

2021 Trustees Meeting



United in Faith, Hope and Love

Canon Law for the Parish Trustee

Susan Mulheron, JCL Chancellor for Canonical Affairs

Sources of Canon Law

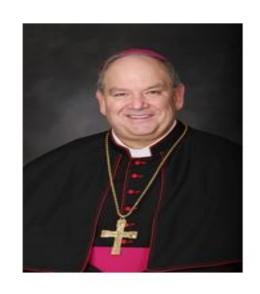


- Universal Law
 - Issued by the Pope or the Holy
 See and is binding throughout
 the world



CATHOLIC BISHO

- 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

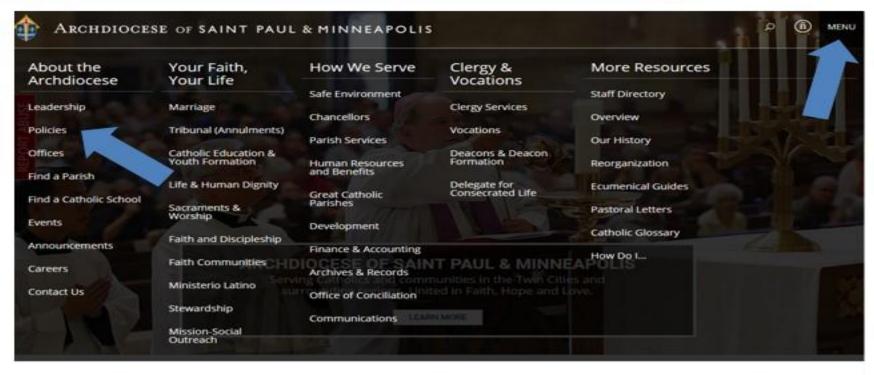


Source of Local Law and Policies



Current local law and policies are on the Archdiocesan website

Select Policies from the menu on the homepage or search for "Policies"











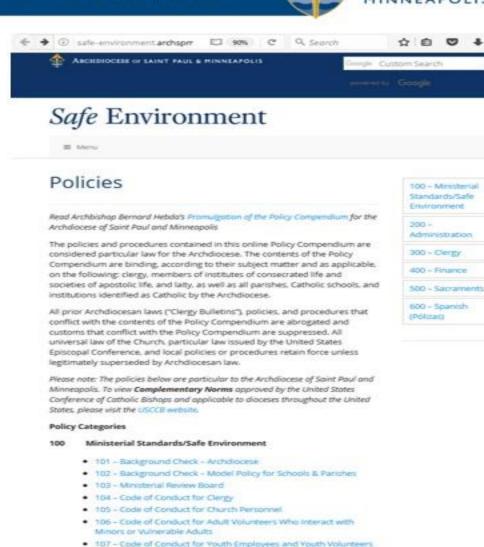


Source of Local Law and Policies



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- Once issued, a particular law remains in effect unless it is repealed, replaced, or has expired due to passage of time, even after the issuing bishop has changed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)



Who Interact with Children, Other Youth or Vulnerable Adults

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

		inneapolis Polic	
A	12/15/16	Last Reviewed Date: 12/15/16	Number: 110
SAINT PAUL & MINNEAPOLIS	Subjects Sexual Abuse of Atinors		
	References		Ontribution Posted on website.
	Architector Signature: + Security		
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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

Relationship of Trustees to Councils



- 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



How Can We Help?



- 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

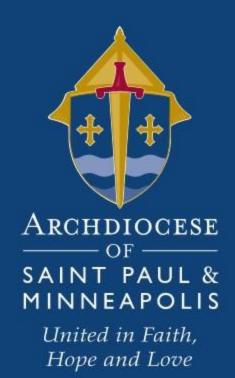
Thank You!



Susan Mulheron, JCL

Chancellor for Canonical Affairs

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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



Office of the Chancellor for Civil Affairs



- Primary legal areas include:
 - -Employment law
 - -School law
 - -Contracts
 - -Constitutional law
 - -Church law
 - -Insurance matters

Church Corporation





Photo courtesy

Dave Hrbacek/The Catholic Spirit

Each parish is a "church corporation" Minn. Stat. §315.15

A parish is <u>not</u> a "nonprofit corporation" under Minn. Stat. §317A

Board of Directors



Board of Directors

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.

Board of Directors



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.

Officers



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.

Parish Board of Directors and Officers



Archdiocesan Board of Directors

Officers

Archbishop

Pastor

Vicar General

Lay Trustee

Lay Trustee

President

Vice President

Treasurer

Secretary

Lay Members, Term of Office



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

 Trustees are fiduciaries of the Parish corporation responsible for voting on corporate resolutions regarding all Parish business.

