Introduction

- Parish – Definition - Canon Law/Civil Law

- Trustees as fiduciaries under Canon and Civil Law
Parish Under Canon Law

- “Canon 515 - §1. A parish is a definite community of Christian faithful established on a stable basis within a particular church; the pastoral care of the parish is entrusted to a pastor as its own shepherd under the authority of the diocesan bishop.”

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Paroikia (Greek)/Parish – “a pilgrim people, whose real country and citizenry is in heaven”.
(See C. Reige, “Parish,” 1017-1019)
New York State Religious Corporation Law (RCL)

Doreen A. Simmons, Diocesan Counsel

- Article 5 – Roman Catholic Churches
- Section 90 – Incorporation of Roman Catholic Churches
- Section 91 – Government of Incorporated Roman Catholic Churches
Trustees Under the RCL

- Board of Trustees consists of:
  - Bishop (President)
  - Vicar General (Vice President)
  - Pastor/Rector (Secretary/Treasurer)
  - Two Laymen Trustees (2)/Term – One (1) year

“No act or proceeding of the Trustees of any such incorporated Church shall be valid without the sanction of the Archbishop or Bishop of the Diocese to which such Church belongs, or in the case of their absence or inability to act, without the sanction of the Vicar General or the Administrator of such Diocese.”

By-Laws control actions of Trustees and Finance Council
Miscellaneous Provisions of RCL

- General Provisions
- Transactions
- Records
Mandates that every parish has a finance council

Parish Finance Council is to assist pastor in administration of the goods of the parish

NORMS FOR FINANCE COUNCILS ISSUED BY DIOCESAN BISHOP.

In the Diocese of Syracuse the two lay trustees, along with the pastor, are ex officio members

3 – 5 additional members appointed by the pastor on basis of expertise in accounting, finance, investment, law etc.
CANON 537

- MANDATES THAT EVERY PARISH HAS A FINANCE COUNCIL

- PARISH FINANCE COUNCIL IS TO ASSIST PASTOR IN ADMINISTRATION OF THE GOOD OF THE PARISH

- NORMS FOR FINANCE COUNCILS ISSUED BY DIOCESAN BISHOP.

- IN THE DIOCESE OF SYRACUSE THE TWO LAY TRUSTEES, ALONG WITH THE PASTOR, ARE EX OFFICIO MEMBERS

- 3 – 5 ADDITIONAL MEMBERS APPOINTED BY THE PASTOR ON BASIS OF EXPERTISE IN ACCOUNTING, FINANCE, INVESTMENT, LAW ETC.
PERMITS A BISHOP, AFTER CONSULTING WITH HIS PRIESTS COUNCIL, TO PERMIT THE ESTABLISHMENT OF A PASTORAL COUNCIL IN EVERY PARISH.

IT IS THE POLICY OF THE DIOCESE OF SYRACUSE THAT A PASTORAL COUNCIL EXIST IN EVERY PARISH.

EXCEPT FOR THE PASTOR, DIOCESAN GUIDELINES DO NOT CLEARLY STIPULATE WHO MAY BE A COUNCIL MEMBER:

- SOME MAY BE EX OFFICCO
- OTHERS ARE ELECTED
- SOME MAY BE APPOINTED BY PASTOR

TRUSTEES, DEPENDING ON PASTOR, COUNCIL BY-LAWS, CUSTOM, MAY OR MAY NOT BE EX OFFICCO MEMBERS OF THE COUNCIL:

- COULD BE IN ROLE OF NON-VOTING OBSERVER
DIOCESAN PROCESS OF APPOINTMENT

QUALIFICATIONS

NOMINATIONS AND RENOMINATIONS

RESPONSIBILITIES
Qualifications of a Parish Lay Trustees are:

**A)** 21 YEARS OLD

**B)** A UNITED STATES CITIZEN

**C)** A PRACTICING CATHOLIC AND AN ACTIVE PARISHIONER

**D)** THEY MAY NOT BE A PARISH EMPLOYEE AND MUST BE FREE OF ANY CONFLICT OF INTEREST

**E)** ORDINARILY SHOULD HAVE A BACKGROUND IN ADMINISTRATION, BUSINESS, OR CIVIL LAW SUITABLE TO THE STEWARDSHIP OF THE PARISH RELIGIOUS CORPORATION
• SHOULD BE NOMINATED BY THE PASTOR WITH THE ADVICE OF PARISH COUNCIL
• THE CANDIDATE IS NOMINATED ON A FORM SUPPLIED BY THE DIOCESE:
  QUALIFICATIONS OF THE NOMINEE ARE LISTED
  TRUSTEE AFFIRMS THAT HE/SHE KNOWS AND UNDERSTANDS
  DESCRIPTION OF OFFICE
• FORM IS SUBMITTED TO CHANCELLOR FOR REVIEW AND APPROVAL
**TERMS OF OFFICE:**

A) THEY SERVE A TERM OF OFFICE OF ONE YEAR, WHICH COINCIDES WITH THE FISCAL YEAR, WHICH IS JULY FIRST TO JUNE THIRTIETH.

