

With the blessing of His Eminence Archbishop Mark

PARISH BY-LAWS

BY-LAWS of Parish of Saint Colman Oughaval, Diocese of Berlin, Germany, and Great Britain, the jurisdiction of the Synod of Bishops of the Russian Orthodox Church Outside of Russia

PART 1. (Name and Aims.)

1. The parish is called St. Colman Oughaval

It constitutes a part of the German and Great Britain Diocese of the Russian Orthodox Church Outside of Russia and it shall be subject to the canonical rule of its Diocesan Bishop and the immediate supervision of the rector appointed by the latter.

Note: Whereas pursuant to Par. 1 of the Normal Parish By-Laws the parishes are under the canonical jurisdiction of their Diocesan Bishop according to the holy canons by which the Orthodox parishes are directed as by fundamental laws of their existence, the Diocesan Bishop being the Head of the local Church (diocese), has the right to remove the clergymen of the Diocese from their positions in case of their serious crimes or misdeeds and transfer them to other positions for the good of the ministry. The Diocesan Bishop has also the right to remove from their positions any persons in the parish administration and also to exclude from membership of the parish persons who resist the Administration, or those who conduct disruptive work, or who are convicted of crimes or serious misdemeanors harmful to the peaceful life of the parish. The Diocesan Bishop also has the power to suspend clergymen and excommunicate laymen in cases of serious violation of Church order and discipline. Such decisions of the Diocesan Bishop are relayed to the clergymen directly or through deans and to laymen through Rectors according to Par. 14 of the Normal Parish By-Laws (Enacted by the Council of Bishops 23 May/5 June 1967, No. 15).

2. It shall be the aim of the parish to unite the believers around the parish church on the basis of the teachings, the canons, the traditions and the rules of the Russian Orthodox Church for the satisfaction of the religious needs and moral benefit of its members.

PART 2. (General Provisions. Jurisdiction. Clergy.)

3. It shall be the object of the parish to mutually assist the believers, forming part thereof and united in the Faith in Christ our Savior, by means of prayers, Sacraments, Christian teaching and Church discipline, in attaining salvation through the participation in sacraments and Christian enlightenment, worthy life and Christian charity. Accordingly, the immediate aims of the parish shall include:

a) the care of the church and its adornment;

b) the economic prosperity of the parish and the care of the needs of the church, the clergy and all parish institutions, the diocesan and social needs;

c) charitable work, and

d) educational work in the spirit of the Orthodox Church.

4. Priests and persons in the service of the church shall be considered lawfully appointed if they occupy their said offices by appointment and permission and with the blessing of the Ruling Bishop appointed to this office by the Synod of Bishops of the Russian Orthodox Church Outside of Russia.

5. The rector shall be the immediate supervisor of the parish and he shall be held responsible for its welfare before the diocesan authorities.

6. The Ruling Bishop may, should he deem it necessary, appoint a second priest as assistant to the rector.

7. A priest or a person in the service of the church, or a layman, who secedes from the Russian Orthodox Church Outside of Russia and refuses to recognize the authority of the Synod of Bishops of the Russian Orthodox Church Outside of Russia, shall not be permitted to occupy any office in the parish.

PART 3. (Parishioners and Parish Members.)

8. All Orthodox Christians of both sexes, regardless of their nationality, who have reached the age of 18, submit to the jurisdiction of the Russian Orthodox Church Outside of Russia, who make their confession and take Holy Communion not less than once a year, and who tend to the moral and economic welfare of the parish may become parish members.

Note 1: By decision of the Parish Council, for persons of Orthodox faith who have not reached the age of 18, there may be organized, in conjunction with the parish, youth societies for their religious and moral upbringing.

Note 2: Persons who live in concubinage without Church marriage, or who are engaged in ignoble business, or who are convicted of criminal offences shall have no right to participate in parish meetings or be elected to parish offices. Those convicted of criminal offences may be restored in their rights three years after they have served their term and after absolution by their father-confessor.

9. All parish members shall be recorded by the Secretary of the Parish Council in a special register. The membership enrollment shall be made by the Parish Council pursuant to written application.

10. All parish members, except those mentioned in Note 2 under paragraph 8, who regularly pay the membership dues and other obligatory dues fixed by the diocesan meetings, shall have the right to participate with a decisive vote in all parish meetings, to elect parish officials and to be elected to parish offices.

Note 1: Newly-admitted members of the parish shall acquire the right to vote and to be elected to parish offices six months after their admission to parish membership.

