

# **UNITARIAN CONGREGATION OF NIAGARA BYLAWS**

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# Table of Contents

<b>Bylaw 1 - General.....</b>	<b>6</b>
Name and Address.....	6
1.1: Name.....	6
1.2: Address.....	6
Purpose.....	6
1.3: Purpose.....	6
1.4: Purpose.....	6
Affiliation.....	6
1.5: Affiliation.....	6
Dissolution.....	6
1.6: Dissolution.....	6
1.7: Disposal of assets upon dissolution.....	6
Interpretation of Bylaws.....	7
1.8: Interpretation: plural = singular.....	7
<b>Bylaw 2 - Membership.....</b>	<b>8</b>
Eligibility for Membership.....	8
2.1: Membership minimum age.....	8
2.2: Membership open to all subscribing to purpose.....	8
Rights and Responsibilities of Members.....	8
2.3: Only qualified members may vote.....	8
2.4: Member responsibility re: name/address changes.....	8
2.5: Twenty dollar minimum annual dues.....	8
2.6: Non-contributing members.....	8
Resignation from Membership.....	8
2.7: Voluntary withdrawal from membership.....	8
2.8: Restoration of membership.....	9
<b>Bylaw 3 – Meeting.....</b>	<b>10</b>
3.1: AGM date.....	10
3.2: AGM elections and committee reports.....	10
3.3: Special meetings.....	10
3.4: Notice of meetings.....	10
3.5: Quorum.....	10
3.6: Voting.....	10
3.7: Parliamentary procedures.....	10

Amendments to Bylaws.....	10
3.8: Amending/repealing bylaws.....	10
3.9: Notice of bylaw meetings.....	11
<b>Bylaw 4 - Officers and Committee Co-ordinators.....</b>	<b>12</b>
Election of Officers.....	12
4.1: List of officers.....	12
4.2: AGM elections; officers must be members.....	12
4.3: Term of office.....	12
4.4: Definition of "year".....	12
4.5: Past President.....	12
4.6: Multiple offices.....	12
4.7: Officer absent or unable to act.....	12
Officers' Duties.....	12
4.8: President's duties.....	12
4.9: Vice-President's duties.....	13
4.10: Past President's duties.....	13
4.11: Secretary's duties.....	13
4.12: Treasurer's duties.....	13
Co-ordinators.....	13
4.13: List of Committees.....	13
Powers of the Board of Directors.....	13
4.14: Control of Policies and finances.....	13
Board of Directors: Nomination and Election.....	14
4.15: Nominating committee.....	14
4.16: Term of office of Board members.....	14
4.17: Vacancies on the Board.....	14
4.18: Member unable/unwilling to carry out duties.....	14
4.19: Board appointment to fill remainder of term.....	14
4.20: Removal from office.....	14
Board of Directors: Eligibility and Term Limits.....	14
4.21: President: previous Board service required.....	14
4.22: President: four year service limit.....	14
4.23: Four year maximum service on Board of Directors.....	15
Board of Directors: Calling of Meetings.....	15
4.24: Board meets at call of President or any 3 members.....	15
4.25: Notice of meetings.....	15
Board of Directors: Member's Right to Attend Meetings.....	15
4.26: Congregation members' right to attend Board meetings.....	15
4.27: Congregation members welcome at Board meetings.....	15