B) NO LAY TRUSTEE SHALL SERVE MORE THAN FIVE CONSECUTIVE ONE-YEAR TERMS. THEY COULD FOR IMPORTANT CAUSE, BE ANNUALLY NOMINATED FOR ADDITIONAL TERMS ONLY IF THE NOMINATION IS AFFIRMED BY THE ADVICE AND CONSENT OF PARISH PASTORAL COUNCIL. NO LAY TRUSTEE MAY SERVE MORE THAN TEN CONSECUTIVE TERMS. IN LETTER OF APPOINTMENT FOR TENTH YEAR, TRUSTEE IS REMINDED THAT THIS WILL BE HIS/HER FINAL TERM.

C) TERMS OF NEW TRUSTEES BEGIN UPON CERTIFICATION OF ELECTION IN A LETTER FROM THE BISHOP’S OFFICE. TERMS CONCLUDE UPON THE DESIGNATION OF THE SUCCESSOR BY THE BISHOP.

D) A TRUSTEE WILL NOT BE COMPENSATED BUT MAY BE REIMBURSED FOR EXPENSES...
IN ACCORDANCE WITH DIOCESAN POLICIES THE TRUSTEES ASSIST IN:

● THE PREPARATION AND SUBMISSION OF THE ANNUAL PARISH BUDGET.

● THE PREPARATION AND SUBMISSION OF THE ANNUAL PARISH AND DIOCESAN FINANCIAL REPORTS

● PARTICIPATES IN THE ANNUAL MEETING AS MANDATED IN THE PARISH BY-LAWS.

● THE PREPARATION OF CORPORATE RESOLUTIONS AND THEN SIGNS THEM.

● ASSURING THAT THE DIOCESAN CHILD AND YOUTH PROTECTION POLICY IS ENFORCED.

● APPROVAL OF A PARISH EMPLOYEE HANDBOOK

● MAINTAINING THE RECORDS OF ALL PARISH BANKING, REAL PROPERTY, DONATIONS, ENDOWMENTS, FINANCES, INSURANCES, INVENTORIES, SPECIAL COLLECTIONS, AND TAX EXEMPTIONS.

OTHER RESPONSIBILITIES:

● ASSURE THAT MINUTES ARE TAKEN AND KEPT AT EACH GATHERING OF THE TRUSTEES, AND THAT THE MINUTES ARE PERMANENTLY PLACED IN THE CORPORATE BOOK OF MINUTES.

● SERVE AS EX-OFFICIO MEMBERS OF THE PARISH’S FINANCE COUNCILS.

● PARTICIPATE IN TRUSTEE TRAINING AS REQUESTED BY THE PRESIDENT OF THE RELIGIOUS CORPORATION.

● BE FAMILIAR WITH THE “GUIDED BY SPIRIT – GUIDELINES FOR PARISH PASTORAL COUNCILS” AND THE ROLE FOR PARISH FINANCE COUNCILS, AND DIOCESAN FINANCE POLICIES.
A Lay trustee may be removed for cause, after a hearing and the opportunity to be heard by a vote of a majority of the Trustees at any meeting where there is a quorum present.

A Lay Trustee may resign at any time by giving written notice to the Pastor or Board of Trustees.

If office becomes vacant, pastor, with advice of Parish Council, will nominate someone to complete the remaining term.
By-Laws Review

Doreen A. Simmons, Diocesan Counsel

- The Board of Trustees is the governing body, with the power and authority conferred by law.
- “Managed in conformity with the discipline, rules, and usages of the Roman Catholic Church.”

- Annual Meeting/Flexible Date By October 1st
- Special Meeting
- Quorum
- Financial Matters
- Conflicts
- Indemnity
- Corporate Powers
- Amendments
Consent of the Bishop

- Mortgage, lease, sell, convey or otherwise dispose of any of its real property.
- Acquire by lease or purchase or accept by gift or devise, in trust or otherwise, any real property or interest therein.
- Accept by gift or bequest any money or other personal property that is subject to a trust or any other restrictions or condition.
- Commence, settle compromise or abandon any legal action or proceeding.
- Incur any expense in making repairs or renovations to the property of or in purchasing equipment for the church of any amount $10,000 or greater.
- Perform or engage in any other act or transaction which requires such consent under diocesan rules or regulations.
Trustee “Tips”

- Make a notebook
  - Certificate of Incorporation
  - By-Laws
  - Minutes/Resolutions
    - Financial Statements/Finances
    - Church Bulletins
    - Other
- Minutes
- Corporate Annual Audit/Governance
- Ask Questions/Be Active
- Annual Financial “Checklist”
- Who me? Sign?
Recent Case Law of Interest

- **Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission, et al.**  
  (132 S.Ct. 694; 1/11/2012)
Case Law (Cont’d)

- Our Lady of Vilna Church
  - *Blaudziunas, et al. v. Egan*
  (18 N.Y.3d 275, 961 N.E. 2d 1107, 938 N.Y.S.2d 496; 12/13/2011)
Rev. Timothy S. Elmer, J.C.L.