

# CONSTITUTION OF THE ST. JAMES-ST LEO PARISH FINANCE COUNCIL

## ARTICLE I – NAME

The name of the body will be the St. James-St. Leo Parish Finance Council, hereinafter referred to as the “Finance Council” or “Council”. The Parish is being served by North American Province of the Congregation of Jesus and Mary (Eudists) **in full communion with and under the authority of the bishop of San Diego.**

## ARTICLE II – AUTHORITY, THEOLOGICAL & CANONICAL CONTEXT

### A. Basis in Canon Law

The Finance Council is authorized by Canon 537 of the 1983 Code of Canon Law which states: “Each parish is to have a Finance Council which is regulated by universal law as well as by norm issued by the diocesan bishops; in this council the Christian faithful, selected according to the same norms, aid the pastor in the administration of parish goods with due regard for the prescription of Canon 532.” Canon 532 states: “The pastor represents the parish in all juridical affairs in accord with the norm of law; he is to see to it that the goods of the parish are administered in accord with the norms of Canons 1281-1288.”

### B. Relationship to the Parish

The parish is a community of believers sharing in the mission and ministry of Jesus Christ. The 1983 revised Code of Canon Law **emphasizes two** principles for guiding a parish: **(a) the authority entrusted to the hierarchy, and (b) the call for shared responsibility.** Canon 519 states: “The pastor . . . exercises pastoral care over the community entrusted to him under the authority of the diocesan bishop, in whose ministry of Christ he has been called to share. In accord with the norm of law, he therefore carries out for his community the duties of teaching, sanctifying and governing with the cooperation of other priests or deacons and the assistance of lay members of the Christian faithful.” Canon 204 states: “The Christian faithful are those who, inasmuch as they have been incorporated in Christ through baptism, have been constituted as the people of God . . . and have become sharers in Christ’s priestly, prophetic, and royal office . . .” The documents of Vatican II emphasize further: ***“According to their particular gifts, their state of life, and their office in the Church, Christ’s faithful worship God in Spirit and truth, proclaim the gospel and care for the needs of their brothers in charity. Within this context, the laity is called to assist the pastor in the pastoral care of God’s people and in the administration of the temporal goods of the Church<sup>1</sup>.”*** (Decree on the Apostolate of the Laity). These principles, then, call for both clergy and laity to work with the church community so that the mission of Jesus Christ will continue in the world today.

### C. Consultative Role, authority and areas of concern

A theological implication of shared responsibility is that the laity shares with the pastor responsibility for guiding the mission of which God calls the Church. In order for the Church to have the fullness of

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<sup>1</sup> Copy-paste from the San Diego Finance Council Charter, art.1; 9/11/2008

vision, the laity should be involved in **decision making through the process of consultation**<sup>2</sup>. Consultation in the context of Church –establishes a structure whereby the Church, clergy and lay, attempt to listen to the Spirit who is leading the Church and speaking to it through gifts and experience, as well as through office and ordination.

#### **D. Spiritual Growth**

The advice provided by the Finance Council to the pastor and parish staff is intended to assist the pastor in his responsibility for the parish. The Finance Council will serve the spiritual growth of the parish community and its work will be guided by the overall mission of the parish community. Members of the Finance Council should foster their individual spiritual growth to develop a deeper understanding of the Church.

### **ARTICLE III – MEMBERSHIP**

#### **A, Membership**<sup>3</sup>

In accordance with diocesan policy, the pastor will appoint NINE members,

1. Pastor as administrative head of the parish will be an ex officio / non-voting member.
2. Parish Business Manager will be an ex officio / non-voting member.
3. Parish Accountant(s) will be an ex officio / non-voting member.
4. Parishioners-at-large who are skilled in planning, budgeting, maintenance, etc. in order to serve according to the mission of the parish.
5. Where possible, parishioners who are professionals knowledgeable about financial management, accounting, general management or administration, banking, investment counseling, insurance, public relations, etc., and who are committed to the work of the Church.
6. *Parishioners on the council should have been registered in the parish for at least three years; staff persons need not be members of the parish.*

#### **B. Nominations**

Nominations for new members of the Finance Council will be made according to the Bylaws of the Council.

#### **C. - Exclusions**

Employees of the parish and the parish school, and members of their immediate family, other than those who serve in ex officio positions, may not sit on the Finance Council.

