

**Diocese of
OUDTSHOORN**

**Statutes for
Parish Finance Councils**

27 May 2012

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PREAMBLE

Canon 537 states:

In each parish there is to be a finance council which is governed, in addition to universal law, by norms issued by the diocesan bishop and in which the Christian faithful, selected according to these same norms, are to assist the parish priest in the administration of the goods of the parish, without prejudice to the prescriptions of canon 532.

In addition, canon 532 states:

In all juridical affairs, the parish priest represents the parish according to the norm of law. He is to take care that the goods of the parish are administered according to the norm of canons 1281-1288.

Accordingly, the parish priest, who represents the bishop as pastor of this portion of God's flock, is assisted by the parish finance council in the administration of the temporal goods of the parish. This is done so that the parish may effectively pursue its proper mission of spreading Christ's gospel of love.

Parish finance councils are regulated by the Code and by the particular law of the diocesan bishop, e.g. statutes. For this diocese, these **Statutes for Parish Finance Councils** are hereby promulgated.

Some General Principles with respect to Temporal Goods and Accountability

- a) Members of the parish are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for apostolic works and works of charity, and the worthy support of its ministers (canon 222, §1).
- b) As an ecclesiastical juridical person, the parish may possess temporal goods (cf. canon 1256) for the reasons stated in no. (a), subject to canon law and diocesan regulations (canon 537).
- c) The parish priest/priest in charge is the administrator of the temporal goods of the parish and represents the parish in all juridical affairs in accordance with the norm of law (canons 532, 1279, §1). It is his role to ensure that the temporal goods of the parish are administered in accordance with the provisions of the Code (cf. canon 1282) and these Statutes.
- d) It is mandatory that a finance council be established in every parish to assist the parish priest/priest in charge in the administration of the temporal goods of the parish (canon 537).
- e) The parish priests/priest in charge is to render to the Bishop an annual statement of income and expenditure (cf. canon 1287, §1) according to the prescribed form no later than the end of March each year. In an effort to promote transparency, he is also to make available statements of income and expenditure to parishioners in whatever way and with whatever frequency he deems appropriate (cf. canon 1287, §2).

ARTICLE I - NAME

The name of this body shall be the "Parish Finance Council of the parish of"

ARTICLE II - AUTHORITY

The parish finance council derives its authority from the Code and from these Statutes.

ARTICLE III - THE ROLE OF THE PARISH FINANCE COUNCIL

- Section 1 - The parish finance council is a consultative body which advises the parish priest/priest in charge, as administrator of the temporal goods of the parish, in all matters of major financial concern, in particular any acts of "extraordinary administration" (see Article IX). The parish finance council is not a sub-committee of the parish pastoral council and is governed by these statutes. Policy is carefully discerned by the council together with the parish priest/priest in charge in accordance with the provisions of the Code, any directives from the Diocese and these Statutes. However, while the parish priest/priest in charge is not bound to follow the advice given by the members of the council, even if it is unanimous, nevertheless he should not act against their advice, especially if it is unanimous, unless there be a reason which in his judgement is overriding (cf. canon 127, §2,2°).
- Section 2 - The council, under the direction of the parish priest/priest in charge, is to consider carefully the financial needs of the parish and develop and promote a plan of action to meet those needs.
- Section 3 - Together with the parish priest/priest in charge, the council is responsible for preparing an annual budget for parish operational and capital expenditure. The budget, once approved is to be published for the benefit of the members of the parish in whatever way is deemed appropriate. In accordance with the law (cf. canon 1287, §2), it is responsible for assisting in the preparation and the approval of an annual statement of income and expenditure to be submitted to the Bishop on the last day of March. To assist the members of the council in these tasks, the Diocese provides formation programmes for them.
- Section 4 - The council, together with the parish priest/priest in charge, is to ensure that the annual statement of income and expenditure submitted to the Diocese is made available to the members of the parish (cf. canon 1287, §2), in whatever way is deemed appropriate.
- Section 5 - The council is to review the income and expenditure of the parish on a regular basis and to determine whether the parish is operating within its budget.
- Section 6 - The council is to review all parish banking arrangements.
- Section 7 - The council is to co-ordinate planned giving campaigns in the parish and make recommendations for increased participation of parishioners on planned giving and for other fundraising projects in the parish.
- Section 8 - On assuming office, the council, together with the parish priest/priest in charge is to prepare and sign a clear and accurate inventory of all movable and immovable goods, with their description and appraisal (cf. canon 1283, §2). One copy of this inventory is to be kept in the parish archives, and another copy sent to the diocesan chancery (cf. canon 1283, §3). The council is also to review annually, together with the parish priest/priest in charge, the inventory of parish movable property and, together with him, conduct an annual

inspection of parish buildings and grounds and make recommendations for necessary repairs, renovations and general maintenance.