4.28: Congregation members' participation in Board debate.....	15
Board of Directors: Meeting Procedures.....	15
4.29: Quorum.....	15
4.30: Majority required for motion to pass.....	15
4.31: Chair shall not vote except in case of tie.....	15
4.32: Chair's participation in debate.....	16
4.33: Direct/indirect financial interest of board members.....	16
4.34: Declaring conflict of interest.....	16
<b>Bylaw 5 - Lay Chaplain(s).....</b>	<b>17</b>
5.1: Designation of Lay Chaplain(s) according to CUC guidelines.....	17
5.2: Appointment and confirmation.....	17
5.3: Re-appointment at AGM.....	17
5.4: Lay Chaplain(s) duties.....	17
5.5: Lay Chaplain(s) licensed under Ontario Marriage Act.....	17
5.6: Other Lay Chaplain(s) duties.....	17
5.7: CUC guidelines.....	17
<b>Bylaw 6 - Trustees.....</b>	<b>18</b>
Trustees- Election.....	18
6.1: Number of Trustees; election dates.....	18
6.2: Trustees must be Members.....	18
6.3: Term of office; inability or refusal to act.....	18
Trustees- Duties.....	18
6.4: Board-assigned duties.....	18
6.5: Duty to receive/collect monies.....	18
6.6: Leadership responsibilities.....	18
6.7: Duty to co-operate with Property Chair.....	18
<b>Bylaw 7 - Finances.....</b>	<b>19</b>
Fiscal Year.....	19
7.1: Financial year ends December 31.....	19
Auditor- Appointment at Annual General Meeting.....	19
7.2: AGM members appoint auditor(s); one year term.....	19
Auditor- Duties.....	19
7.3: Auditor's access to books/accounts; may question Board.....	19
7.4: Annual auditor report at AGM.....	19
Cheques, Drafts & Notes.....	19
7.5: Board designates signing officers.....	19

Books & Documents.....	19
7.6: Board duty re: books and records.....	19
Execution of Instruments.....	20
7.7: Two signing officers.....	20
7.8: All contract/documents signed binding upon Congregation.....	20
7.9: Board can appoint member(s) to sign on behalf of Congregation.....	20
Endowment Fund.....	20
7.10: Name.....	20
7.11: Purpose.....	20
7.12: Fund to be administered by Trustees.....	20
7.13: Aim.....	20
7.14: Monies kept in separate account.....	20
7.15: Interest.....	20
7.16: Disbursals require two-thirds majority of Congregation members.....	21
7.17: Disbursal conditions.....	21

**Bylaw 8 - Ministerial Relations.....22**

Ministerial Search Committee Procedures.....	22
8.1: Ministerial Search Committee.....	22
8.2: UUA and/or CUC guidelines.....	22
8.3: Search Committee.....	22
Minister to Be Called by Congregational Vote.....	22
8.4: Vote by secret ballot; three-quarters majority.....	22
Minister's Rights and Responsibilities.....	22
8.5: Written Minister-Congregation agreement reviewed at AGM.....	22
8.6: Freedom of the pulpit.....	22
8.7: Minister to consult with/advise Board.....	22
8.8: Minister's job description.....	22
8.9: Minister to report to AGM.....	23
8.10: Minister to attend denominational functions.....	23
8.11: Minister's tenure indefinite unless otherwise specified.....	23
Minister- Dismissal.....	23
8.12: Congregational vote to dismiss Minister.....	23
8.13: Terms of dismissal and resignation.....	23

# **Bylaw 1 - General**

## ***Name and Address***

### ***1.1: Name***

The name of this religious society shall be: "The Unitarian Congregation of Niagara", herein after called "The Congregation".

### ***1.2: Address***

The head office and the chief place of meeting of this Congregation shall be located at 223 Church Street in the City of St. Catharines, or such other place as the Board of Directors may from time to time determine.

## ***Purpose***

### ***1.3: Purpose***

The purpose of this Congregation is to further an organization of people who are seeking to serve the best and highest they know in an atmosphere of freedom, fellowship and truth, and

### ***1.4: Purpose***

to fulfill the objectives as described in the documents of incorporation, attached.

## ***Affiliation***

### ***1.5: Affiliation***

The Congregation shall be a member of the Canadian Unitarian Council and its statutory affiliates.

## ***Dissolution***

### ***1.6: Dissolution***

A three-quarters majority of the members of the Congregation present and voting at a duly constituted meeting called for that purpose shall be required for formal dissolution of the Congregation.

### ***1.7: Disposal of assets upon dissolution***

In the event of such dissolution, all remaining assets of the Congregation shall pass to the Canadian Unitarian Council, an incorporated society with registered offices in Toronto, Ontario, to be held in trust for three years with a view to a possible re-establishment of the Congregation, and thereafter to be used for the maintenance or advancement of the Unitarian-Universalist movement in Canada.