Archdiocese of Saint Paul and Minneapolis Policy

Page 1 of 3



Issued Date: Last Reviewed Date: Number: 212
November 27, 2018

Subject: Parish Trustees
Scope: All Parishes within the Archdiocesan Territory

Reference:

Distribution: Posted o

Archbishop Signature:

Surera A. Hobba

I. Purposi

To provide guidance regarding the role, duties, and responsibilities of Trustees of Parishes within the Archdiocese Territory.

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".
- "Archdiocese Territory" means the (12) counties of the greater Twin Cities metropolitan area: Ramsey, Hennepin, Washington, Dakota, Anoka, Carver, Wright, Scott, Chisago, LeSueur, Rice, and Goodhue; and those persons outside the geographical territory over whom the Archdiocese has the ability to direct or control.
- "Family Member" means a spouse, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, or person living in the same household of a responsible person.
- "Parish" means a parish within the Archdiocese Territory that is Archdiocese-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 and, according to the Certificate of Incorporation, have the power to transact all business of the 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 consultation to the Pastor from a cross-section of parishioners to share their thoughts and insights on financial topics in service to the mission of a specific Parish.
- "Parish Pastoral Council" means the canonical consultative body established in a Parish in accordance with canon 536 of the 1983 Code of Canon Law and the policy of the Archdiocese, which provides consultation to the Pastor from a cross-section of parishioners to share thoughts and insights in service to the mission of a specific Parish.

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Policy 212: Parish Trustees

Expenditures (Proxy)



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)





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".
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- "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 Consultors (College).
- "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 Archdiocese Territory that is Archdiocese-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

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Proxy Template

TEMPLATE FORM TO BE USED BY PARISH AFTER RECEIPT OF A PROXY

MEETING OF THE BOARD OF DIRECTORS

THE CHURCH OF ______ MONTH DATE, 20XX

the Corporation of the Church o
is authorized to
JAGE OF THE RESOLUTION NT.]
o. PX000xxx, dated
. Hebda, President
Lachowitzer, Vicar General

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



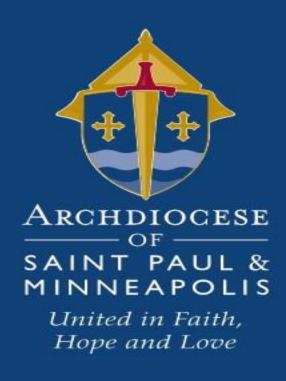
Thank You



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

Key Financial Policies



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
- Policy refers to the Annual Parish Financial Report (APFR)
 Handbook A Quick Guide to the Archdiocesan Assessment
 FY 2020
 - 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:

www.archspm.org/finance-accounting/fspa/

and click on Annual Parish Financial Report (APFR)
Handbook

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 <u>accelerate</u> the principal payments or pre-pay debt on existing loans
 - Funds raised to meet the current amortization schedule of debt payments are fully assessable

Parish Assessment



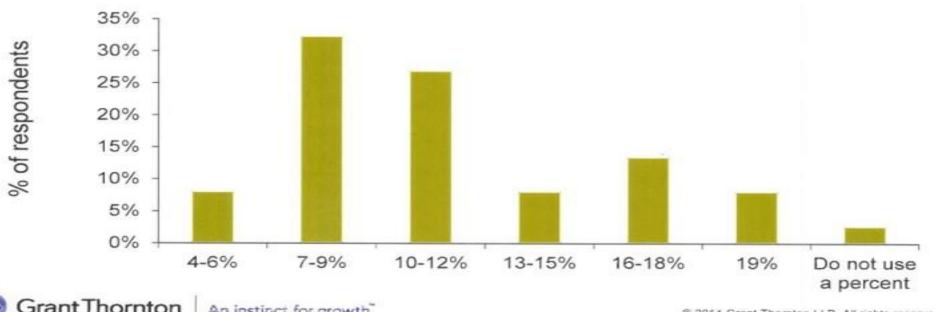
Assessment History

- 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

Assessment Comparison



The range of parish assessment rates currently in use at dioceses across the nation is wide





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



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

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 - Meeting dates of the Parish Finance Council during FY



- 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



- 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



- "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



- AUP required to be completed by one of three firms
 - CliftonLarsonAllen, Boulay PLLP, Boyum & Barenscheer 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)



- 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



- 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 requiring Canonical 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

