

**THE BY-LAWS OF  
THE CHURCH OF THE ASCENSION EPISCOPAL  
IN HICKORY IN THE STATE OF NORTH CAROLINA**

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**THE BY-LAWS OF  
THE CHURCH OF THE ASCENSION EPISCOPAL  
IN HICKORY,  
IN THE STATE OF NORTH CAROLINA  
MISSION STATEMENT**

Our path is  
to love with the heart of Christ,  
to think with the mind of Christ.  
And to act as the body of Christ  
in the communities to which we are called:  
our Families, our Church Family, our Diocese,  
our Community and Beyond

***PURPOSE***

The purpose of these by-laws is to preserve the integrity of the church and its organic relationship to The Episcopal Church, to ensure the orderly conduct of the ministry of the church, to reflect the theological and pastoral values of the church as a Christian community of faith, and to honor our Lord Jesus Christ and extend the Kingdom of God.

***PREAMBLE***

**Relationship of the Church to the Diocese and National Church**

The Church of the Ascension Episcopal is a parish of the Episcopal Diocese of Western North Carolina. The church and Vestry are subject to the constitution and canons of the Diocese of Western North Carolina and of the Episcopal Church of the United States of America which, together with these By-Laws, shall govern the affairs of the church. The Church of the Ascension is hereinafter referred to as "the church".

***ARTICLE I***

**MEMBERSHIP**

**From Canon 17: Constitution and Canons of the Episcopal Church – 2006**

All persons who have received the sacrament of Holy Baptism and whose Baptisms have been duly recorded in this church are members thereof.

All active members of the required age (16 years) may enjoy the privilege of voting in the church.

It is expected that all active members will be confirmed or received by a Bishop of the Episcopal Church and have record of the confirmation or reception recorded in the church.

A member in good standing will be faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving to the support of the church and the work of Christ in the world.

***ARTICLE II***

## MEETINGS

### **Section 1 Annual Meeting:**

1. There shall be an annual meeting of the church in such month as is chosen by the Rector and Vestry.
2. The Rector and/or Senior Warden shall be chairperson(s) in accordance with the canons of the Episcopal Church.
3. Agenda:
  - A. Prayers to begin and end the meeting.
  - B. Reports from clergy, wardens, ministry leaders, and other committees or activities as requested.
  - C. Presentation and acceptance of the prior year's financial report and the current year's budget.
  - D. Election of new Vestry Members and the Ascension Fund.
  - E. Election of delegates to the Diocesan Convention.
4. Reports:
  - A. Reports from the clergy, wardens, ministry leaders, committee or other shall be prepared in writing two (2) weeks prior to the meeting and will be filed among the official records of the church by the Clerk of the Vestry.

### **Section 2. Special Meetings**

1. Special meetings of the congregation may be called when the Rector and Wardens believe it advisable. A one week notice must be given on the Sunday prior to the meeting, and notice must be published in the weekly E-Bulletin.
2. Petition from members for a congregational meeting requires a request signed by five percent (5%) of voting members. Such meeting will be held within four weeks of the signed petition.

### **Section 3. Voting Eligibility**

1. Prior to every church meeting, the Rector and Senior Warden shall determine the voting eligibility in accordance with these bylaws.
2. Ten percent (10%) of the voting members of the congregation shall constitute a quorum at all meetings.
3. Absentee ballots of voting members will be counted.

### **Section 4. Voting Procedures**

Decisions at meetings shall be determined by a simple majority of votes counted and absentee votes received.

## **ARTICLE III**

### **NOMINATING PROCEDURE FOR VESTRY**

#### **Section 1. Nominating Committee**

A Nominating Committee composed of the retiring Vestry persons, the Rector, and other communicants as selected by the Vestry, shall be formed at least ninety (90) days prior to the annual church meeting. The chairperson shall be elected from the committee. Nominations, with the nominee's approval, shall be submitted to the Nominating Committee. The Rector and Senior Warden shall review each name as to his/her eligibility before the candidate is officially slated.

