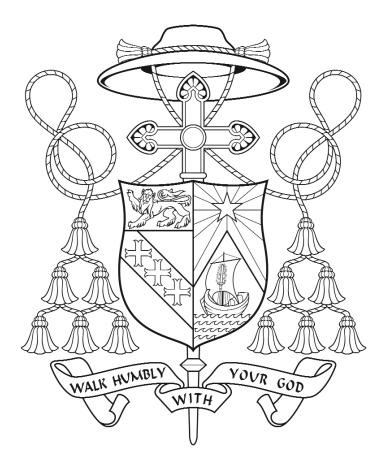


DIOCESE OF CHARLESTON

Parish Finance Council Handbook

Revised: August 2009



This document is intended as an overview of the responsibilities and role of the Parish Finance Council as defined by Canon Law, Norms of the Diocese of Charleston and best practices of parish administration.

An active and well-formed Parish Finance Council is an important and necessary support to the pastor/parish administrator in fulfilling his responsibility for the administration of the temporal goods of the parish.

The Parish Finance Council supports good financial governance of a parish, promotes high standards of fiscal integrity and provides accountability to the diocese and to the parishioners.

+ Robert & Say Cieluna

Most Rev. Robert E. Guglielmone Bishop, Diocese of Charleston

TABLE OF CONTENTS

Introduction to Applicable Church Law	2
Background of Parish Finance Council	4
Role of the Parish Finance Council	6
Membership	13
Meeting Protocols	16
Subcommittees	17
Relationship to Pastoral and Other Councils	19
Glossary	20
Appendix: References — Canons 1281-1288	22
Exhibit 1 — Votum Concerning Extraordinary Acts	25
Exhibit 2 — Change in Cash Position and Net Assets	26
Exhibit 3 — Parish Auditor Checklist	27
Exhibit 4 — Parish Finance Council Membership Application Form	28
Exhibit 5 — Conflict of Interest Information Form	30
Exhibit 6 — Year End Letter Format	31

INTRODUCTION TO APPLICABLE CHURCH LAW

Responsibility for administration

The parish priest, that is the pastor, is responsible for the administration of the temporal goods belonging to the parish. **In all juridic matters, he represents the parish, in accordance with the law** (can. 532). He is the administrator of the parish, and the Diocesan Bishop entrusts the parish to the pastor. However, he is not an employee of the parish.

Operative Civil law

Since the Diocese is a corporation sole, the Articles of Incorporation of the Diocese do not refer to the role of parish priests in the temporal administration of parishes, because a parish does not have separate legal existence.

But, by recognizing the Diocesan Bishop's right and, in some cases, his duty to consult or share his responsibilities with others, the Corporation Act implicitly determines that parish priests, who are by vocation the bishop's collaborators, represent him and share his responsibilities on the parish level.

It is important to note that all parish priests, whether diocesan priests or religious, receive their administrative mandate from the Diocesan Bishop, not from the parish pastoral council or from the parish finance council. Parish priests, with the assistance of the parish finance council, have the duty to ensure respect for diocesan regulations and the bishop's intentions. Since the priest is responsible for the temporal administration of the parish, the finance council should not put the priest in the awkward position of choosing between its recommendations and the diocesan directives.

Operative Church law

The Diocese of Charleston is subject to the 1983 Code of Canon Law. Of the Code's seven books, Book V: *The Temporal Goods of the Church* covers:

a. Code of Canon Law, Book V: the Temporal Goods of the Church:

- i. The Acquisition of Goods
- ii. The Administration of Goods
- iii. Contracts and Especially Alienation
- iv. Pious Wills in General and Pious Foundations

b. Book V of the Code of Canon Law requires, in the United States, the United States Conference of Catholic Bishops to establish particular law concerning ecclesiastical goods:

- i. to establish norms governing appeals (can. 1262)
- ii. to establish norms for begging for alms which all private persons, physical and juridic, must observe (can. 1265, \S 2)
- iii. to establish norms to direct the governance of benefices, where they exist, so that gradually the income, and insofar as possible, the endowment can be transferred to the institute established in canon 1274, §1 for the support of clergy; these norms about benefices are to be agreed to and approved by the Apostolic See (can. 1272)
- iv. to define acts of extraordinary administration for dioceses (can. 1277)