ARTICLE IV – MEMBERSHIP

- Section 1 - Membership of the parish finance council shall consist of *ex officio* and appointed members.
- Section 2 - The assistant priest and the parish deacon shall be *ex officio* members of the council.
- Section 3 - The parish priest/priest in charge shall appoint at least three laypersons to the council. The size of the parish and the availability of expertise in the parish should be the determining factors with respect to the number of appointed members.
- Section 4 - Those appointed to the council shall be members of the Christ's faithful (canon 537) in communion with the Church and have a domicile or quasi-domicile within the parish in accordance with the provisions of canon 102. They should be outstanding in moral integrity, actively involved in the life of the local Church, possess expertise in and/or experience in financial management/administration or expertise in civil law, and capable of evaluating financial options.
- Section 5 - Persons who are related to the parish priest/priest in charge or other clergy assigned to the parish up to the fourth degree of consanguinity (first cousins) may not be appointed as members of the council. In the same way, persons who are closely related, such as husband and wife, may not both be appointed as members of the council.
- Section 6 - The term of office of appointed members of the council shall be three years. Appointed members may serve on the council for two full consecutive terms. A three-year period shall elapse prior to re-appointment. Notwithstanding this, should any member have a special expertise, he/she may be co-opted by the parish priest/priest in charge to serve on the council after the expiry of two consecutive terms.
- Section 7 - In the case of death, dismissal, resignation or permanent disability of a member of the council, the parish priest/priest in charge will proceed as soon as possible to appoint a qualified replacement. A member so appointed is to remain in office for the remainder of the original member's term and he/she may be re-appointed for another three-year term.
- Section 8 - In special circumstances such as the existence of a major capital project undertaken by the parish, or a legal matter, special appointments may be made to the council by the parish priest/priest in charge to provide the needed expertise. Such members serve with the regular members of the council for as long as the parish priest/priest in charge deems this special expertise necessary.

ARTICLE V - OFFICERS

- Section 1 - The president of the parish finance council shall be the parish priest/priest in charge. He shall convoke meetings of the council and shall preside at all meetings. Since he is not a member of the council whose role is to advise him, should the council be required to vote on an issue, he shall not vote.
- Section 2 - A chairperson shall be elected by simple majority from among the members

of the council at its first meeting. The chairperson shall chair meetings of the council, facilitate their smooth running and assist the parish priest/priest in charge in the co-ordination of all matters concerning the council.

- Section 3 - A vice-chairperson shall likewise be elected by simple majority from among the members of the council at its first meeting. The vice-chairperson shall assist the chairperson or the parish priest in the performance of their duties and will assume the duties of the chairperson in his/her absence.
- Section 4 - A secretary shall be elected from among the members of the council at its first meeting. The secretary shall notify all members of forthcoming meetings and distribute Minutes of past meetings together with an agenda at least one week prior to the meeting. He/she shall record accurately in the Minutes of the meeting the full names of those present and all matters of business, motions and votes of the council at the meeting. The Minutes should be preserved in a bound Minute book or filed to be kept in the parish office.

ARTICLE VI - MEETINGS

- Section 1 - The council shall meet at least once every three months. In consultation with the other officers of the council, the parish priest as president shall prepare an agenda for the meeting which shall be made available by the secretary to the other members of the council at least one week prior to the meeting.
- Section 2 - A simple majority of members of the council shall constitute a *quorum*.
- Section 3 - Since the council is a consultative body constituted to advise the parish priest/priest in charge with regard to his administration of the temporal goods of the parish, it shall not meet without him.

ARTICLE VII - SUB-COMMITTEES

The parish finance council may establish sub-committees, either standing or *ad hoc*, which may include persons other than council members. These sub-committees are to assist the council in fulfilling its role and shall record accurate minutes of what transpired at such meetings. The Minute book/file is to be retained in the parish office. The number of sub-committees shall be in keeping with the size of the parish and its various initiatives.