#### **Section 2. General Eligibility**

Nominees must be an adult (at least 18 years of age) confirmed communicant in good standing whose membership is recorded in this church and who has contributed to the support of the church financially or otherwise for a period of at least six months. In addition nominees shall:

1. Demonstrate leadership;
2. Inspire the trust of the church;
3. Attend worship regularly;
4. Commit to attending scheduled Vestry meetings and other special events.

#### **Section 3. Nomination to the Vestry**

1. The Nominating Committee shall screen all nominees for compliance with the requirements of Article III, Section 2, and shall place all qualified candidates on the ballot.
2. The Nominating Committee shall present and publish the names of all nominees for the vacant Vestry positions for three (3) weeks prior to the annual meeting.

#### **Section 4. Nomination to the Ascension Fund, Financial Advisory Committee, and the Outreach Ministry/Burns Fund**

1. The Nominating Committee shall present and communicate to the church the names of nominees to fill the vacant terms for the Ascension Fund who will be elected at the annual meeting. Nominations shall comply with Article III, Section 2 above.
2. The Nominating Committee shall present and communicate to the church the names of nominees to fill the vacant terms for the Financial Advisory Committee and the Outreach Ministry/Burns Fund, who will be elected by the Vestry following the annual meeting. Nominations shall comply with Article III, Section 2 above.

#### **Section 5. Nomination to the Diocesan Convention**

Nominations for delegates to the Diocese of Western North Carolina Convention shall comply with Article III, Section 2 above. Delegates will be elected by the church at the annual meeting.

## **ARTICLE IV**

### **ELECTION PROCEDURES**

#### **Section 1. Appointment of Tellers**

The chairperson shall appoint tellers from within the Nominating Committee who shall distribute paper ballots to qualified voters.

## **Section 2. Voting**

Voters shall be entitled to one vote for each position and a plurality of the votes cast shall be required for election.

## **Section 3. Election Results**

The tellers shall count the votes and report to the chairperson who will announce the results to the church. These results shall be published in the subsequent Sunday bulletin and other pertinent church media.

## **Section 4: Absentee Votes.**

Absentee ballots will be printed within four (4) days after the close of nominations. Voting by absentee ballot may then proceed. Votes must be received forty-eight (48) hours prior to the annual meeting in order to be counted. Absentee voters shall indicate by signature that they have received a ballot, and signatures shall be kept in the church office.

# **ARTICLE V**

## **VESTRY**

The Vestry is the body within the congregation that, with the clergy assistance, leads the church.

### **Section 1. Vestry Membership**

1. Members must meet eligibility requirements listed in Article III section 2.
2. The Vestry shall consist of no more than twelve (12) elected members—four (4) to be elected each year for three year terms of office.
3. The Rector is presiding officer with voice and vote.
4. The Treasurer is chosen by the Vestry and has voice but no vote.
5. The Clerk is chosen by the Vestry and has voice but no vote.
6. No more than one member of a church family shall be nominated or elected to serve on the Vestry, nor shall any member of the church clergy be eligible for election.
7. Non clergy staff members and family may not serve on the Vestry.

### **Section 2. Re-election**

No Vestry person shall be eligible for re-election until one (1) year has passed after his/her previous term of service. However, this provision shall not apply to persons elected to fill unexpired terms.

### **Section 3. Vacancies**

1. The resignation of a Vestry person prior to the end of the elected term shall be made in writing to the Senior Warden.
2. A total of three (3) unexcused absences in a calendar year from regular Vestry meetings by a Vestry person shall constitute that member's resignation from the Vestry.
3. The Vestry may also declare a seat vacant if it is determined that a Vestry person no longer meets the qualifications for membership.
4. Replacement shall first be filled by the nominee with the next highest votes.