Note 2: Parish members who shall have failed to pay their membership dues during three months shall be deprived of their rights to vote and to be elected to parish offices pending the payment of such arrears. Parish members who have failed to pay their membership dues

during twelve months shall be excluded from parish membership. However, should a parish member fail to pay his dues with valid reason (illness, unemployment, etc.) the question of his right to vote shall be determined by the Parish Council.

11. Parish members found disloyal to the Russian Orthodox Church Outside of Russia and to their parish; or who deliberately neglect Church rules and obstruct lawfully adopted resolutions of the parish meetings and the instructions of the Parish Council, as well as those who shall have violated good order and decorum in the church or who shall be found engaged in some ignoble occupation may be excluded from parish membership by decision of the Parish Council, submitted by the latter for approval of the Ruling Bishop. The said persons may be restored in their rights by decision of the Parish Council provided they repent and prove by their ways of living and behaviour their moral rectitude.

PART 4. (Managing Bodies and Officers.)

16. The following shall be the managing bodies:

- A) The general meeting of the members of the parish, hereinafter called parish meetings;
- B) The Parish Council;
- C) The Auditing Committee.

A. PARISH MEETINGS.

13. Parish meetings shall be:

- a) Annual and
- b) Extraordinary.

a. Annual Parish Meetings.

14. The time for the convening of the Annual Parish Meeting shall be fixed by the Parish Council. Not later than three weeks prior to the Annual Parish Meeting, the Parish Council shall mail notices on the convening thereof together with the agenda. In addition, the rector, prior to the Annual Parish Meeting, shall announce it from the steps before the altar on three successive Sundays after divine service.

15. The rector, or in case of his absence or illness, a priest substituting for him, shall preside over the Annual Parish Meeting. When a matter is deliberated upon which pertains to the rector personally, and also when candidates to the members of the staff clergy are elected, it shall be obligatory that the dean, or another person appointed by the Ruling Bishop, preside over the meeting.

16. The following shall be within the competency of the Annual Parish Meeting:

- a) electing the Warden, the members of the Parish Council, the Auditing Committee;

- b) examining the report of the Parish Council on the activities of the parish during the expired year;
- c) examining and ratifying the Warden's and Treasurer's reports and the budget for the forthcoming year;
- d) establishing membership dues and other means of self-taxation;
- e) amending the By-Laws of the parish.

Note 1: Canonical as well as jurisdictional matters (Pars. 1-7) shall not be within the competency of either the Annual or Extraordinary Parish Meetings.

- g) consideration of other matters, including the agenda of the Annual Parish Meetings.

Note 2: The Annual Parish Meeting may address general questions of Christian life and current affairs which affect the Christian conscience of the faithful.

17. The Annual Parish Meeting shall be considered valid in the presence of a quorum of two thirds of the parish members.

Note 1: If by the time scheduled for the meeting the parish members present should fail to constitute the required quorum, another Annual Parish Meeting shall be convened one hour later on the same day which meeting shall be considered valid in the presence of any number of attending members. This provision should be included in the text of the notice convening the Annual Parish Meeting.

Note 2: The Parish Meeting checks the voting qualifications of its members. Each member of the Parish Meeting who has for some reason lost his right to participate in the Meeting must of his own accord remove himself from participation in the Meeting.

Note 3: Should the Annual Parish Meeting be called to order in the presence of the required quorum, but subsequently some members should quit the meeting and the number of those attending it should be less than the said quorum, the meeting shall nevertheless be considered valid.

Note 4: Personal attendance of the parish members at the Parish Meeting for voting purposes shall be obligatory. Voting by proxy shall not be permitted.

18. All matters shall be decided by simple and open majority vote. However, should anyone present demand secret balloting, the request shall be honoured. In case of a tie, the vote of the rector or the person empowered by him to preside over the Annual Parish Meeting shall prevail.

19. The Secretary of the Parish Council shall keep the minutes of the Annual Parish Meeting and shall record all the decisions adopted thereat together with the dissenting opinions, should any be expressed by the participants in the meeting.

20. The minutes of the Annual Parish Meetings, after having been adopted by an editing committee elected by the meeting, shall be submitted not later than seven days thereafter by the rector of the parish to the Ruling Bishop for his ratification.

Note 5: Decisions Parish Meetings may be appealed within seven days of the diocesan bishop at the request of the rector of parish or parish members.

b. Extraordinary Parish Meetings.

