Canon Law for the Parish Trustee

Susan Mulheron, JCL
Chancellor for Canonical Affairs
Sources of Canon Law

• Universal Law
  – Issued by the Pope or the Holy See and is binding throughout the world

• Particular Law
  – Issued by the episcopal conference (USCCB) and is binding for a nation
  – Issued by the Diocesan Bishop and is binding in his diocese
Source of Local Law and Policies

Current local law and policies are on the Archdiocesan website

Select Policies from the menu on the homepage or search for “Policies”
Source of Local Law and Policies

www.archspm.org/policies

- Just as authoritative as universal law

- Once issued, a particular law remains in effect unless it is repealed, replaced, or has expired due to passage of time, even after the issuing bishop has changed
  - Formerly known as “Clergy Bulletins”

- Trustees have a duty to ensure the parish is always acting in accord with canon law (i.e., Archdiocesan policy)
Canon Law in the Parish

- Universal or local canon law governs all aspects of parish management
- Rules and procedures on
  - Sacraments
  - Clergy
  - Administration
  - Finance
  - Authority
  - Governance
  - Records
Policy Revision Underway

- Look for recently updated policies and upcoming revised policies

- Policy changes announced through Archdiocesan Update email and posted on Archdiocese website
  - AU archives available on ArchConnect
  - To sign up for Archdiocesan Update email
    
    archdiocesanupdate@archspm.org
Key Policies for Trustees

- Parish Administration (200s)
  - Employee Handbook
  - Records Retention
  - Sale, Purchase and Lease of Parish Property
  - Pastoral and Finance Council Requirements
  - Parish Trustees
  - Proxies

- Finance (400s)
  - Parish Assessment Formula
  - Priest Compensation Policy
  - Annual Representation Letter
  - Audit, Review, and AUP Policy
  - Parish Financial Requirements
Relationship of Trustees to Councils

- Every parish must have a constituted and functioning finance council and pastoral council
  - See policies 207 & 209
- Council members fulfill canonical requirements; trustees fulfill civil statute requirements
  - Both fulfill essential lay leadership roles in different capacities
  - Preserve separation of roles and avoid conflicts of interest
    - Pastoral and finance council members may not be trustees or employees of the parish
    - Trustees can and should attend council meetings
Importance of Councils

• Essential for good governance
  – Helps ensure the assistance of the Holy Spirit through the active engagement of the baptized faithful
  – Provides the parish with their gifts, expertise, and perspective
  – Consultative bodies are embedded in the structures of the Church at all levels

• Consultative does not mean “merely advisory”
  – Not passive role
  – Creates structures of accountability
Effective consultation is the responsibility of everyone engaged in parish leadership

- Pastor
- Trustees
- Finance Council members
- Pastoral Council members
Relationship of Trustees to Councils

• Questions for discussion:
  – Does our parish engage in real, authentic consultation?
    • Are questions presented before decisions are made, with pros
      and cons noted, and open discussion? Or are decisions made
      and updates provided later?
  – Do our leaders have the information they need to fulfill
    their responsibilities?
    • What paths of communication exist between the pastor,
      trustees, councils, and the rest of the parish?
  – Are the councils and trustees actively engaged in
    meaningful ways?
    • Is training, restructuring, or new leadership needed?
  – Do our councils have current governing documents?
    • Templates on Archdiocesan website
Visiting Clergy Policy

• Every priest or deacon exercising ministry in the Archdiocese must be authorized to do so by the Archbishop
  – Priests who have an assignment here are granted stable faculties
  – Must complete and remain current on the Essential 3

• Visiting clergy must present a current letter of good standing to the Chancellor’s office and receive an authorization letter
Visiting Clergy Policy

- Visiting clergy may only be authorized for ministry up to 21 days
  - Any longer periods of authorization require the priest to apply for stable faculties and complete the Essential 3

- Faculties will not be granted if a priest is not able to work in the United States
  - Requires a Religious Worker (R1) visa for international clergy
  - Visitor, Tourist, or Student visas are not sufficient
When should you contact the Office of the Chancellor for Canonical Affairs?