#### **Section 4. Organization**

1. The Vestry shall convene its organizational meeting at the next monthly Vestry meeting. At such time, the Vestry shall upon recommendation of the Rector:
  - A. Elect Senior Warden, Junior Warden, and an Accounting Warden.
  - B. Elect other officers and committee and ministry coordinators as may be required including Treasurer, Clerk of the Vestry, Financial Advisory Committee, Outreach Ministry/Burns Fund, Memorial Garden Committee, and Personnel Committee.
  - C. Expect that out-going Vestry officers shall consult with their successors in office and provide them with appropriate documents, counsel, and support during the transition. Ministry coordinators should pass on notebooks containing activities, contacts, and other relevant information to their successors.

#### **Section 5. Senior Warden**

1. The Senior Warden shall be in a position of confidence to the Rector, advising the Rector of special needs, concerns and grievances in the church, and shall preside at the Vestry meeting at the discretion of the Rector.
2. The Senior Warden shall provide the elements of the Lord's Supper.
3. The Senior Warden may serve an ex-officio member of all ministry groups, committees, and other groups.
4. The Senior Warden, who has a special conciliatory role within the church, shall represent the larger church needs and meet regularly with the Rector to review the life and work of the congregation.
5. The Senior Warden must plan ahead and must anticipate and resolve problems of the church.
6. The Senior Warden must provide leadership in the Vestry to identify the vision, mission, and goals of the congregation; to make and implement plans; and to assess progress and celebrate achievements.
7. While the church is destitute of a minister, provide for the holding of public worship by securing supply clergy and lay readers.

#### **Section 6. Junior Warden**

1. The Junior Warden shall provide the elements of the Lord's Supper.
2. The Junior Warden shall oversee the maintenance of the church campus, and shall, in an emergency, have the authority to take immediate and responsible action to preserve the operations of the facilities.
3. The Junior Warden shall have a principal role in the Memorial Garden and Property Management Committees and shall serve in other capacities at the discretion of the Vestry.
4. The Junior Warden shall develop and maintain an operation manual, including operation procedures, security policies and procedures, outside service contracts, authorized repair and maintenance providers, supply sources, and purchase policies and procedures, for the campus facilities.
5. In the absence of the Senior Warden, the Junior Warden shall exercise appropriate authority and duties of the Senior Warden.

#### **Section 7. Accounting Warden**

1. The Accounting Warden shall be a member of the Financial Advisory Committee. With this committee, the Accounting Warden shall oversee management and investment the endowment funds in accordance with the Investment Policy

Statement.

2. The Accounting Warden shall provide a financial summary for the Church newsletter quarterly.
3. The Accounting Warden shall chair the stewardship program and budgeting process.

#### **Section 8. Treasurer**

1. The Treasurer shall be member of the congregation chosen by the Vestry.
2. The Treasurer shall be bonded.
3. The Treasurer shall oversee and administer the financial operations of the church as authorized by the Vestry and Canons of the Diocese. (see I. Canon 7 of the General Convention of the Episcopal Church, 2006.)
4. The Vestry Person of the week and Ushers (always a minimum 2 counters) shall oversee collection, counting and preparation of deposits of all contributions to the Church.
5. The Treasurer shall submit a complete written financial report of all funds to the Vestry per agreed practice but at least every quarter and to the Congregation at the annual meeting.
6. The Treasurer shall have access to pledges and other gifts to the church and shall distribute quarterly reports to members concerning the status of their pledges and gifts in accordance with standard accounting procedures.
7. The Treasurer shall review requests for payment within approved accounting procedures.
8. The Treasurer shall disburse funds not to exceed the limits authorized by the Vestry. If limits are exceeded, Vestry approval is required in advance of payment.
9. The Treasurer shall assist in the stewardship program and annual budget process.
10. The Treasurer shall authorize the annual audit with the selection of an auditing firm made by the Vestry. The Treasurer shall distribute the annual audit to all members of the Vestry with copies available to Church members and include in permanent church records.
11. The Treasurer shall ensure that adequate insurance is maintained on all real and tangible property.
12. The Treasurer shall ensure that the congregation's deeds and other instruments of ownership are established and maintained in the manner prescribed by canon and civil law.