21. Extraordinary Parish Meetings, if necessary, may be convened:

a) by order of the Ruling Bishop;

b) by the rector of the parish;

c) by the Parish Council;

d) pursuant to a written request of not less than one third of the parish members submitted to the Parish Council.

22. All the provisions of the By-Laws pertaining to the convening of the Annual Parish Meetings and the keeping of the minutes shall be likewise applicable to the Extraordinary Parish Meetings.

Note: In emergency cases, an Extraordinary Parish Meeting may be convened with eight days advance notice. The rector shall announce such a meeting from ambo after a Sunday divine service, and, in addition, the Parish Council shall mail notices with a precise indication of the matter in connection with which the said meeting is being convened.

23. Only matters specified in the notice convening the Extraordinary Parish Meeting shall be within its competency.

B. THE PARISH COUNCIL.

24. The Parish Council shall be composed of:

a) the Rector of the parish who by virtue of his office shall be the President of the Parish Council;

b) the Church Warden;

c) IT-specialist

d) the Treasurer;

e) the Secretary;

f) staff members of the clergy;

g) youth representative;

h) parish member who is also member of Trust

From to 2 to 5 members of Parish elected by Parish Meeting.

25. All the officials enumerated in Par. 24, with the exception of the Rector and the staff members of the clergy appointed by the Ruling Bishop shall be elected by the Annual Parish Meeting for a term of one year, and, with the recommendation of the Rector, shall be approved in the respective offices by the Ruling Bishop.

26. The following shall be within the competency of the Parish Council:

- a) the adornment of the parish church and the care of the entire church property;
- b) the collection of membership dues and other forms of the members' self-taxation;
- c) the keeping of parish books and of the lists of those making confession;
- d) the care of organizing the church choir under the direction of an experienced director;
- e) the care of the educational and charitable work of the parish;
- f) representing the parish before civil authorities in connection with all matters involving the parish;
- g) maintenance of the diocesan and central church administrations in proportion to the parish resources.

PARISH OFFICERS.

a. The Rector.

27. The Rector of the parish shall:

- a) conduct divine services and ceremonies according to the Orthodox rite;
- b) instruct parish members and those attending church on the rules of the Orthodox Faith and devotion;
- c) instruct children in catechism;
- d) endeavor to uplift the spiritual and moral level of the members of the parish;
- e) preside over all parish meetings and all meetings of the Parish Council;
- f) supervise, with the assistance of the Church Warden, the adornment of the parish church;
- g) have general supervision over the work of the Parish Council and that of the Church Warden;

- h) keep parish registers and issue copies of the records therefrom;
- i) communicate on behalf of the parish with the Diocesan Authorities in connection with all matters involving the parish;
- j) be responsible for the welfare of the parish;
- k) keep the church seal;
- l) supervise the execution of all decisions of the Annual and Extraordinary parish meetings and those of the Parish Council;
- m) ensure the accuracy of the minutes of the Parish Council meetings.

b. Members of the Clergy.

28. The members of the clergy, being the immediate assistants of the Rector in the performance of his religious duties and in his educational work among the parish members and those attending church.

c. The Church Warden.

29. The Church Warden, being the immediate assistant of the parish Rector with respect to management matters, shall be directly responsible for the safekeeping of the church property. In addition he shall:

- a) see to it that good order be observed in the church during divine services;
- b) oversee the sale of candles;
- c) keep track of the monetary receipts and disbursements of the parish;
- d) take the duly prescribed oath when he is newly elected.

d. The Treasurer.

30. The duties of the Treasurer shall comprise:

- a) keeping parish receipt and disbursement ledgers in the form prescribed by the Diocesan Authorities;
- b) keeping parish funds in a manner prescribed by the Parish Council;
- c) disbursing, under control of the Church Warden, parish moneys;
- d) preparing the budget and the annual financial report for their submission to the Parish Council and the Annual Parish Meeting;
- e) submitting all monetary accounting to the Auditing Committee.

e. The Secretary.

31. The duties of the Secretary shall comprise:

- a) conducting all correspondence on behalf of the Parish Council under the direction of the Rector;
- b) keeping the minutes of the Annual and Extraordinary Parish Meetings as well as those of the Parish Council;
- c) mailing notices convening all parish meetings and the meetings of the Parish Council;
- d) keeping the lists and addresses of the parish members;
- e) preparing, under the supervision of the Rector, reports to the Annual and Extraordinary parish meetings.

Note: All records and books shall be kept in accordance with the forms provided by the Diocesan Authorities.

f. Members of the Parish Council.