- v. to define the minimum and maximum amounts for alienation (can. 1292, \S 1)
- vi. to establish norms for leasing ecclesiastical goods, especially regarding the permission to be obtained from competent ecclesiastical authority (can. 1297)
- c. the Bishops of the Province provide legislation on three issues concerning temporal goods:
 - i. to fix the fees (taxas) for acts of executive power granting a favor or for the execution of rescripts of the Apostolic See, which the Apostolic See must approve (can. 1264, 1°)
 - ii. to set a limit on the offerings (oblationes) given on the occasion of the administration of sacraments and sacramentals (can. 1264, 2°)
 - iii. to define by decree a uniform offering (stips) to be given for the offering of Mass (can. 952, § 1)
- d. The Bishop of Charleston, the local Ordinary, is to enact certain legislation and particular laws concerning among other things, the administration of ecclesiastical goods (can. 1276, § 2).

For the Diocese of Charleston, the body of laws promulgated and decreed by the Holy See in 1983 Code of Canon Law, the approved norms of the United States Conference of Catholic Bishops, and the norms enacted by the Bishop of Charleston contained in this "Parish Finance Council Handbook," shall constitute the corpus of canon law for the Diocese of Charleston for parish administration.

When carrying out the duties pertaining to the administration of temporal goods, canon law requires that civil laws be observed unless they are contrary to divine law and unless canon law provides otherwise (can. 22).

BACKGROUND OF PARISH FINANCE COUNCILS

These norms are designed to aid pastors and Finance Council members in the effective functioning of a Parish Finance Council. The Parish Finance Council assists the pastor, who is accountable to the Diocesan Bishop and parish for the administration and stewardship of the temporal goods of the parish. An active, well formed Parish Finance Council is a key element in promoting the financial health of a parish, assuring accountability and assisting the pastor with his temporal responsibilities.

In the administration of temporal goods of the parish, canon 532 defines the role of the pastor as the authoritative representative of the parish. Canon 532 says, "In all juridic affairs the pastor represents the parish according to the norm of law. He is to take care that the goods of the parish are administrated according to the norm of cann. 1281-1288."

Canon 537 constitutes the Parish Finance Council as a mandated parish council fulfilling both an advisory and consultative role with the pastor. Canon 537 says, "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 pastor in the administration of the goods of the parish, without prejudice to the prescript of can. 532."

Although the Parish Finance Council is a non-deliberative body, it enjoys consultative vote, which assists the pastor in meeting his canonical obligations (cf. can. 1280). While the Parish Finance Council does not have decision making authority, consultation is at the heart of the decision-making process–sharing information, listening, contributing to the discussion, and promoting consensus.

Therefore, every parish is required to have a Parish Finance Council, both by adherence to the Code of Canon Law and by local norms issued by the Diocesan Bishop. To be effective the Parish Finance Council should meet regularly with specific agendas and should have access to all the relevant financial information and policies of the parish.

Canon law states that the pastor represents the juridic person of a parish. Although the pastor is not obliged to follow the recommendations of the Finance Council in the ordinary administration of the parish, the pastor should not act against such advice, especially when there is consensus, unless there is an overriding reason. In other words, the prudent pastor would not ignore the advice of the Finance Council unless there was a serious reason to do so. When acting contrary to the Parish Finance Council's recommendations the pastor must provide an explanation to the Finance Council regarding the reasons for his decision.

In all financial matters which exceed the limits and manner of ordinary administration, the pastor is required to receive written permission from the Bishop before he can proceed (can. 1281, § 1). The Diocesan Bishop is obliged to hear from the parish finance council before he can give permission (can. 1281, §2). In any financial matter of a serious nature and/or disagreement with the Parish

¹ Note: the full texts of canons 1281-1288 may be found in the Appendix to this document.

Finance Council, it is always advised for the pastor to consult with his Bishop.

In order to be effective in their responsibilities, members of the Parish Finance Council should have a love for the Church and its mission and develop a thorough understanding of the parish's mission, goals, people and other resources. The members should have knowledge of diocesan norms and policies regarding temporal issues and other financial matters. It is the pastor's responsibility to give the members appropriate background and enrichment so they are able to carry out their duties effectively.

ROLE OF THE PARISH FINANCE COUNCIL

There are three levels of administration for parishes which the Bishop directs pastors to follow derived from the Code. The Code distinguishes acts of ordinary administration; major importance and extraordinary.