Policies



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

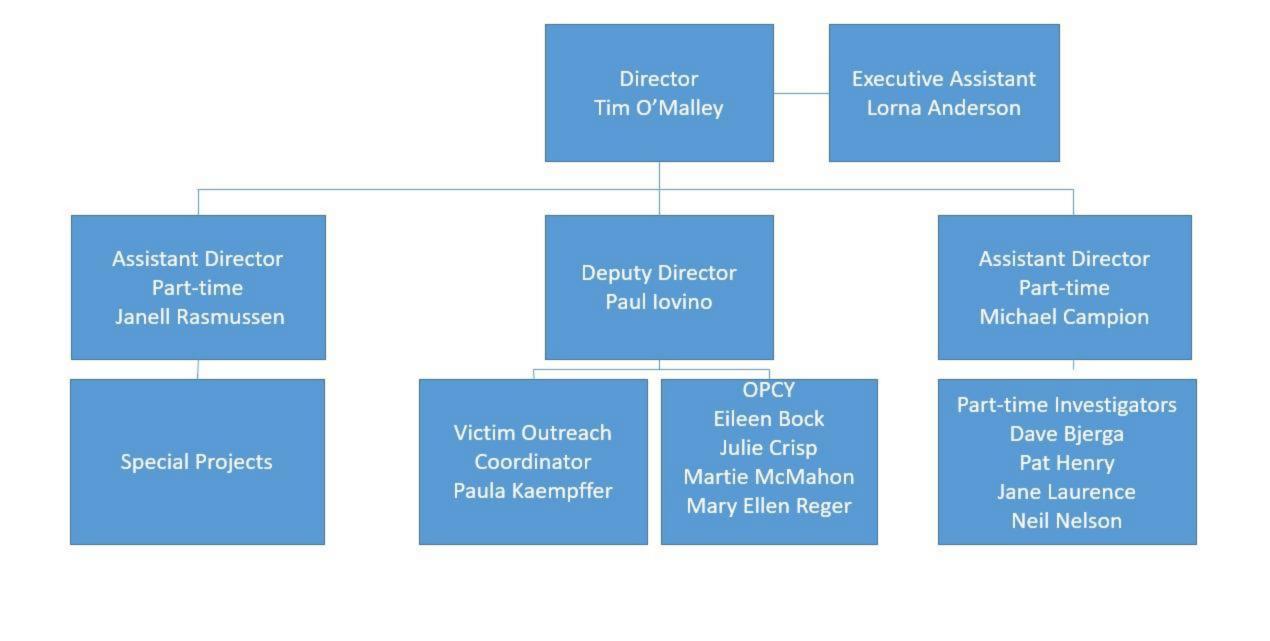
Trustee Presentation

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...

OPCY



- 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

OMSSE Resource



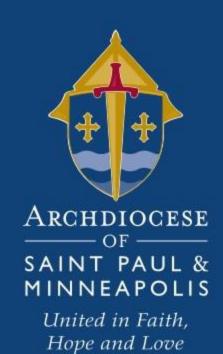
Please use us a resource and direct questions to our office

Contact Information:

Paul Iovino

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

Background – How We Got Here

Organizational Health Index (OHI) Survey Results

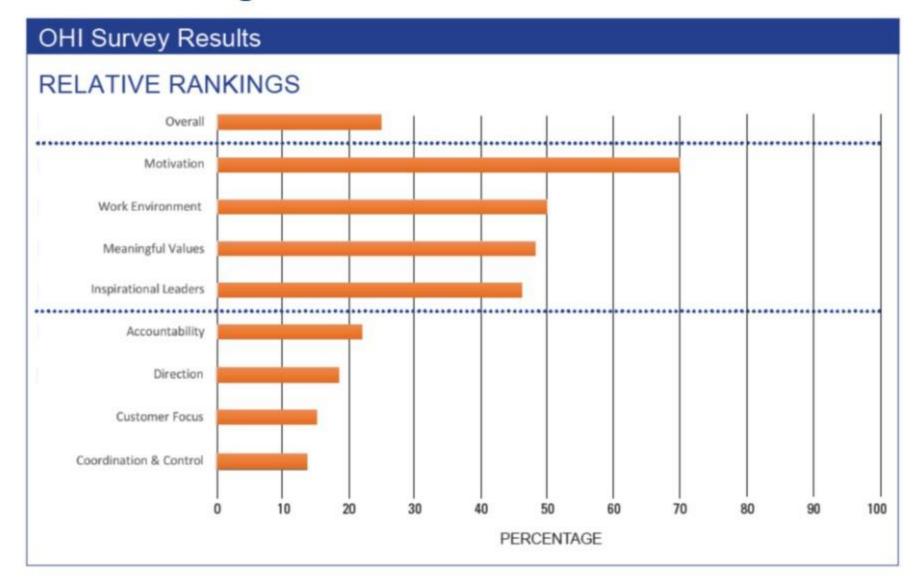
During the summer of 2020, 771 people invested time and energy to provide feedback on how the Archdiocesan Catholic Center functions.

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



What's Next

Action Items

Initial Initiatives

Communications

Decision Making

Operational Management

Portfolio Management

Project Isaiah

Thank You!

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