- Assistance in accessing or understanding Clergy Bulletins, policy, or other questions about canon law
- Parish merger or clustering questions
- Sale of church buildings or disposal of sacred items
- Canonical approval for major acts of administration (alienation, construction, demolition, etc.)
- Any time you have visiting clergy from outside the Archdiocese
- Questions about sacraments, weddings, funerals, and sacramental records
Thank You!

Susan Mulheron, JCL

Chancellor for Canonical Affairs

mulherons@archspm.org

(651) 291-4437 – office
(651) 343-7462 – cell
The Operation of the Parish Civil Corporation

Joseph Kueppers
Chancellor for Civil Affairs
Archdiocese of Saint Paul and Minneapolis
Office of the Chancellor for Civil Affairs

- Joseph Kueppers, Chancellor For Civil Affairs
- Duties include:
  - Providing legal advice and legal services to the Archbishop and archdiocesan offices
  - Serving as a legal resource for parishes, Catholic schools and cemeteries within the archdiocese
• Primary legal areas include:
  - Employment law
  - School law
  - Contracts
  - Constitutional law
  - Church law
  - Insurance matters
Each parish is a “church corporation” Minn. Stat. §315.15

A parish is not a “non-profit corporation” under Minn. Stat. §317A

Photo courtesy
Dave Hrbacek/The Catholic Spirit
The Board of Directors of each parish corporation consists of the Archbishop and the Vicar General (or, in the event of the death or incapacity of the Archbishop, the Administrator of the Archdiocese), the Pastor and the two lay members selected and designated, and their respective successors. The Board of Directors shall have power to transact all of the business of said Corporation.
Policy: Parish Administration

Appointment of Lay Members (Trustees)

In practice, the Pastor submits the names of two lay members (sometimes referred to as “trustees”) belonging to the parish to the Archbishop and Vicar General requesting their votes for selection.
Appointment of Lay Members

- Lay Members/Trustees may not be employees of the parish
- They should be parishioners of the parish who reside within the territory of the Archdiocese of Saint Paul and Minneapolis
- Parish should conduct a background check on each trustee and have each trustee read and sign a code of conduct and attend Virtus training.
The officers of said Corporation shall be President, Vice President, Secretary, and Treasurer. The Archbishop, or person appointed in his place or stead, shall be ex officio the President.

The Pastor of the Parish shall be ex officio the Vice President. The Secretary and the Treasurer shall be chosen from the members of said Corporation. Each trustee normally holds one of these positions.
Archdiocesan Board of Directors

- Archbishop
- Pastor
- Vicar General
- Lay Trustee
- Lay Trustee

Officers

- President
- Vice President
- Treasurer
- Secretary
Bylaws

The term of office of the lay members shall be for two years from the date of their election, or until successors to them have been duly chosen and have entered upon the duties of their respective offices.

If a trustee wishes to resign before the end of their two year term they must submit a letter of resignation to the Archbishop.
Consultation with Parish Councils

The Board of Directors should communicate with the parish councils on all important matters pertaining to the pastoral care and temporalities of the Parish, but the parish councils shall have no legal vote in the transaction of the business of the Corporation.
Policy 212: Parish Trustees

B. ROLE OF TRUSTEES

1) Trustees are fiduciaries of the Parish corporation responsible for voting on corporate resolutions regarding all Parish business.
Policy 212: Parish Trustees
Bylaws

Expenditures (Proxy)

There shall be no expenditures for equipment, repair, remodeling or new construction costing in excess of $25,000, or such other amount as shall be promulgated by the Archbishop from time to time in the policy, without the unanimous consent of all five members of the Board.
Policy 216: Required Approvals for Parish Corporate Actions (Proxies)

Archdiocese of Saint Paul and Minneapolis Policy

<table>
<thead>
<tr>
<th>Issued Date:</th>
<th>Last Reviewed Date:</th>
<th>Number:</th>
<th>Scope:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>01/01/2020</td>
<td>236</td>
<td>All Parishes in Archdiocese</td>
</tr>
</tbody>
</table>

Subject: Required Approvals for Parish Corporate Actions (Proxies)
Reference: Proxy Request Letter Template; Parish Construction Property Sale; Purchase, and Lease of Parish Property; Parish Cemeteries and Columbarium Policy
Distribution: Posted on website

Archbishop Signature: [Signature]

I. Purpose

To establish requirements and procedures for Parishes when it is necessary to obtain approval for certain transactions or corporate actions from all members of the Parish Corporate Board in the form of a Proxy or other type of corporate resolution, and, when necessary, other Canonical Approvals.