#### **Section 9. Clerk**

1. The Clerk shall be member of the congregation chosen by the Vestry.
2. The Clerk shall record the minutes of each Vestry, annual meeting and other official congregational meetings. The minutes will be typed and reproduced, reviewed by the Rector and distributed to Vestry members at least three days prior to the next meeting. A copy of the approved minutes shall be included in the permanent records of the Church.
3. The Clerk shall enforce parliamentary rules as outlined in Article VIII, Section 6 of these By-Laws.

#### **Section 10. Vestry Meetings**

1. The Vestry shall meet each month in the year except as otherwise agreed. Special meetings may be called by the Rector or the Senior Warden with the Rector's notification.
2. One half of the Vestry's voting members shall constitute a quorum.
3. The following items of business shall be included:
  - A. Prayers beginning and ending the meeting;
  - B. Approval of minutes of the previous meeting and acceptance of the previous month's written financial report;

- C. Staff and other committee reports;
  - D. Rector's report and church concerns;
  - E. Ministry coordinators' reports;
  - F. Transaction of other business of the church as may properly come before it.
4. A Vestry member who has personal interest in an issue may present a proposal to the Vestry; however, the member must excuse himself/herself from deliberations and vote.
  5. A Vestry member who is at a meeting of the Vestry or a committee in which action on any matter is taken will be presumed to have assented to the action unless a dissent is officially requested and recorded. The clerk will record the number of pro and con votes. A Vestry member may have his/her dissent recorded and identified.
  6. Anyone entitled to vote at a meeting may participate by telephone, or other communication devices by which all persons participating in the meeting either hear each other at the same time or are made aware of pertinent information and comments from others. Such participation shall constitute presence in person at the meeting.
  7. Non-Vestry members may attend Vestry meetings provided they have informed the Rector and Senior Warden. If a non-Vestry member wishes to place an item on the agenda, the Senior Warden must be given a seven (7) day advance notice. In case of an emergency concern, an unlisted agenda item may be considered if approved by a simple majority of the Vestry quorum.
  8. The Vestry may go into Executive Session with the Rector and non-voting members excused.

### **Section 11. Vestry Duties**

The Vestry shall:

1. Elect officers and positions as indicated in Article V Section 4;
2. Transact the business of the church;
3. Be the custodian of all church records;
4. Keep an complete and accurate record of all its proceedings;
5. Encourage clear and direct communication between the congregation, the Vestry, and the Rector.
6. Report to the church at its regular and special meetings;
7. Support the clergy in the growth and development of the spiritual life and health of the congregation;
8. Provide adequate compensation, benefits, equipment, training, support, and feedback for the Rector and all staff;
9. Establish, maintain and support appropriate ministry groups and committees in consultation with the Rector and staff;
10. Individually serve as liaisons with at least one established ministry group;
11. Develop a clear, consistent, attractive message that creates a true picture of the congregation and mission of the church. This message and events should be viable to the community, to visitors, and to new members;
12. Exercise reasonable fiscal management of the church's financial resources, as well as all other assets and property;
13. Report to the Diocesan Department of Fiscal Ministries the annual pledge as required by the diocesan canons.
14. Make provision for meeting the budget;
15. Maintain and support year-round stewardship to develop resources for the ministry of the church;
16. Determine that legacies, bequests, or property otherwise given to the church for specific purposes shall be applied strictly for the purpose of which the funds or property were given as long as such gifts comply with church policy;
17. Qualify annually during a worship service by being commissioned by the Rector as prescribed by the Episcopal Church of the United States;