#### **D. - Appointment and Terms**

Except as otherwise provided herein, each Finance Council member, other than a Council member who serves ex officio, will be appointed by the pastor for a three-year term commencing with the first annual meeting of the Council as specified in the Bylaws. Such members may be reappointed for an additional three year term and, after a hiatus of one year, may be appointed to the Council again. Each ex officio Council member will serve only during the time he or she serves in the designated position as noted in paragraph A. The term of each Council member will automatically expire upon the end of the tenure of the pastor who appointed them unless his successor agrees to their continued membership on the Council. The Parish Finance Council is consultative except when consent is required by canon law. **Its areas of concern include:**

1. Stewardship of Treasure/Annual Catholic Appeal/Special Collections
2. Diocesan Assessment

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<sup>2</sup> Copy-paste from the San Diego Finance Council Charter, art II; 9/11/2008

<sup>3</sup> Copy-paste from the San Diego Finance Council Charter, art. IV; 9/11/2008. In accordance with diocesan policy, the pastor will appoint a minimum of SIX members, but not more than TWELVE members to the Finance Council, taking into consideration the following diocesan policies.

3. Annual Financial Reports and Periodic Financial Reviews
4. Fund-raising & Development
5. Human Resources (personnel)
6. Internal Controls & Procedures
7. Risk Management (avoidance of claims for damages)
8. Buildings & Grounds
9. Parochial School Finances

**E. Staggered Terms**

In order to provide for staggered terms, the initial Finance Council members will be divided into three groups of as nearly equal size as possible with the term for one group of Council members expiring each year during a three-year period. Council members may be reappointed as provided in paragraph D provided, however, that no Council member will serve more than two terms consecutively regardless of whether any such term will be less than three years.

**F. Resignation and Removal of Council Members**

Any Council member may resign at any time by giving written notice to the chairperson. Such resignation will take effect at the time specified therein. A Council member may be removed by the pastor if he determines, at his sole discretion, that removal is in the best interest of the parish.

**G. Vacancy**

Any vacancy on the Council may be filled by the pastor upon recommendation of the Council for the unexpired portion of the term in the same manner as provided for in the original appointment.

**H. Attendance**

Any Council member who is absent from three successive regular Council meetings or a total of three Council meetings in a year will be deemed to have resigned as a Council member unless reinstated with written approval of the pastor.

**H. Voting Quorum**

A voting quorum of the Finance Council at any meeting will consist of two-thirds of the membership.

**J. Conflicts of Interest**

Any Finance Council member having an interest in a contract or other transaction coming before the Finance Council or a committee of the Finance Council will give prompt, full and frank disclosure of said interest to the Council chairperson prior to the Council acting on such contract or transaction. Upon such disclosure, the Finance Council member's interest will be presented to the full Council. The Council will determine, without participation by the member in question, at such time as disclosure is made to the Council, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist. If the Council determines that such a conflict does exist, the member in question will be required to submit his/her resignation. For purposes of this section, a person will be deemed to have an interest in a contract or other transaction if he or she is a party (or one of the parties) contracting or dealing with the parish, or is a director, partner, officer, or immediate family member of a director, partner, officer, or has a significant financial or influential interest in, the entity contracting or dealing with the school or parish.

**K. Indemnification**

Each member will be provided defense and be indemnified against all expenses actually or necessarily incurred in connection with the defense of any action, suit or proceeding to which he or she has been made a party by reason of being or having been a Council member, except in relation to matters in which the Council member will be adjudicated in an action, suit or other legal proceeding to be liable for gross negligence or willful misconduct in the performance of duty.

## ARTICLE IV – ORGANIZATION

One member of the Finance Council, appointed by the pastor or chosen by the members, will serve as chairperson. The length of the term, as well as the establishment of other officers, organizational structure, and operational policies will be provided in the Bylaws.