## ***Interpretation of Bylaws***

### ***1.8: Interpretation: plural = singular***

In all bylaws of the Congregation the singular shall include the plural and the plural the singular.

## **Bylaw 2 - Membership**

### ***Eligibility for Membership***

#### ***2.1: Membership minimum age***

Any person at least 16 years of age, who supports the purposes of the Congregation and whose application for membership has been accepted by the Board of Directors, may become a member by signing the Membership Book. Youth membership is also available to persons under the age of 16 years provided they have signed parental approval and sponsorship by an existing Congregation member. The minimum age for membership is 12 years of age.

#### ***2.2: Membership open to all subscribing to purpose***

Membership shall be open to all who subscribe to the purpose of this Congregation as defined in Bylaw 1.3.

### ***Rights and Responsibilities of Members***

#### ***2.3: Only qualified members may vote***

Only those qualified as members under the provisions of this article shall have the right to vote at meetings of the Congregation or petition for such meetings.

#### ***2.4: Member responsibility re: name/address changes***

Each member shall be responsible for notifying the Congregational President and/or the Co-ordinator of the Membership Committee, of any change in name and/or address.

#### ***2.5: Twenty dollar minimum annual dues***

Each member shall make a contribution of at least \$20 in each fiscal year unless this provision is waived by a special resolution, as requested by the Treasurer.

#### ***2.6: Non-contributing members***

Any member who has not paid at least \$20 dollars per fiscal year and who has not been given special consideration by the Board of Directors, will be asked by the Treasurer if that member intends to continue as a member. Any member who has been so notified and has not made a contribution within 60 days thereafter, shall cease to be a member of the Congregation.

### ***Resignation from Membership***

#### ***2.7: Voluntary withdrawal from membership***

Voluntary withdrawal from membership may be made by written request addressed to the Board of Directors.

**2.8: *Restoration of membership***

A former member who, in writing, requests restoration of membership, may have that membership restored by vote of the Board of Directors upon evidence that a financial contribution has been made as provided in this article, and allowed to re-sign the Membership Book.

## **Bylaw 3 – Meeting**

### **3.1: *AGM date***

The Annual General Meeting of the Congregation shall be held in the Niagara Region within two months of the end of the financial year of the Congregation. The date shall be determined by the Board of Directors.

### **3.2: *AGM elections and committee reports***

At the Annual Meeting all vacancies in the Board of Directors shall be filled by election and reports of the Board of Directors including those of the Standing Committees shall be presented.

### **3.3: *Special meetings***

The Board of Directors may call special meetings of the Congregation at its discretion and shall do so on the written request of fifteen members.

### **3.4: *Notice of meetings***

Written notice of the Annual and special meetings shall be mailed to each member at least fourteen days in advance of the date of such meetings, at the address shown in the Congregational records. Such notice may be given as a formal notice in the Newsletter.

### **3.5: *Quorum***

One-third of the voting members of the Congregation shall constitute a quorum, except for buying and selling real property, incurring an indebtedness in excess of 10% of the annual budget, and calling or dismissing a Minister, which shall require two-thirds of the voting members.

### **3.6: *Voting***

Each member shall have one vote. Voting by proxy shall be permitted only for meetings requiring a two-thirds quorum as specified in Bylaws 1.7, 3.8, and 7.16.

### **3.7: *Parliamentary procedures***

The conduct of all meetings shall be in accordance with Kerr and King's "Procedures for Meetings and Organizations", Carswell, 1996, third edition.

## ***Amendments to Bylaws***

### **3.8: *Amending/repealing bylaws***

No bylaw shall be amended, modified or repealed unless by a two-thirds majority of the members of the Congregation voting at a meeting called for the purpose of amending, modifying or repealing the bylaw.

**3.9: *Notice of bylaw meetings***

The notice of the meeting shall give the full text or details of the proposed changes in the bylaw.

## **Bylaw 4 - Officers and Committee Co-ordinators**

### ***Election of Officers***

#### ***4.1: List of officers***

The Officers of the Congregation shall consist of the President, Past President, Vice-President, Secretary, Treasurer, Communications Officer, and Member-at-large.

