conditions being met:
 - a) Each Parish involved has approved a Vestry motion, to re-designate, realign, reorganize, or disestablish. Such a Vestry motion must come from a duly constituted Vestry meeting that was chaired by the Bishop or his/her designate and passed by a majority of two thirds or greater of the votes cast by voting members of the Vestry present in person.
 - b) The Parish is a Supported Parish.
 - c) The Parish has permanently depleted capital from the sale of its buildings or property or has in other ways depleted its trust funds to pay for operating expenses for three consecutive years and this depletion of capital, in the opinion of the Diocesan Council, has put the future viability of the Parish in jeopardy.
 - d) The Parish has been unable to fill the positions of Churchwarden(s) and/or Lay Representative(s).
4. The Territorial Archdeacon(s) shall consult with all Parishes that will be affected by the proposed change and report to the Diocesan Council. Should the Parishes involved be unable to reach a mutual agreement regarding shared costs, the Diocesan Council, subject to the approval of the Bishop, shall determine how costs are shared after receiving the advice of the Territorial Archdeacon who may utilize the Archdeaconry Commission.
5. The decision of the Diocesan Council, after consideration of the report of the Territorial Archdeacon(s), shall be final, subject to the approval of the Bishop.

C. Dealing with Assets upon Changes in Parish Status

1. Before a request for reorganization is submitted to Diocesan Council, the Bishop must be satisfied that all assets are being used appropriately. Upon receipt of the request, Diocesan Council must also be satisfied that all assets are being used appropriately.
2. When specifically required by this Canon, a Ministry Plan and Financial Plan must be submitted to Diocesan executive staff and the Bishop, providing information

about the disposition of assets and the ways that they serve the ministry of God's church.

3. A Parish may request that specific assets that are vested in the Parish undergoing reorganization or disestablishment shall be used to the benefit of that Parish. Any such request must appear in the Ministry Plan and Financial Plan, and must be justified by those plans. In the event of disestablishment (which does not require a Ministry Plan or Financial Plan) any request for the disposition of assets must be accompanied by a thorough explanation of the ministry and financial justification for the request.
4. Surplus Assets arising under paragraph 3 above are those assets that the Bishop and Diocesan Council, having received the recommendations of the Territorial Archdeacon and of Diocesan executive staff, determine can be more appropriately used for ministry in other locations or ways in the Diocese.
5. If the Diocesan Council determines that there are Surplus Assets as described above, the assets shall be placed at the service of the Diocese. One-half (1/2) of the net proceeds shall be deposited into a capital fund to be held by the Diocese, to be used to ensure the stability of the Diocese, and the remaining surplus shall be added to the Huron Development Fund.

D. Partnerships

1. Partnerships between Parishes are temporary relationships that have no impact on the legal/canonical status of Parishes.
2. The purpose of partnerships is to enhance local ministry or to provide mutual support and fellowship between Parishes. Partnerships may, therefore, be created as needed without expectation that they will be permanent.
3. The terms of such partnerships shall be specified in writing and of specified duration but subject to renewal.
4. They shall proceed with the approval of the vestries of the Parishes and the Bishop, but do not need the approval of the Diocesan Council.

E. Alignment/Realignment

1. An alignment or realignment joins together two or more Parishes in a Regional Ministry.
2. The purpose of a realignment is to establish a stable structure for shared ministry and mission.
3. Because the Parishes continue to possess legal status as Parishes, each will continue to have a Parish Council and Churchwardens, and a Parish budget.

4. Responsibility for property and assets continues to reside with the Parishes.
5. A Regional Ministry shall have a Regional Ministry Council. The Regional Ministry Council shall be responsible for fostering/sustaining common mission and ministry, administering shared financial matters, and ensuring that covenant commitments are met.
6. When alignment/realignment occurs at the request of Parishes, the request must be approved at Vestry meetings in each of the affected Parishes.

F. Reorganization

1. In a reorganization, all participating Parishes are deemed to be disestablished. A single new Parish is created, with one Parish Council, budget, and set of apportionable expenses.
2. When Parishes reorganize, the Diocesan Council shall, after receiving the recommendations of the Territorial Archdeacon and executive staff of the Diocese, determine, subject to the approval of the Bishop, if the property or proceeds of the sale of property is surplus to the needs of the new Parish.
3. Subject to Section C, all assets not designated as surplus shall become assets of the reorganized Parish. In the case of a reorganization including a portion less than the whole of a pre-existing Parish, Diocesan Council shall determine an appropriate division of assets at the time of reorganization.
4. When Parishes reorganize, the apportionment of the reorganized Parish to the end of the current year shall be the sum of the apportionments of the former Parishes as if they had not reorganized. Apportionment for the following two years is to be as negotiated with the Bishop and his/her designate with the goal of using the highest of the apportionments of the participating Parishes to the extent financially possible.

