

## Diocese of Ontario

**DUTIES & RESPONSIBILITIES OF CHURCHWARDENS****Part 1: Public Relations & Leadership**

The Churchwardens are charged with the responsibility for public relations and leadership within the congregation. They should:

- 1.1 Maintain and develop their own spiritual life and live out their baptismal covenant fully.
- 1.2 Be supportive of the life of the church by attending congregational events whenever possible.
- 1.3 Be supportive of all church groups (e.g. Church School, ACW, Altar Guild, Outreach, Bible Study, etc.) Be knowledgeable about their activities and let the leaders know that the Churchwardens are interested in how things are going.
- 1.4 Be supportive of the Incumbent and all other staff. Make sure staff take appropriate time off and keep healthy.

**Part 2: Financial Responsibilities**

The Churchwardens are responsible for the care and accounting of all money given to the congregation for any purpose and from any source.

Canon C1, Part 2 gives specific direction in the matter of the care, recording and custody of the offerings of the people. Such collections should not be left unattended or lying about church vestries or offices. The responsibility for the safe custody of the “collection” rests directly on the Churchwardens or their appointed assistants. If the Churchwardens do not attend each service in which an offering is taken there must be specific instructions to appointed assistant(s) as to the handling of the offering to ensure its safe custody.

- 2.1 The Parish/Congregation Budget  
The Churchwardens and the Incumbent should prepare a budget which will be submitted to the annual meeting of the Vestry. The details of this budget should provide for the whole responsibility of the parish both for its local expenses and its share of the Diocesan Budget (Common Ministry and Mission, CMM). The advice and understanding of the Parish/Congregational Council should be obtained before the budget is presented to the Annual Vestry meeting [Canon C3].

### 2.2 The Parish Accounts

All accounts of moneys received and expended for the parish or congregation should be prepared for the annual meeting and audited by auditors appointed by the Annual Vestry meeting [Canon C3]. The members of the congregation may inspect the Churchwardens' Accounts at all reasonable times [Canon C3].

### 2.3 Parish Records and Papers

Churchwardens share with the Incumbent the responsibility for the proper care of all parish registers, policies, deeds and other legal documents. They must ensure that annual reports are filed at the appropriate time (Diocesan Green Sheets, Canada Revenue Agency T4s and summaries, Charitable Returns, GST Rebate).

Churchwardens are reminded of the opportunity to deposit with the Synod valuable items for safe keeping. [Canon C10]

**Note:** Typically Churchwardens delegate many of these tasks to Treasurers, Envelope Secretaries and/or other responsible members of the congregation. Since Churchwardens are ultimately responsible for these tasks, however, they should be familiar with how they are carried out and provide enough supervision and assistance to those doing them to ensure that they are being performed appropriately.

## Part 3: Staffing

The Churchwardens are responsible for the staff of the Parish. They:

- 3.1 Appoint the Treasurer of the congregation and the Envelope Secretary. In a multi-point Parish, the congregational Churchwardens appoint the Congregational Treasurer and a Central Treasurer is appointed collectively by the Churchwardens of each congregation in the Parish.
- 3.2 Appoint the Organist after agreement with the Incumbent.
- 3.3 Appoint the Vestry Clerk.
- 3.4 Appoint and evaluate annually (in consultation with the rector) any other staff person, i.e. Sexton, Secretary, etc.
- 3.5 Are responsible for payment of clergy stipend, salaried staff, and staff or clergy replacements. Proper provision should be made by the Churchwardens for the remuneration of such clergy who come to serve in their parish church from time to time in the absence of the rector or for any special occasions. This remuneration should provide for an honorarium, travel and other related expenses. A schedule of remuneration and travel allowance is set by the Synod Council annually to be paid to supply Clergy or Lay Readers by the parishes, other than their own, to which they are sent.

**Part 4: Gifts**

Churchwardens are not obliged to accept any or all gifts offered by people during their lives or as bequests through their wills.

Gifts of furniture, paintings, libraries, land, etc. may result in a long-term expense in maintenance and storage. Before acceptance of any gift, other than money, the approval of the Rector or Incumbent and the Parish/Congregational Council should be received.

All restrictions attached to gifts of money must be examined to determine if the restrictions are legal and acceptable to the Parish. If there is any question about the acceptability of the restriction, the Churchwardens should consult the Chancellor or the Diocesan Executive Officer. A record of all gifts with their restrictions should be maintained by the Churchwardens and a copy should be on file in the Diocesan Centre.

The Diocese of Ontario does not have a formal policy on the acceptance of Memorial Gifts. Some congregations have found it helpful to have a policy statement which allows them to deal tactfully but firmly with memorial gifts. Please reference Section 7.4 on Stewardship in this Handbook, for a template policy statement on the acceptance of Memorial Gifts.