II. Definitions

*Archbishop* means the sitting Archbishop of St. Paul and Minneapolis (or the appointed Apostolic Administrator).

*Archdiocese* means that certain corporate entity formed, maintained and existing under Minnesota Section 315.16 with the Minnesota Business Name: “The Archdiocese of St. Paul and Minneapolis”.

*Archdiocesan Territory* means the (12) counties of the greater Twin Cities metropolitan area: Ramsey, Hennepin, Washington, Dakota, Anoka, Carver, Wright, Scott, Chisago, Isanti, Rice, and Goodhue; and those persons outside the geographical territory over whom the Archdiocese has the ability to direct or control.

*Canonical Approvals* means the required consultation, review, and approval of a significant matter as set forth in Archdiocesan policy by the Archdiocesan Finance Council (AFC) and the College of Consultants (Collage).

*Financial Cooperation Agreement* means an agreement entered into between a Parish and the Archdiocese which states the amount owed to the Archdiocese and the terms for repayment of those obligations.

*Parish* means a Parish within the Archdiocesan Territory that is Archdiocesan-recognized as Catholic.

*Parish Corporate Board* (Board) means the Archbishop, the Vicar General, the Pastor, and the two appointed lay Trustees of the Parish corporation.

*Parish Finance Council* means the canonical consultative body established in a Parish in accordance with canon 537 of the 1983 Code of Canon Law and the policy of the Archdiocese, which provides...
MEETING OF THE BOARD OF DIRECTORS

On the above listed date the Board of Directors of the Corporation of the Church of ___________ adopted the following resolution:

RESOLVED, that the Church of ___________ is authorized to

[THIS SHOULD BE THE FINAL LANGUAGE OF THE RESOLUTION AS STATED IN THE PROXY DOCUMENT.]

Attached as part of minutes:

Archdiocese of St. Paul and Minneapolis Proxy No. FX000xx, dated ___________.

Signed and executed by:

Rev. PASTOR, as proxy for Most Rev. Bernard A. Hejxlu, President

Rev. PASTOR, as proxy for Very Rev. Charles V. Lachowitz, Vicar General

Rev. PASTOR, Vice-President

TRUSTEE NAME, Treasurer

TRUSTEE NAME, Secretary

This document must be stored with the parish's permanent records.
Thank You

Joseph Kueppers

Chancellor for Civil Affairs

kueppersj@archspm.org
651-291-4405
Key Financial Policies

Thomas Mertens
Chief Financial Officer
Archdiocese of Saint Paul and Minneapolis
Parish Assessment Formula Policy #403 (November 6, 2012)

- Policy contains a high-level description of the assessment formula which was updated effective with financial results of FY 2014 and billed in FY 2016
  - This guide provides details regarding the assessment formula
Parish Assessment Rates

- Two assessment rates:
  - Parish with School 8%, Parish without School 9%
  - Parish with School includes parishes that supports a consolidated or regional school at 15% or greater of plate and envelope income

- Other income – Two assessment rates (8% or 9%)

- Capital income – 2% on capital raised

- School tuition and school income – No assessment
Assessable Income

- Assessable income, and the rate at which the funds are assessed, is determined by how the funds will be used.

- The method by which the funds were raised does not drive whether or not the proceeds will be assessable.