G. Re-designation

1. Re-designation is the process by which a Parish becomes a Worshipping Community.
2. The purpose of re-designation is to allow the continued operation of an active group of worshippers who are no longer able to sustain the responsibilities of a Parish.
3. A Worshipping Community must be part of a Parish unless an Administrator has been appointed under Part I of this Canon 12. Therefore, the first step toward re-designation is to identify a Parish that is both suitable and willing to include the Worshipping Community in its operations in consultation with the Territorial Archdeacon.
4. A Worshipping Community has an identity distinct from the other congregation(s) in

the shared Parish, rather than simply being a distinct group within a Parish. Therefore, the Worshipping Community must meet at a time or in a location distinct from the main congregation(s) of the Parish, and bear a distinct name.

5. A Worshipping Community does not have its own officers or budget. It contributes to the apportionment and clergy costs of the Parish according to an agreed formula. A Worshipping Community shall have at least one representative on the Parish Council. The Parish may choose to include more than one representative. Officers in the Parish may be nominated from the Worshipping Community.
6. When re-designation occurs at the request of a Parish, a meeting of Vestry must be held, chaired by the Bishop or designate. To continue with re-designation, the Vestry must decide:
 - 1) to disestablish as a parish;
 - 2) to request establishment as a Worshipping Community;
 - 3) which Parish the Worshipping Community is asking to join; and
 - 4) the identity of the representative(s) to the Parish Council who will serve until the time of the next annual Vestry of the Parish.
7. When re-designation occurs at the request of a Parish, a meeting of the Vestry of the Parish within which the Worshipping Community will reside must be held, chaired by the Bishop or designate. The Vestry must decide to accept the re-designated Worshipping Community for the process of re-designation to continue.
8. When re-designation occurs at the request of the Bishop, the procedure to be followed shall be as described in this Canon 12, as if the request had been made by the Parish.
9. In order for Diocesan Council to consider a request from a Parish for re-designation, the parish must submit a Ministry Plan and Financial Plan, reflecting its role in and contribution to the anticipated combined Parish. These plans must be provided to the Diocesan executive staff and the Bishop, having first obtained consent to the plans from the Territorial Archdeacon. The Bishop must assent to the Ministry Plan and Financial Plan before the request proceeds to Diocesan Council.
10. A motion for disestablishment of the Parish and re-designation as a Worshipping Community, specifying the name of the new entity, shall be brought to Diocesan Council for approval. Ordinarily, the motion shall be moved by the Territorial Archdeacon or Regional Dean.
11. Excepting in the case of the first representative to Parish Council, who shall be named according to the procedure in section 6 above, representatives from the Worshipping Community to the Parish council shall be appointed annually by the Incumbent from among members of the Worshipping Community.

12. The Worshipping Community is fully subject to the decisions of the Incumbent, officers, Parish Council, and Vestry of the Parish.

H. Disestablishment

1. Before a Parish is disestablished, a financial statement of the assets and liabilities of such Parish shall be submitted to the Secretary-Treasurer. The Secretary-Treasurer shall take such action as he/she deems necessary or appropriate under the circumstances.
2. Diocesan Guideline 16-2 (Closing of Churches) lists the steps to be taken in the closing of a Parish, including the appointment of Parish trustees.
3. On disestablishment, the registers and other books, records and documents of the Parish shall be delivered to the Registrar of the Diocese.
4. In the event that a Parish has been disestablished, all net assets of such Parish (cash, investments, furnishings, building(s), memorials and property) shall be vested in the Diocese. The Parish Vestry may wish to make recommendations regarding the disposition of these assets. The Diocesan Council or Diocesan Sub-Council shall be responsible for the disposition of all assets on the basis that:
 - a) All unpaid apportionment for the past five years shall be paid from the net assets of the Parish.
 - b) The Parish shall be responsible for apportionment assessed until December 31st of the year of disestablishment, payable from its assets.
 - c) All assets of a Parish that has been disestablished, after satisfying all of the Parish obligations to their employees, to the Diocese, and all other creditors, and taking into account any Vestry requests regarding the disposition of the Parish's remaining assets, shall be distributed in the following manner: one-half (1/2) of the net proceeds shall be deposited into a capital fund to be held by the Diocese to be used to ensure the stability of the Diocese and the balance shall be added to the Huron Development Fund.
5. All specific trust funds shall be honored in the most practical way (e.g. a Sunday School bequest shall be made available to the neighbouring Parish assuming pastoral care for the parishioners of the disestablished Parish). If after receiving the advice of the Chancellor it is deemed necessary or desirable by the Diocesan Council or Diocesan Sub-Council, application shall be made to an Ontario Court of competent jurisdiction to vary the terms of a specific trust.
6. The charitable registration number of the disestablished Parish shall be surrendered to the Secretary-Treasurer of the Diocese forthwith after the final closing date.