1. ORDINARY ACTS

Using standard guides, it could be established that the following acts are considered to be acts of ordinary administration:

- The collection and banking of money acquired in approved ways
- The collection of debts from creditors (unless court action is required)
- The collection of annual income from stocks, shares, or bonds
- Buying and selling what is required for the daily maintenance of the juridical person
- The reparation of ordinary damage done to real estate (i.e. Ordinary wear and tear) or to stable property (under the diocesan limit, that is, \$10,000)
- The administration of the money and goods of the juridical person
- The acceptance of donations (to which no conditions are attached)
- The payment of salaries of personnel

A pastor or administrator is free to carry out acts of ORDINARY administration, without obtaining written permission from the Bishop. This goes with the office itself.

2. ACTS OF MAJOR IMPORTANCE

In the revised Code of Canon Law, canon 1277 adds a note not found in canon 1527 of the 1917 Code: acts of major importance are to be determined "in the light of the financial situation of the diocese." This allows for more realistic norms of administration. Thus, a diocese with 2,000,000 Catholics might consider as ordinary that which certainly would be of major importance in a diocese of 50,000 Catholics. It also means that the Bishop must measure the total impact of all the acts of extraordinary administration by the pastors on the diocese.

The correct interpretation of this clause will call for an honest attitude, remembering that administrators of temporal goods are <u>stewards</u> (cf. can. 1273) of the temporal goods entrusted to their care.

Another norm that is applied when trying to distinguish between ordinary and extraordinary administration is the following: if an act is not recurring on a regular basis, it can be presumed to be of major importance or, if the Conference (Bishop) has so determined, extraordinary.

If an act is of MAJOR importance to the parish, the pastor must consult both the parish finance committee and the bishop.

3. EXTRAORDINARY ACTS

Examples of extraordinary acts of administration include (but not limited to):

• Acquisition or alienation of real property

- ALL Leasing arrangements i.e., equipment and property
- Collaterization or mortgaging of real property
- Any contracts that bind the parish
- The sale of religious artifacts that would be considered part of the parish's patrimony (e.g. stained glass windows) and other matters.
- Purchase of significant unbudgeted goods/services
- Implementation of special parish collection
- Acceptance or refusal of bequests
- Any construction/major repair not budgeted
- Borrowing including credit cards when total available limits exceed \$10,000
- Establishing a cemetery or columbarium
- Enter a lawsuit as one of the parties involved

In addition, diocesan norms require the pastor to consult with the Parish Finance Council and request Bishop written approval for all commitments of parish resources of \$10,000 and above.

The advice of the Parish Finance Council is to be sought for all acts of extraordinary administration. The pastor must then consult with his Finance Council prior to seeking approval of the Diocesan Bishop. The Parish Finance Council members must sign a statement acknowledging awareness and their recommendation of the extraordinary act. **See Exhibit 1**. The pastor will then request approval of the Diocesan Bishop prior to performing extraordinary acts of administration (c. 1281, §1). Extraordinary acts taken without such approval of the Diocesan Bishop are invalid acts and may also be invalid from a civil law standpoint.

It should be noted that receiving consent from the Parish Finance Council on certain acts of extraordinary administration does not grant the pastor/parish life facilitator final authority to execute the project. The pastor/parish life administrator will receive final approval from the Bishop, and in many cases, it will be the Bishop as *A Corporation Sole* who executes the administrative act civilly.

FINANCIAL NORMS AND GUIDANCE

1. The advice of the Finance Council may also be sought for acts of ordinary administration. The pastor may find it helpful to seek the advice of the Parish Finance Council even for routine actions of day-to-day administration. For example, the Finance Council <u>may</u> provide useful advice on strategies to reduce the cost of recurring purchases.

2. The Finance Council should participate in developing the parish annual budget. Additionally, they should recommend the final budget for approval, and participate in the communication of the annual budget to the parish community.

3. The Finance Council should review the completed parish quarterly and year-end financial reports to the Diocese, taking care to ensure that all reports have been accurately and completely prepared. The review should include a comparison of the amounts on the reports to the financial records of the parish. There should be a detail review of the reconciliation of the change in cash position and the change in net assets from the beginning to the end of the period, as shown in **Exhibit 2** (find on

diocesan website, www.catholic-doc.org).

4. The Finance Council should review the financial statements of the parish on a quarterly basis, but more frequent review is encouraged. They should provide periodic financial reports (at least quarterly) to the Pastoral Council. The Finance Council should address significant revenue and expense variances from the approved budget, and should review actual to budget comparisons by individual program categories, such as the elementary school and religious education program. Significant variances from budgeted amounts should be investigated and explained. Expenditures that exceed \$1,000 (except for utilities and diocesan obligations) should be reported to the Finance Council at their next meeting. This can be accomplished by the Parish Finance Council reviewing the check register in identifying such items. The review and finance council's response should be documented in the meeting minutes.