- This is a high level overview of the Assessment formula, for more detailed understanding of the Assessment formula go to:
  

Assessable Income

- Funds raised for the purpose of **3rd party bank debt reduction** are not assessable

- Funds are considered non-assessable if the funds are raised to **accelerate** the principal payments or pre-pay debt on existing loans

- Funds raised to meet the current amortization schedule of debt payments are fully assessable
Assessment History

- Assessments over the past 5 years
  - FY 2017 - $14.5 Million
  - FY 2018 - $14.6 Million
  - FY 2019 - $14.6 Million
  - FY 2020 - $15.4 Million
  - FY 2021 - $15.8 Million
- Represents approximately 75% of our total operating expenses
The range of parish assessment rates currently in use at dioceses across the nation is wide.
Key Financial Policies

Annual Representation Letter, Policy #405 (October 31, 2019)

Transparency is the basis for the Annual Representation Letter

- Requirements of the Annual Representation Letter:
  - Prior Fiscal Year Financial Statements were made available to parishioners, specific date and manner made available
    » Balance Sheet, Statement of Activities, and Cash Flow
  - Current Fiscal Year annual budget was made available to parishioners, specific date and manner made available
  - Parish Finance Council regularly reviews the budget and periodic financial statements
  - Meeting dates of the Parish Finance Council during FY
Key Financial Policies

Annual Representation Letter, Policy #405 (October 31, 2019)

Transparency is the basis for the Annual Representation Letter

• Requirements of the Annual Representation Letter:
  – Prior Fiscal Year Financial Statements were made available to parishioners, specific date and manner made available
    » Balance Sheet, Statement of Activities, and Cash Flow
  – Current Fiscal Year annual budget was made available to parishioners, specific date and manner made available
  – Parish Finance Council regularly reviews the budget and periodic financial statements
  – Meeting dates of the Parish Finance Council during FY
Key Financial Policies

• Requirements of Annual Representation Letter:
  – A three-year cash flow projection presented and discussed by Finance Council each year
  – If Audit, Review or AUP completed during the year, the report is presented, reviewed and discussed at Parish Finance Council meeting attended by Pastor, Trustees and business administrator

• Requires signatures of Pastor and Parish Finance Council Chair and names and titles of Finance Council members

• Letter is due within 120 days of the Fiscal Year-End
Key Financial Policies

- Audit, Review and Agreed Upon Procedures, Policy #406 (October 23, 2019)
  - Agreed Upon Procedure – a review of administrative, financial, accounting, and operational controls
  - AUP is a minimum requirement every three years and at incoming pastor’s discretion upon new assignment
    - Was previously a five year minimum requirement
    - Three year requirement effective no later than June 30, 2022
  - AUP is still required every three years, even if an Audit or Review is performed
Key Financial Policies

- "Change of pastor" occurs within “every three year” requirement
  - Pastors discretion regarding Audit, Review or AUP for period prior to pastor change
  - Included in letter from Archbishop with Safe Environment requirements
  - If pastor waives right, must seek approval of CFO in writing (email is acceptable)
- A copy of the Audit, Review, or AUP and management letter must be forwarded to the CFO of the Archdiocese
Key Financial Policies

• AUP required to be completed by one of three firms
  – CliftonLarsonAllen, Boulay PLLP, Boyum & Barendscheer PLLP
  – Cost is $4,500

• All Audit, Review and AUP reports must be distributed, reviewed and discussed at a Parish Finance Council meeting attended by the Pastor, trustees and business administrator (Requirement of Annual Representation Letter Policy)
Key Financial Policies

- Parish Financial Requirements, Policy #407 (March 17, 2020)
- Uniform Accounting System
- Financial Reports to Archdiocese
- Annual Budget Requirements
- Investment Policy
- Bank Accounts
- Vault and Safe
- Funds Raised by Parishes and Affiliate Groups
Key Financial Policies

• Parish Financial Requirement, Policy #407 (March 17, 2020)
• National and Diocesan Collections
• Sales Tax and Use Tax
• Employers Identification Numbers
• Parish Acceptance of Gifts and Donations
• Insurance
• Real Estate Tax Exemption and Application for Property Tax Exemption
• Service Contracts
Proxy Requirements

Required Approvals for Parish Corporate Actions (Proxies), Policy #216 (January 21, 2020)

• Establishes requirements and procedures for Parishes when it is necessary to obtain approval for certain transactions or corporate actions from all members of the Parish Corporate Board in the form of a Proxy
• Policy lists 16 actions that require written approval of all five members of the Parish Corporate Board
• Certain actions by a Parish require Canonical Approvals in addition to written approval of all five members of the Parish Corporate Board – Policy lists 8 actions
Proxy Requirements

Required Approvals for Parish Corporate Actions (Proxies), Policy #216 (January 21, 2020)