32. The Members of the Parish Council shall:

- a) participate in all meetings of the Parish Council;
- b) assist the Rector and Church Warden;
- c) perform special duties conferred on them by the Rector and Parish Council;
- d) in case of illness or temporary absence of some officer, they shall, by order of the Rector, perform the duties of the absent officer.

g. Meetings of the Parish Council.

33. Meetings of the Parish Council shall be convened by order of the Rector not less than once a month.

34. At meetings of the Parish Council, all matters shall be decided by simple majority vote, while in case of a tie, the vote of the Rector, or the person presiding over the meeting pursuant to his instruction, shall prevail.

35. The Secretary of the Parish Council shall keep the minutes of its meetings and shall record them in a special book for this purpose.

B. THE AUDITING COMMITTEE.

36. The Auditing Committee shall be comprised of three members elected by the Annual Parish Meeting for a term of one year.

Note: Members of the Parish Council shall not be eligible as members of the Auditing Committee, and the members of the latter cannot be members of the Parish Council.

37. The audit is conducted once a year, but can be made at any time in addition to the Auditing Committee or by order of the Rector or Parish Council. By order of the Rector, the Auditing Committee shall begin its work not later than two weeks prior to the date scheduled for the Annual Parish Meeting.

38. The following shall be the duties of the Auditing Committee:

- a) verifying all areas of the Treasurer's accounting and of the report compiled by him on the status thereof to the Annual Parish Meeting and the Parish Council (Par. 30 [d]);
- b) preparing a report on the findings of the accounting audit and of the report referred to in section (a) of this paragraph;
- c) submitting the findings referred to in section (b) of this paragraph to the Annual Parish Meeting;
- d) recommending to the Annual Parish Meeting any desirable changes in the method of the keeping of the Treasurer's accounting.

PART 5. (Church and Parish Property.)

39. The following is the property of St Colman's Orthodox Trust:

- a) the church building and piece of land where parish church is located;
- b) everything donated to the church and brought to God's altar, for instance: articles needed for church use;
- c) personal and real property donated for the adornment of the church;
- d) monies received by the church from different sources, i.e.; candle-sale profits, jug and plate monies, residues of profits, income derived from estate and rental property, and from the sale of plots in parish cemeteries and various sundry incomes;
- e) personal and real property and capital funds specifically donated or bequeathed to the church for its benefit or to its ownership, even those with a special designation for charitable and educational needs of the parish or the maintenance of the clergy.

40. Parish property shall consist of every kind of personal and real property and capital funds received for the satisfaction of the religious and educational as well as charitable needs of the parish. These shall include:

- a) voluntary donations;
- b) plate collections within the boundaries of the parish;
- c) voluntary collections via pledge;

d) voluntary donations in kind by the parishioners;

g) collections made by decision of general Parish Meetings.

41. The management of the church and parish property and capital shall be vested in the Parish Council (*management does not imply ownership*).

43. Monetary funds, incomes and receipts belonging to the church shall be disbursed in accordance with the budget adopted by the Annual Church Parish Meeting.

45. Reports on the expenditures of parish property and capital funds shall be submitted in due manner by the Parish Council to the Diocesan Authorities for its information.

PART 6. (Monetary Parish Funds.)

46. All church parish sums, as they are received, shall be deposited by the Treasurer to the current account of the parish with a bank pursuant to the direction of the Parish Council.

47. By decision of the Parish Council, for purposes of meeting current expenses, the Treasurer may be allowed to keep a certain amount of money in the form of an advance subject to accounting, the sum of which shall be determined by the Parish Council.

48. All checks shall be signed by at least two persons: the Rector and the Church Warden, or the Treasurer, or in the absence of one of them, by the Secretary. The Parish Council shall authorize the signing of the checks by the said persons, and notice to this effect shall be provided to the bank. The church seal shall be affixed to the checks.

PART 7. (Amendment of the Parish By-Laws.)

49. Amendments to these By-Laws may be made, if warranted by local conditions, only with the consent of 2/3 of the parish members at a lawfully-convened Annual Meeting, subject to the approval of the Diocesan Bishop.

50. The suggested text of the proposed amended paragraphs of the By-Laws, shall be included in the notices convening the respective Annual Meeting.

PART 8. (Closing of the Parish.)

51. The closing of the parish can take place only subject to the method set forth in Par. 49 of these By-Laws, while the entire personal and real estate of the parish shall be turned over to the direct management and disposition of the Diocesan Authorities as per the direction of the Ruling Bishop.