ARTICLE VIII - ACTS OF ORDINARY ADMINISTRATION

Acts of *ordinary* administration are those that do not require the permission of any authority outside of the parish. They are acts necessary for the day-to-day operation of the parish. In the Diocese of Oudtshoorn, the following are considered "Acts of ordinary administration":

- Section 1 - The opening of bank accounts for which the parish priest/priest in charge is the authorised signatory.
- Section 2 - The acceptance or banking of money acquired in approved ways.
- Section 3 - The purchase of what is required for daily maintenance provided that the amount involved does not exceed an amount determined from time to time by the diocesan finance council.
- Section 4 - The payment of normal operational expenses, such as the salaries of personnel employed by the parish, upkeep of the priest(s), motor car running expenses, electricity, telephone and water accounts, etc.

ARTICLE IX - ACTS OF EXTRAORDINARY ADMINISTRATION

For acts of *extraordinary* administration to be posited *validly* at parish level, prior to the parish priest's/priest in charge's approach to the Bishop for permission to proceed with an act of extraordinary administration, the parish priest/priest in charge is to seek the *consent* of the parish finance council *and* the parish pastoral council. However, prior to the Bishop granting the permission requested, the *consent* of the diocesan finance council and the college of consultors is required.

Parish priests/priests in charge *invalidly* posit acts of extraordinary administration, *unless* permission in writing is received from the Bishop (canon 1281, §1), the prior consent of the diocesan finance council and the college of consultors to the proposed act having been obtained.

In the Diocese of Oudtshoorn, the following are considered acts of *extraordinary* administration (cf. SACBC, Official Document Promulgating Complementary Norms, Implementation of the 1983 Code of Canon Law, January 1998, decree no. 18, "*Acts of Extraordinary Administration*", p.31).

- Section 1 - The purchase of immovable property;
- Section 2 - The sale, exchange, mortgage or pawning of immovable Church property or the subjection of it to any other servitude or burden;
- Section 3 - The building, demolition or rebuilding in a new form of a building belonging to the Church, or effecting extraordinary repairs upon such a building, subject to the provision that the value for insurance purposes of the building to be demolished or the cost of the extraordinary repairs be in excess of the amount determined by the SACBC, and the building or rebuilding project involve an expenditure in excess of the amount determined by the SACBC.
- Section 4 - The sale, exchange, mortgage or diversion in any other way from the place for which they were destined of objects of art, historical documents or other movable property of great importance;
- Section 5 - The erection of a cemetery;
- Section 6 - Acts involving civil litigation.

ARTICLE X - SUSPENSION OR DISSOLUTION OF THE PARISH FINANCE COUNCIL

- Section 1 - The Bishop may suspend the activities of the parish finance council or dissolve it if, in his opinion, the council is not fulfilling its purpose as specified in Article III of these Statutes, i.e. "the parish finance council is a consultative body which advises the parish priest/priest in charge as administrator of the temporal goods of the parish, in all matters of major financial concern ..." or if it has become a source of disunity in the parish, even if this has occurred without serious fault on its part. It is not within the competence of the parish priest/priest in charge to suspend the activities of the council or dissolve it.
- Section 2 - If, for any reason, a simple majority of the members of the council tender their resignation at the same time, the council shall be deemed dissolved; in such circumstances, the parish priest/priest in charge, in consultation with the chairperson of the outgoing council, shall, in virtue of the provisions of Article IV of these Statutes, and without undue delay, initiate a process for the establishment of a new council.

ARTICLE XI - DISMISSAL OF A PARISH FINANCE COUNCIL MEMBER

Section 1 - Having heard the parish priest/priest in charge, the parish finance council member concerned and any other member of the council, the Bishop may, after careful consideration, dismiss a member of the council if, in his opinion, the member is not fulfilling his or her role as a member of the council as specified in Article III of these Statutes, or if the member concerned has become a source of disunity in the council. It is not within the competence of the parish priest/priest in charge to dismiss a member of the council.

Section 2 - The decision of the Bishop to dismiss such a member of the council is final.

ARTICLE XII - AMENDMENTS

These Statutes may be amended by the Bishop as and when it is deemed necessary.

ARTICLE XIII - THE COMING INTO FORCE OF THESE STATUTES

These statutes shall become effective as from 27 May 2012, the solemnity of Pentecost.

GIVEN at **OUTDTSHOORN** under the seal of the Diocese on this 9th day of May, 2012.

+ *F. de Gouveia*

+ **Francisco de Gouveia**

Bishop of Oudtshoorn



Fr. Enrico Parry

Notary