#### ***4.2: AGM elections; officers must be members***

The Officers shall be elected at the Annual Meeting of the Congregation. All Officers shall be members of the Congregation.

#### ***4.3: Term of office***

The term of office for each Officer shall be two years from the Annual Meeting of the Congregation at which that person was elected, or, in the case of the Past President, takes office.

#### ***4.4: Definition of "year"***

For the purposes of defining the terms of office of Officers and Members of the Board of Directors, a year shall mean the period between one Annual Meeting of the Congregation and the next.

#### ***4.5: Past President***

The office of Past President shall be filled ex officio by the President who retires most recently when a new President is elected and takes office.

#### ***4.6: Multiple offices***

No person shall hold more than one office.

#### ***4.7: Officer absent or unable to act***

If any Officer is absent or unable to act or there is any other reason the Board of Directors deems sufficient, the Board may delegate all or any of the powers of that Officer to any other member of the Congregation provided that a majority of the whole Board concur therein.

### ***Officers' Duties***

#### ***4.8: President's duties***

The President shall, if present, preside at all meetings of the Board of Directors. She/he shall sign all documents which require a signature and shall perform all duties incident to the office and shall have such other powers and duties which may from time to time be assigned by the Board of Directors.

#### **4.9: Vice-President's duties**

The Vice-President shall be vested with all the powers and shall perform all the duties of the President in the absence or disability or refusal to act of the President.

#### **4.10: Past President's duties**

The Past President shall be vested with all the powers and shall perform all the duties of the President in the absence or disability or refusal to act of the President and the Vice-President. The Past President shall also have such powers and duties, if any, as may from time to time be assigned by the Board of Directors.

#### **4.11: Secretary's duties**

The Secretary shall have charge of the minute books and the Bylaws of the Congregation duly authenticated, shall sign with the President or other signing Officer or Officers of the Congregation such instruments as require a signature and shall perform such other duties as the Board of Directors may, from time to time, properly require.

#### **4.12: Treasurer's duties**

Except as provided in Bylaw Number 7, the Treasurer, or designate appointed by the Board of Directors, shall collect all monies payable to the Congregation, and have custody of all funds of the Congregation, disburse the same as ordered by the Board of Directors; the Treasurer has signing authority on cheques, notifies members in arrears of payment of pledges, keeps in the books belonging to the Congregation a correct account of the receipts and disbursements and presents a detailed report thereof at an Annual Meeting. The Treasurer shall also be responsible for providing whatever financial information regarding the Congregation may be required by the Government.

### **Co-ordinators**

#### **4.13: List of Committees**

The Board of Directors may appoint members to specific task forces or to serve as a co-ordinator to implement certain roles in the Congregation. The Board shall be responsible for ensuring that these functions are fulfilled. Co-ordinators may be used in the following roles: Lay Chaplaincy, Program, Religious Education, Social Justice, Property, Membership, Pastoral Care, Denominational Affairs, Sexual and Gender Diversity Committee, and Choir and Music Committee. Publicity, Website Control, and Newsletter functions will fall under the Communication Chair on the Board. Co-ordinators will prepare a written report or report in person once every two months to the Board of Directors. Co-ordinators do not have a seat on the Board and cannot vote at the Board.

### **Powers of the Board of Directors**

#### **4.14: Control of Policies and finances**

The Board of Directors shall have full charge and control of the policies and finances of the Congregation, except where Congregational votes are required in the event of dissolution, calling of a

Minister, bylaw amendments as well as buying and selling of property.

## ***Board of Directors: Nomination and Election***

### ***4.15: Nominating committee***

A nominating committee consisting of three members of the Congregation shall be appointed by the Board of Directors not less than six weeks before an Annual General meeting, and shall be empowered to present a list of candidates for the posts of Officers, Committee Co-ordinators, Lay Chaplain(s), and Trustees, for election at that meeting.

### ***4.16: Term of office of Board members***

The term of office of a member of the Board of Directors shall be for two years or until a successor is elected or appointed.