7. The sale or other disposition of any building(s) shall take place under the guidance and direction of the Secretary-Treasurer of the Diocese.
8. If a cemetery is attached to the Parish being disestablished, a cemetery board and trustees shall be appointed as a separate entity at the final Vestry meeting as required by applicable Ontario legislation.

I. Administration

1. The Bishop may appoint an administrator (who may be a cleric or lay person) (hereinafter called the “Administrator”) to carry on the function of a trustee, receiver and manager of the affairs of a Parish or Worshipping Community for a period of time specified by the Bishop at the time of appointment in the event of:
 - a) a request by such Parish, either in the form of a Vestry resolution or request in writing from the Incumbent and/or the Churchwardens;
 - b) a Parish fails to appoint or elect two Churchwardens in accordance with Canon 18;
 - c) a Parish is a Supported Parish; or
 - d) the Bishop being satisfied that no other reasonable action is available.
2. From the date of his/her appointment, the Administrator shall, in consultation with the Bishop, conduct all the financial affairs of the Parish, and without limiting the foregoing, shall have power to dismiss existing employees and to hire new employees, not including clerics, and to receive and disburse funds of the Parish or Worshipping Community.
3. The Administrator shall make a monthly report to the Bishop and within thirty days of the end of the administration shall make a final report to the Bishop, outlining the actions that have been taken and making recommendations as to the future of the Parish. These recommendations may include, but are not limited to:
 - a) disestablishment of the Parish,
 - b) dismissal or employment of staff,
 - c) financial and budgeting advice,
 - d) reduction of expenditures,
 - e) sale of assets, and such other steps as he/she considers advisable.

The Bishop may take whatever steps he/she deems necessary or desirable in the interests of the Parish or Worshipping Community and the Diocese.

4. The Administrator may be appointed for any period not exceeding one year and may be re-appointed for successive periods, none of which shall exceed one year at a time; provided that the Bishop may terminate any such appointment or alter the period of such appointment or reduce the term thereof in his/her discretion.

5. If at any time during the period of administration the Bishop is satisfied that the Parish or Worshipping Community is no longer in need of an Administrator or should other procedures or proceedings be implemented, the Administrator shall be recalled by the Bishop.
6. The Administrator may engage auditors, accountants, assistants or managers and such other persons who may assist the Administrator in the performance of his/her duties, with the approval of the Bishop, and any expenses so incurred shall be charged to the Parish or Worshipping Community.
7. The Administrator's remuneration shall be set by the Bishop and shall be paid by the Parish or the Worshipping Community unless otherwise determined by the Bishop.
8. The rights and powers of the Incumbent, the Churchwardens and the Parish Council and any committees or persons engaged by them, may be suspended insofar as those powers relate to the financial affairs of the Parish or Worshipping Community.
9. Any question of interpretation in the administration of the Parish or Worshipping Community and any questions involving religious services shall be referred to and resolved by the Bishop, whose decision shall be final.
10. The powers of the Administrator shall be those powers set out in this canon and/or as may be specified by the Bishop, and where there is any conflict with any other canon, the provisions of this canon shall prevail during the period of administration unless ruled otherwise by the Bishop on the advice of the Chancellor.
11. Any Administrator appointed under this Canon, and his/her heirs, executors and Administrators and legal personal representatives, shall from time to time and at all times, be indemnified and saved harmless out of the funds of the Parish, to the extent possible, and of the Diocese as the last resort, from and against:
 - a) all losses, damages, liability, costs, charges and expenses whatsoever which such Administrator sustains or incurs in connection with or about any action, suit or proceeding which is brought, commenced or prosecuted against him/her for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him/her in the course of or about the execution of his/her the duties of the office of Administrator; and
 - b) all other losses, damages, liability, costs, charges and expenses which he/she sustains or incurs in or about or in relation to the affairs thereof, except to the extent that such losses, damages, liability, costs, charges or expenses are occasioned by his/her own willful negligence or default.