## ARTICLE V – PURPOSE

The Finance Council of the parish is the consultative group which advises **the pastor in carrying out the common burden of the material administration of the parish. It has the obligation to review the planning and supervising of the financial affairs and of the physical properties of the parish. The Finance Council is concerned with parish resources, the budget, church support, and the effective utilization and maintenance of the parish plant.** The advice provided by the Finance Council to the pastor and parish staff is intended to assist the pastor in his responsibility for the parish. The Finance Council serves the spiritual growth of the parish community and its work must be guided by the overall mission of the parish community. In conducting the business of the Finance Council, its members must exercise prudent judgment concerning the confidentiality of financial reports to which they have access and should not discuss confidential matters or Council deliberations with other parishioners until an agreement has been reached. **Council members will have no access to the records of individual parishioners as regards to financial contributions or any other confidential information.**

## ARTICLE VI – FUNCTIONS

**The major functions (responsibilities) of the Finance Council are listed as follows<sup>4</sup>:**

**Responsibilities of the Parish Finance Council include:**

1. Providing guidance for parish accounting and computer systems;
2. Reviewing the job descriptions with salaries and benefits for parish employees in accordance with diocesan guidelines;
3. **Reviewing income and expenses to determine that the parish is operating within its budget (and the parochial school, if applicable);**
4. Providing the diocese and parishioners with an annual financial report;
5. Promoting the principles and practice of Christian stewardship;
6. Coordinating all major fund-raising projects within the parish;
7. Reviewing periodically the inventory of parish property, and making an annual inspection of parish buildings and grounds;
8. **Reviewing all bank accounts of the parish and each parish organization, and the method by which funds are disbursed from these accounts to make sure that they comply with diocesan guidelines;**
9. Addressing important administrative matters such as the sale or purchase of parish property and construction or renovation of parish facilities;
10. Assessing internal controls and procedures for compliance with diocesan policies;
11. Following up on recommendations which result from diocesan directed financial reviews.

## ARTICLE VII – REVISION

- A.** The Constitution may be revised by a three-fourths vote of the voting quorum at the next scheduled meeting following discussion of the issues at a special or scheduled meeting provided that at least fourteen days have elapsed between any special meeting and the next scheduled meeting.
- B.** The Bylaws may be revised by a two-thirds vote of the voting quorum at the next scheduled meeting following discussion of the issues at a special or scheduled meeting provided that at least fourteen days have elapsed between any special meeting and the next scheduled meeting.
- C.** The Constitution and Bylaws will be automatically revised if any provision is found to be in-consistent with existing Canon Laws or diocesan Policies or with future Canon Laws or Diocesan Policies. The

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<sup>4</sup> Copy-paste from the San Diego Finance Council Charter 9/11/2008

automatic revision(s) will be made by direction of the chairperson at the first meeting following formal notification by the pastor of the inconsistency with Canon Laws or Diocesan Policies.

### **CERTIFICATION OF ADOPTION AND APPROVAL**

This is to certify that the foregoing Constitution of the St, James-St Leo Parish Finance Council was duly adopted and approved by the pastor and the St, James-St Leo Parish Finance Council at a regular meeting of the Finance Council.

Date: September 10, 2017

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Fr. Gérard Lecomte, CJM, Pastor

## **BYLAWS OF THE ST, JAMES-ST LEO PARISH FINANCE COUNCIL**

### **ARTICLE I – ORGANIZATION**

A, The Finance Council will determine its organizational structure and make revisions as needed. All appropriate parish staff and organizations will be informed of the organizational structure.

B, The Finance Council may appoint members to serve as leaders in assigned areas or as liaisons to assigned parish organizations according to the expertise and interests of the members and the needs of the parish or Finance Council. Special assignments may be made as needed by the chairperson.

C. The Finance Council may establish standing committees as needed to fulfill the functions of the Finance Council.

D. The Finance Council may establish Special Committees as needed to meet special or non-recurring needs or assignments. Special Committees will be given a specific term and assignment, but the term may be extended by the Finance Council, if needed, to fulfill the assignment. Both the chairperson and members of Special Committees may be non-Finance Council members.

E. The Finance Council may utilize both voluntary and paid consultants to accomplish any of its assigned functions or tasks. The use of paid consultants must be approved by the pastor.

F. Meetings of the Finance Council will be held as follows:

1. Annual & Regular Meetings a) the first annual meeting will be held in November of each year. b) Regular meetings will be held at least bi-monthly (i.e. at least six (6) times per year), but may also be held on a more frequent basis as agreed upon and scheduled by the Council.