18. Review the church mission statement and annually set long-term and short-term goals and objectives for the ministry of the church;
19. Annually review all job descriptions;
20. Evaluate the Rector and staff at least annually;
21. Establish compensation for the Rector and staff annually;
22. Employ and terminate lay staff in consultation with the Rector, the personnel committee, and representative of the Bishop, when needed;
23. Nominate eligible members of the congregation to fill vacancies on the Vestry and other committees. The Nominating Committee for Vestry membership shall consist of the four (4) members whose term is ending, the Rector, other communicants as selected by the Vestry and at least one past Senior Warden.
24. Establish an annual operating budget for the next year and present it to the members of the church prior to the annual meeting;
25. Provide for the independent auditing of all financial accounts, records and documents;
26. Establish and annually review By-Laws, Policies, and Procedures;
27. Institute the process for calling and employing a rector and other clergy with the guidance and consent of the Bishop;

## **Section 12. Conflict Resolution**

Conflicts and differences of opinion, often strongly held, are part of the life of a church. A healthy church embraces differences of opinion, encourages its members to speak openly, honestly and constructively, strives to establish trust among its members and clergy, and provides a framework for expressing and resolving conflict. It is the responsibility of the Vestry to lead by example in conducting its deliberations and reaching its decisions.

1. Consensus formation: It is imperative that all decisions of the Vestry be reached through a process of deliberation that is fair, thoughtful, and open. Each Vestry member should have the opportunity to communicate his or her opinions, views, and judgments and is expected to listen attentively to and consider seriously the opinions, views, and judgments of other Vestry members. Exchanges of views should be by frank and respectful dialogue. The goal of all Vestry debate is to reach a decision that all can accept, if not support, because of the integrity of the process and the opportunity to be heard.
2. Conflicts among members and clergy: It is the responsibility of the clergy and the Vestry to promote within the church the same atmosphere of openness, respect, and consideration that is expected of Vestry members and to encourage those individuals who are involved in a conflict to discuss constructively and respectfully their differences. It is not the job of the Vestry to resolve conflicts between members or between members and the clergy, but to encourage those individuals to engage in a constructive dialogue and listen respectfully to the opinions of the other.
3. Conflicts involving clergy or other church employees: Where possible, the letter of employment for clergy and the employment agreement or office policy for lay staff shall include mandatory mediation and arbitration provisions for the resolution of any conflict.

## **Section 13. Misconduct**

1. By Clergy or Staff: In the event that there is an allegation of legal, moral, ethical or canonical misconduct on the part of clergy or lay staff, the Rector and the wardens shall be in charge of the investigation and shall immediately consult with the bishop, diocesan and church chancellors, and the Vestry for investigation and resolution.

2. Member: In the event that there is an allegation of legal, moral, ethical or canonical misconduct on the part of a member involving or related to the church, the Rector and/or the wardens shall jointly be in charge of the investigation and shall immediately consult with the bishop, diocesan and church chancellors and the Vestry for investigation and resolution.
3. Successors: In the event that the Rector, the Senior Warden, the Junior Warden, or the Accounting Warden is implicated in the allegations, that individual shall not be in charge of or play any role in the investigation of the allegations, If the Rector and the wardens are all implicated in the allegations, the remaining members of the Vestry shall appoint a Vestry member to be in charge of the investigation.

## **ARTICLE VI**

### **PERMANENT COMMITTEES**

#### **Section 1. Personnel Committee**

1. **Duties:** The Personnel Committee shall assist and advise the Rector in hiring, supervising, and disciplining all non-clergy employees. The Personnel Committee shall develop job descriptions for all positions, develop and administer staff policies and procedures, initiate and review annual staff evaluations, promote training and development of staff, and make recommendations to the Vestry concerning compensation and benefits as part of the annual budget process.
2. **Membership:** The Personnel Committee shall consist of the Rector and three (3) qualified lay members appointed by the Vestry for staggered three (3) year terms. The Rector shall be the Chair of the Personnel Committee. To be qualified to serve on the Personnel Committee, a member must be a member in good standing of the church for at least six (6) months prior to appointment, shall have personal skill or professional experience in employee relations or human resources, and shall have demonstrated ability to handle matters in a confidential and tactful manner.
3. **Meetings:** The Personnel Committee shall have at least two (2) regular meetings each year and shall have such additional meetings as may be called by the Rector or by the Vestry as needed to carry out its duties.
4. **Authority to Make Decisions:** The Rector shall ultimately have the authority and responsibility for making decisions regarding personnel matters, consistent with the personnel policies adopted by the Vestry. It shall, however, be the duty of the Rector to consult with and obtain the advice and counsel of the Personnel Committee prior to making any material personnel decision, except in the case of emergency.