**Part 5: Corporate Property Held by Churchwardens**

All congregational property (assets such as equipment, investments, etc. other than freehold interests in land is automatically vested in the Churchwardens as a corporation (by operation of law) on their due election and appointment. No transfer of title is required for this purpose. The beneficial interest in such property is held by trustees, as a corporation, fro the congregation in trust according to terms imposed by law including those prescribed by Diocesan Canons, and subject to any provisions set out in any particular gift or trust.

Freehold land, which means land holdings other than leaseholds, may be held on behalf of the congregation in the following ways:

- 5.1 By the Crown, in right of Ontario if the land has been allocated to the rectory but no crown grant has been given. (now rare)
- 5.2 By the Bishop and his successors, who constitute a corporation, as a trustee.
- 5.3 By the Diocesan Synod, which is a corporation, as trustee.
- 5.4 By the Incumbent, and his or her successors, who are not a corporation, as trustee.
- 5.5 By the Churchwardens and their successors, as a corporation, under the act of 1876.
- 5.6 By the Incumbent and Churchwardens, and their successors, as trustees under the *Religious Organizations Lands Act*, R.S.O. 2990, Chapter R.23, Section 2.

5.7 By other trustees under the same Act.

5.8 By another trustee or trustees under a special gift, not under that Act.

Trustees under the *Religious Institutions Act* are not given corporate status by that Act. However, on change of Incumbent in (d) and (f), or of a change in Churchwardens in (e) and (f), no formal transfer of land is necessary because title is transferred automatically by operation of law on such changes. All title deeds and documents should be sent to the Diocesan Executive Officer for safe keeping.

No matter how the land is held, the beneficial freehold (or use) of the church, churchyard and cemetery is vested in the Incumbent and legal possession of these premises is shared by the Incumbent and churchwardens by virtue of the church Temporalities Act. These interests are not absolute but are given for all proper purposes on behalf of the congregation and are subject to the right of the congregation and its members to worship and receive the sacraments and ministry of the church and otherwise to use the premises for proper congregational purposes, in a proper manner and at proper times. The time and manner of use of the premises must be regulated by the incumbent and Churchwardens. The Incumbent must ultimately decide what services are to be conducted, at what times and in what manner and what other activities are to be conducted in the church, parish hall and premises, subject of course, to the bishop's Episcopal direction and in accordance with the doctrine and discipline of the church and all relevant Canons.

The Bishop's Episcopal office and visitorial jurisdiction include the right to visit and inspect the premises at reasonable times and to perform Episcopal functions there. He may delegate his Episcopal functions to another bishop and his visitorial functions to an archdeacon or rural dean or other commissary. The archdeacon and the rural dean have visitorial duties of their own under Diocesan Canons.

### **Property Care and Insurance**

Canon B12 gives clear direction in the matter of Insurance. Coverage is provided through a Diocesan policy and requirements of Churchwardens with respect to this insurance are set out in the Canons.

### **Acquisition, sale or Rental of Church Property**

There is a correct procedure to be followed when any acquisition, sale or rental of church property is contemplated. (Canon C6)

Notice of a meeting for the transaction of such business must be given at the church services on two Sundays prior to the date of such meeting and the purpose for which the meeting is called must be clearly stated.

**Sale**

The consent of the Vestry of the congregation, the whole membership of the congregation in meeting, must be obtained. The terms of sales and the description of the property must be clearly presented to the meeting. A letter setting forth such agreement and the proposed sale of the clearly defined property must be sent to the Diocesan Executive Officer asking for the concurrence of the Synod Council and of the Bishop for such procedure. The appraisal of the value of the property must be included in the correspondence. The correspondence should be signed by the chairman of the meeting as well as the secretary of the meeting and the Incumbent and Churchwardens if they have not signed as chairman or secretary.

The proceeds of any sale of church property should be deposited with the Synod which shall hold these moneys as trusts.

**Renting**

Under the direction of Canon C6 consultation with and the agreement of the Synod Council is required before the lease is effective. The disposition of the rental income is subject to the agreement between the Synod Council and the parish.

**Sale or Mortgage of Land**

Freehold land cannot be sold or mortgaged except with consent of the congregation expressed by resolution at a Vestry meeting, called for the purpose of considering the specific sale or mortgage in question and with consent of the diocesan Synod expressed by concurrence of the Bishop or other authorized officer, with the approval of the Synod or Synod Council. Approval can be given only to a specific transaction previously negotiated and agreed upon. Any such agreement should be expressly entered into subject to approval of the vestry and the Synod. See Canon C6 for procedure, on sale or mortgage under the Religious Institutions Act. The same procedure is followed in other cases. A church that has been consecrated cannot be mortgaged.