2. **Special Meetings** Special meetings may be called by the pastor, the chairperson, or by written request of one third (1/3) of the Finance Council members. Written notice must be provided at least five (5) days prior to special meetings.

**3. Meeting Protocol** All regular meetings of the Finance Council will be closed meetings without the presence of anyone who is not a member of the Council. The Council may permit non-members to attend a meeting or address the Council upon majority vote and With the permission of the pastor. A voting quorum of Council members must be present to hold a meeting of the Council.

**4. Parliamentary Rules.** Where necessary, parliamentary rules will be employed using Robert's Rules of Order (latest copyright date) as a guide. The chairperson will appoint a parliamentarian when appropriate.

## **ARTICLE II – OFFICERS / TERMS OF OFFICE**

A. The Finance Council will have a chairperson, vice chairperson, secretary, and other officers, as determined necessary for its proper functioning.

B. The chairperson and other officers will be elected by a majority of the voting quorum for a one year term and may serve one subsequent term if elected by a majority vote of the voting quorum.

C. The chairperson or other officers may be removed from office following due process by the pastor or by a three-fourths vote of the voting quorum. Due process will be provided by providing written notice of proposed removal at least 21 days prior to a scheduled meeting of the Finance Council with the opportunity for providing both written and oral responses at the scheduled meeting

D. If an office of the Council becomes vacant, the Council will fill the vacancy for the remaining term of the office by a majority vote of the voting quorum. The pastor will send a letter of appointment.

E. The duties of the officers will be:

**1. Chairperson** The chairperson will preside at all regular and special meetings of the Finance Council. The chairperson, with Council approval, will have authority to assign additional duties and responsibilities to individual Finance Council members, including committee assignments. The chairperson of the Council will be a practicing Catholic. The pastor may authorize the chairperson to be an authorized signatory for the parish checking account and be authorized to sign checks up to \$3,000.00.

**2. Vice Chairperson** In the absence of the chairperson, the vice chairperson will perform all duties of the chairperson.

**3 Secretary** The secretary will be responsible for keeping accurate minutes which must be signed by the secretary; for keeping a record of the appointment of all committees of the Finance Council; and for all correspondence. Any of the duties of the secretary may be performed by an assistant secretary who will be responsible to and report to the secretary. The secretary will also be responsible for keeping a permanent record of terms, attendance, and committee assignments and all reports and documents relating to Finance Council activities. The secretary will ensure that the permanent record of terms, attendance, committee assignments, all reports, and documents relating to Finance Council activities, including policies, minutes, and agendas, will be maintained in the office of the parish.

## **ARTICLE III – NOMINATING COMMITTEE /SELECTION OF OFFICERS**

- A. A Nominating Committee will be appointed by the chairperson by the scheduled July meeting for both new Finance Council members to be recommended to the pastor and for officers of the Finance Council.
- B. Nominations will be solicited and reviewed and recommendations made by the scheduled September meeting at which time the Finance Council will vote for officers by secret ballot. Recommended new members will be forwarded to the pastor for approval and appointment after having sent a resume of their experience. The term for new officers elected and approved will begin with the scheduled meeting in November.

#### **ARTICLE IV – VOTING**

All decisions of the Finance Council will be decided by a majority vote of the voting quorum unless a different voting rule is specially required by an Article.

#### **ARTICLE V – DUTIES AND TASKS AND OPERATIONAL POLICIES AND PROCEDURES**

- A. The Finance Council will determine the duties and tasks and operational policies and procedures needed to fulfill its purpose and functions as listed in the Constitution.
- B. In establishing its operational policies and procedures, the Finance Council will consult in accordance with established parish guidelines with all appropriate parish staff and organizations.
- C. The Finance Council will establish appropriate communication vehicles to communicate its policies and procedures to all appropriate parish staff and organizations as directed by the pastor.

#### **ARTICLE VI – REVISION OF THE BYLAWS**

The Bylaws will be revised as provided in the Constitution.

#### **CERTIFICATION OF ADOPTION AND APPROVAL**

This is to certify that the foregoing Bylaws of the St, James-St Leo Parish Finance Council were duly adopted and approved by the pastor and the St, James-St Leo Parish Finance Council at a regular meeting of the Finance Council.

Date: September 10, 2017

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Fr. Gérard Lecomte, CJM, Pastor, Chairperson