#### **Section 2. Financial Advisory Committee**

1. **Duties:** The Financial Advisory Committee shall:
  - A. Recommend to the vestry a suggested portfolio of all funds designated for investment in accordance with Investment Policy Statement;
  - B. Evaluate the performance of any investment counseling firm under contract with the church;
  - C. Direct any investment counseling firm as to the wishes of the vestry regarding ethical and moral investment principals and adequate return on investments (ROI) and earnings to support outreach programs;
  - D. Advise the finance ministry of projected earnings for yearly budgetary purposes;
  - E. Recommend to the vestry both a desired level of earnings and a desired spending level to assure perpetuity of funds;
  - F. Provide periodic reports to the vestry regarding the activities of the committee;
  - G. Recommend to the vestry any constructive changes in structure in structure of this committee;
  - H. Perform other duties as may be directed by the vestry.
2. **Membership:** The Financial Advisory Committee shall consist of the Accounting Warden (chairperson), the Treasurer, and at least three active members with financial background and in good standing in the church for at least six (6) months. These members shall be appointed for a one (1) year term by the Vestry on recommendation of the Personnel Committee. They may serve repeatedly with no limitation on the length of service.

### **Section 3. Ascension Fund, Outreach Ministry/ Burns Endowment**

1. The Ascension Fund receives its annual allocation of funds on a quarterly basis and is designed to respond quickly to urgent needs, primarily of individuals. The Ascension Fund, three (3) members in good standing from the congregation, shall be elected at the annual meeting and shall serve a staggered three (3) year term. The chairperson of the Ascension fund shall be designated by the members annually. The committee will promote awareness of the fund and its guidelines among the various service agencies and charitable organizations in the county.

See Appendix: THE ASCENSION FUND GUIDELINES

2. The Outreach Ministry/Burns Endowment Committee receives an allocation of funds on a quarterly basis and is designed to deal with long term and continuing needs of organizations or groups of people. This combined fund shall be comprised of the Vestry Ministry Coordinator (chairperson), a member of the Financial Advisory Committee, a clergy member, and at least six (6) members in good standing from the congregation, who shall serve staggered three (3) year terms. The committee is charged with the responsibility to seek out opportunities and needs within our own community and beyond. This committee should seek, where possible, to encourage and promote direct church involvement in outreach through the donation of time and talents. While this committee should respond to requests from other organizations for financial grants, it should also seek opportunities for this church family to initiate and carry out outreach projects.

See Appendix: THE BURNS ENDOWMENT COMMITTEE HANDBOOK

### **Section 4. Property Management Committee**

1. The Junior Warden is chairperson of the church campus and shall lead volunteer work teams as may be needed to maintain and improve the facilities and grounds of the church.
2. The Dell Memorial Garden shall be maintained by members of the church under the direction of the junior warden.

See Appendix: DELL MEMORIAL GARDEN RULES AND REGULATIONS

## ***ARTICLE VII***

### **AD HOC COMMITTEES**

Committees may be formed by the Vestry for specific purposes and limited duration as needed.

## ***ARTICLE VIII***

### **MISCELLANEOUS**

#### **Section 1. Clergy Discretionary Funds**

The existence and use of clergy discretionary funds rest on the canonical authority described in Title III, Canon 9, Section 5(b)(6), of the Canons of the Episcopal Church. The funds are to be distributed by the clergy to such persons and/or organizations that they deem deserving. The records of the clergy's discretionary funds are subject to review by a member of the audit