- The Proxy request letter should follow the form of the Proxy request letter template and must include certain requirements.
- Transactions that require Canonical Approvals will not be approved until the AFC and College of Consultors have convened at a regular meeting.
- It is required to submit these proxy requests well in advance of the required approval to ensure proper consultation and discussion of these bodies.
  - It may take up to 120 days to obtain approval.
Proxy Requirements

Required Approvals for Parish Corporate Actions (Proxies), Policy #216 (January 21, 2020)

• Actions requiringCanonical Approvals are as follows:
  • Sale of real property of any amount
  • Sale of personal property in excess of $25,000
  • Leases and agreement for the use of any parish property for a term of one year or longer
  • Contracts for deeds
  • Demolition, annexation, transfer or rezoning of property, permanent and temporary easements
All policies can be found at www.archspm.org/policies
It is recommended that these policies be periodically reviewed by Pastor, Business Administrator, Parish Finance Council, and Trustees
Thank you!

Thomas Mertens
Chief Financial Officer
mertenst@archspm.org
(651) 291-4404
Office of Ministerial Standards
& Safe Environments

Trustee Presentation

Paul Iovino, Deputy Director
OMSSE Staff

- Judge Tim O’Malley, Director
  - Project Isaiah Coordinator

- Ministerial Standards
  - Investigations
  - MRB
  - Five Part-time Investigators

- Safe Environment
  - Restorative Justice and Abuse Prevention
  - OPCY
    - Four Program Liaisons
    - E3 – VIRTUS
    - Audits
    - Communications
Investigations

• Clergy Misconduct
  – Abuse
  – Work closely with the Office of Clergy and Parish Services
  – Canonical matters are in conjunction or consolation with Office for Conical Affairs
• Consult on employee and Volunteer misconduct
  – HR Issues
  – Employment attorneys and private investigators
• Code of Conduct Violations
• Suspicious Persons and Circumstances
• Etc…
• Program Liaisons Assigned to Specific Parishes and Schools to Provide Training and Support
• E3 Oversight
• Auxillary Duties
  – Clergy E3
  – VIRTUS Coordinator
  – Audits
  – Communications
Safe Environment Credentials – (E3)
- Background check
- Code of Conduct
- Safe Environment Training

- Volunteers complete E3 prior to beginning service

Re-credentialing
- Required every 3 years
Restorative Justice and Abuse Prevention

- Paula Kaempffer
- Liaison for survivors and persons in crisis
- Access to resources
- Support groups
- Trainings, guest speakers and workshops
Please use us a resource and direct questions to our office

Contact Information:

Paul Lovino
Deputy Director of Ministerial Standards and Safe Environment
Archdiocese of Saint Paul and Minneapolis
Phone: (651) 291-4514  |  Email: iovinop@archspm.org
Project Isaiah: Background and Action Items
Organizational Health Index (OHI) Survey Results

During the summer of 2020, 771 people invested time and energy to provide feedback on how the Archdiocesan Catholic Center functions.

The results were consistent across all demographic groups. Many of the same areas of strength and opportunity were shared in stakeholder interviews:

- ACC employees are our particular strength. Motivation, work environment, values, and professional standards scored relatively higher. This strength serves as a solid foundation to move forward.

- There are clear opportunities for improvement particularly in the area of operational matters, communications, clarity of direction, constancy of approach and execution, inadequate focus on key stakeholder needs, and ineffective coordination, controls, and operational management.
OHI Survey Results

Relative Rankings

![Graph showing relative rankings of OHI Survey results for various aspects such as Overall, Motivation, Work Environment, Meaningful Values, Inspirational Leaders, Accountability, Direction, Customer Focus, and Coordination & Control. The rankings are indicated by bars of varying lengths against a percentage scale ranging from 0 to 100.](image-url)
What’s Next

**Action Items**

**Initial Initiatives**

Communications

Decision Making

Operational Management

Portfolio Management
Thank You!

Tim O’Malley
T: 651.290.1618
C: 612.345.0714
omalleyt@archspm.org

Amy Tadlock
T: 651.291.4422
tadlocka@archspm.org

Project Isaiah
acceffectiveness@archspm.org