### ***4.17: Vacancies on the Board***

The Board of Directors shall have power to fill all vacancies occurring among Officers or members of the Board during the year.

### ***4.18: Member unable/unwilling to carry out duties***

A vacancy shall be deemed to have occurred when any Officer or Member becomes unable or unwilling to carry out the duties on the Board.

### ***4.19: Board appointment to fill remainder of term***

A member of the Congregation appointed to fill a vacancy shall hold office for the unexpired term of the Board Member who is being replaced.

### ***4.20: Removal from office***

Any member of the Board of Directors may, at any time, be removed from office and another member of the Congregation elected in that place by a two-thirds majority of a meeting of the Congregation called for that purpose.

## ***Board of Directors: Eligibility and Term Limits***

### ***4.21: President: previous Board service required***

The President must have served on the Board of Directors for at least one year of the five years immediately preceding election to the Presidency.

### ***4.22: President: four year service limit***

The President may not hold that office for more than four consecutive years.

**4.23: *Four year maximum service on Board of Directors***

No person who has served on the Board of Directors for four consecutive years may be elected to any position on the Board, except those of President and Treasurer, until that person has been off the Board for at least one year.

***Board of Directors: Calling of Meetings***

**4.24: *Board meets at call of President or any 3 members***

The Board of Directors shall meet as often as necessary at the call of the President or any other three members of the Board.

**4.25: *Notice of meetings***

Notice of Board meetings shall be delivered to each of its Members at least three full days in advance, except by unanimous agreement otherwise by all Members of the Board, and may be given by telephone, letter, or announcement at a regular meeting of the Board or the Congregation.

***Board of Directors: Member's Right to Attend Meetings***

**4.26: *Congregation members' right to attend Board meetings***

Any member of the Congregation wishing to attend a meeting of the Board of Directors to bring to its attention any matter of business may inform the Secretary, who will notify the member of the date, time and place of the next meeting of the Board.

**4.27: *Congregation members welcome at Board meetings***

Congregation members who are not on the Board of Directors are welcomed and encouraged to attend meetings, either as observers or in order to bring matters to the attention of the Board of Directors.

**4.28: *Congregation members' participation in Board debate***

Non-members of the Board of Directors may participate in debate only at the discretion of the Board.

***Board of Directors: Meeting Procedures***

**4.29: *Quorum***

Four members of the Board of Directors shall constitute a quorum.

**4.30: *Majority required for motion to pass***

Questions arising at any meeting of the Board of Directors shall be decided by a majority of votes.

**4.31: *Chair shall not vote except in case of tie***

The officer chairing the Board of Directors meeting shall not vote except in the case of a tie.

**4.32: *Chair's participation in debate***

In order to participate in debate, the officer chairing the meeting shall relinquish the chair to another officer.

**4.33: *Direct/indirect financial interest of board members***

Members of the Board of Directors may not enter into debate or vote on motions in which they have a direct or indirect financial interest.

**4.34: *Declaring conflict of interest***

Such Members shall instead declare their conflict of interest to the Chair, and the secretary shall insure that the conflict of interest is duly entered in the minutes.

## **Bylaw 5 - Lay Chaplain(s)**

### ***5.1: Designation of Lay Chaplain(s) according to CUC guidelines***

The Congregation, on the recommendation of the Board of Directors, may designate one or more members of the Congregation to serve as Lay Chaplain(s) within the guidelines published from time to time by the Canadian Unitarian Council (CUC).

### ***5.2: Appointment and confirmation***

Initial appointment shall be by resolution of Board of Directors, confirmed at the next following Annual Meeting of the Congregation.

### ***5.3: Re-appointment at AGM***

The Lay Chaplain(s) thereafter shall be appointed at each Annual Meeting.

### ***5.4: Lay Chaplain(s) duties***

The Lay Chaplain(s) will conduct Memorial Services and Funerals, Naming Ceremonies, Weddings and Services of Union, and any other such services as properly fall within the mandate of the Lay Chaplain(s).

### ***5.5: Lay Chaplain(s) licensed under Ontario Marriage Act***

The Lay Chaplain(s), being licensed by the Registrar General of Ontario, is competent and empowered to perform Marriage Ceremonies in keeping and conforming to the requirement of the Marriage Act (Revised Statutes of Ontario, 1980, Chapter 256, and Regulation 606 under this Act dated January, 1984), and any applicable future legislation.

### ***5.6: Other Lay Chaplain(s) duties***

The Board of Directors may from time to time request the Lay Chaplain(s) to undertake such other duties appropriate to the Lay Chaplain(s) as may be conducive to the useful activities of the Congregation.

### ***5.7: CUC guidelines***

The Board of Directors shall be directly involved in the overseeing of Lay Chaplain(s) and their duties, through direction of the Lay Chaplaincy Committee.

## **Bylaw 6 - Trustees**

### ***Trustees- Election***

#### ***6.1: Number of Trustees; election dates***

Three Trustees shall be elected at the Annual General Meeting of the Congregation in odd-numbered years.

#### ***6.2: Trustees must be Members***

All Trustees shall be Members of the Congregation.

#### ***6.3: Term of office; inability or refusal to act***

The term of office shall be two years from the date of election. In the event of the inability or refusal of a Trustee to act, the Board of Directors shall appoint a Trustee to serve the unexpired part of the term of the Trustee.

### ***Trustees- Duties***

#### ***6.4: Board-assigned duties***

The duties of the Trustees shall be those assigned to them from time to time by the Board of Directors, and without limiting the foregoing shall be in part as follows:

#### ***6.5: Duty to receive/collect monies***

The Trustees may receive funds, but all funds must be in the control and direction of the Board of Directors. Any expenditure over \$5,000 must be submitted and approved at a General Meeting of the Congregation.

#### ***6.6: Leadership responsibilities***

The Trustees shall provide their leadership, wisdom, and knowledge of the history of the Congregation to help the Board set plans and policies for the Congregation.

#### ***6.7: Duty to co-operate with Property Chair***

To co-operate with the Property Chair in all matters regarding the maintenance of the building in good and safe repair.

## **Bylaw 7 - Finances**

### ***Fiscal Year***

#### ***7.1: Financial year ends December 31***

The financial year of the Congregation shall end on the thirty-first day of December.

### ***Auditor- Appointment at Annual General Meeting***

#### ***7.2: AGM members appoint auditor(s); one year term***

The members at each Annual Meeting shall appoint an auditor or auditors. The auditor, when appointed, shall hold office until the next Annual Meeting unless previously removed by a resolution of the members at a general meeting.

### ***Auditor- Duties***

#### ***7.3: Auditor's access to books/accounts; may question Board.***

The auditor shall at all reasonable times have access to the books, accounts and vouchers of the Congregation and may require from the Board of Directors such explanations and information as may be necessary for the performance of the duties.

#### ***7.4: Annual auditor report at AGM***

The auditor shall make a report to the members on the financial statement to be laid before the Congregation at any Annual Meeting during the term of office and shall state in the report whether, in their opinion, the financial statement referred to therein presents clearly the financial position of the Congregation and the results of its operation for the period under review.

### ***Cheques, Drafts & Notes***

#### ***7.5: Board designates signing officers***

All cheques, drafts and orders for the payment of money and all notes and acceptances and bills of exchange shall be signed by two Officers of the Congregation in order to be deemed valid.

### ***Books & Documents***

#### ***7.6: Board duty re: books and records***

The Board of Directors shall see that all necessary books and records of the Congregation required by the bylaws of the Congregation or by any applicable statute or law are regularly and properly kept.

## ***Execution of Instruments***

### ***7.7: Two signing officers***

Except as provided in Bylaw 7.5, contracts, documents, or any instruments may be signed, upon authorization by the Board of Directors, by any two of the following signing Officers: the President, Secretary, or Treasurer.

### ***7.8: All contract/documents signed binding upon Congregation***

All contracts, documents and instruments so signed shall be binding upon the Congregation without further authorization or formality.

### ***7.9: Board can appoint member(s) to sign on behalf of Congregation***

The Board of Directors shall have the power to appoint a member or members of the Congregation to sign, on behalf of the Congregation, contracts, documents, or instruments generally, or to sign specific contracts, documents, or instruments.

## ***Endowment Fund***

### ***7.10: Name***

A special capital fund shall be maintained which shall be known as "The Endowment Fund".

### ***7.11: Purpose***

The purpose of the Endowment Fund shall be to provide funds ancillary to the Trustees Account, and without limiting the foregoing, to be applied to special projects, according to the voting procedure designated in Bylaw 7.16.

### ***7.12: Fund to be administered by Trustees***

The Endowment Fund shall be administered and managed by the Trustees who shall be elected in the manner described in Bylaw 6 and who shall at all times be responsible to the Congregation.

### ***7.13: Aim***

The aim of the Endowment Fund is to receive, maintain, and administer funds and property which have been received through bequests and gifts to the Congregation.

### ***7.14: Monies kept in separate account***

Monies received for the Endowment Fund shall be maintained in a separate account.

### ***7.15: Interest***

Interest and other income earned from the investment of the Endowment Fund shall be reinvested in the

Endowment Fund.

**7.16: *Disbursals require two-thirds majority of Congregation members***

Monies of the Endowment Fund shall not be withdrawn unless authorized by two-thirds of the members present and voting at a special meeting of members called to consider such withdrawal.

**7.17: *Disbursal conditions***

Documents of payment or disbursal shall require two signatures: one being a Trustee and the other being the Treasurer of the Congregation. No such disbursal may be made without consent of all the Trustees.

## **Bylaw 8 - Ministerial Relations**

### ***Ministerial Search Committee Procedures***

#### ***8.1: Ministerial Search Committee***

Whenever a Minister is sought the Congregation, the Congregation will select, from a list of nominees provided by the Board of Directors, a Ministerial Search Committee, which shall reflect the diversity of views within the Congregation.

#### ***8.2: UUA and/or CUC guidelines***

The Search Committee will follow the guidelines of the Unitarian Universalist Association and the Canadian Unitarian Council.

#### ***8.3: Search Committee***

The Search Committee will select and present to a special meeting of the Congregation called for this purpose, a candidate for the office.

### ***Minister to Be Called by Congregational Vote***

#### ***8.4: Vote by secret ballot; three-quarters majority***

The vote shall be by secret ballot, and the approval of three-quarters of the votes cast will be required to call the Minister.

### ***Minister's Rights and Responsibilities***

#### ***8.5: Written Minister-Congregation agreement reviewed at AGM***

There will be a written agreement between the Minister and the Congregation, which will include, but not be limited to, details of salary, benefits, working arrangements, and vacation provisions. The arrangement shall be reviewed each year.

#### ***8.6: Freedom of the pulpit***

The Minister will enjoy freedom of the pulpit as per the agreement with the Congregation.

#### ***8.7: Minister to consult with/advise Board***

The Minister will consult with and advise the Board of Directors and its committees on the administration of the Congregation's affairs.

#### ***8.8: Minister's job description***

The Minister's job description will be outlined in the written agreement (see Bylaw 8.5) and will be

determined by the current needs of the Congregation and the abilities and interests of the Minister.

**8.9: *Minister to report to AGM***

The Minister will report in writing to the Annual General Meeting.

**8.10: *Minister to attend denominational functions***

The Minister will represent the needs and interests of the Congregation to the bodies outlined in Bylaw 1 and to this end shall attend appropriate denominational functions.

**8.11: *Minister's tenure indefinite unless otherwise specified***

Unless otherwise specified in the written agreement, the Minister's tenure shall be indefinite.

***Minister- Dismissal***

**8.12: *Congregational vote to dismiss Minister***

The Minister may be dismissed by a simple majority vote by secret ballot at a special Congregational meeting called for that purpose.

**8.13: *Terms of dismissal and resignation***

The terms of the Minister's dismissal will be in accordance with Canadian law. The notice period for resignation will not be less than three months unless a shorter period is agreed upon.