5. Annually (within 45 days of year end) each parish is required to send a letter to the Diocesan Bishop and the diocesan chief financial officer containing: **See Exhibit 6**.

- a. The date on which the previous fiscal period-end financial report was made available to parishioners,
- b. The date on which the budget for the current fiscal year was made available to parishioners,
- c. The date(s) on which interim financial statements were made available to parishioners during the previous twelve-month period,
- d. The dates on which the Parish Finance Council met during the previous twelve-month period,
- e. The names, occupations and contact information of the members of the Parish Finance Council,
- f. A statement that the previous fiscal year-end financial report to parishioners represents, to the best of the Parish Finance Council's knowledge and belief, an accurate and complete accounting of parish finances,
- g. A statement that the Parish Finance Council regularly reviews and discusses the budget and quarterly financial statements of the parish submitted to the Office of Finance,
- h. A statement that the Parish Finance Council members have read the Diocese of Charleston Parish Finance Council Handbook, acknowledging their role in the administration of the norms and to contact the diocesan Finance Office with concerns about any aspect of parish finances that are not being appropriately addressed,
- i. The signatures of the pastor and Parish Finance Council members attesting to the above items.

Copies of the most recent fiscal period-end published financial statements and the current fiscal year annual budget are to be submitted with the letter.

6. The Finance Council should provide assistance in the formulation and communication of the Annual Financial Report to the parish community, as required by canon 1287, §2. The Annual Financial Report to the parish community often includes more than just financial information (e.g. description of key issues, programs and events, statistics related to church attendance, sacraments, school and religious education enrollment, etc.) Additionally, the Finance Council is to participate in

the preparation of the Mid-year Financial Report to the parish community. Understandable, regular and complete communication to parishioners is a key responsibility of the pastor and an important area for the Parish Finance Council to assist. Communication keeps parishioners informed of the parish's condition, its priorities, its needs, and progress on previously announced initiatives.

7. The Finance Council should assess offertory giving levels and the effectiveness of existing fund-raising programs and recommend new programs, changes to, or the abrogation of, existing programs. They should coordinate all fund-raising programs through the diocesan Office of Stewardship, the Office of Finance and support parish and diocesan stewardship programs.

8. The Finance Council is to provide advice on the use of undesignated bequests or other unbudgeted revenue, and ensure compliance with diocesan policy that at least 50% of undesignated bequests of \$10,000 and above be invested in a parish endowment account or with the diocesan Deposit & Loan in an account in the name of the parish. As the gift is not specific in its use, this will allow for future needs and ministries of the parish to be addressed.

9. The Finance Council should review fundraising activities, such as silent auctions, dances/dinners, and concession sales for compliance with diocesan policies, including cash deposit procedures, the obtaining of required licenses, required documentation for tax filings, and the actual tax filings. Information is available at the S.C. Department of Revenue website, www.sctax.org.

Specifically, in the Diocese of Charleston bingo and raffles are not allowed. The College of Consultors decided at a meeting on December 18, 2007, that bingo will not be allowed as fund-raisers in the Diocese of Charleston. As for raffles, the State of South Carolina considers raffles to be a form of gambling, and the only gambling allowed in the state is the official South Carolina Education Lottery. While there has been proposed legislation that would allow various nonprofit groups — including Churches — to conduct raffles, such legislation has yet to be approved and accepted as law. Therefore within the Diocese of Charleston, no raffles are to be conducted.

If at any time during any fund-raising event, more than \$25,000 is expected to be on hand, you may wish to contact our insurer, Catholic Mutual Group, to extend the limits of theft coverage for the event.

A report of the financial results of the special event (i.e. revenues less expenditures equals net proceeds) should be prepared in a timely manner after the event and its financial activity has been completed. This report should be reviewed and approved at the next meeting of the finance council.

10. The Finance Council should assist the pastor in the administration of parish funds and banking arrangements. Each parish is limited in the number of bank accounts that may be established. The Accounting and Internal Procedure Manual states each parish and school should maintain one checking account for all check disbursements. Exceptions to this would be separate checking accounts for columbarium, cemeteries, Mass stipends and cafeteria sales in a school. The Finance Council should review the circumstances associated with a request for a new bank account and approve said request before it is submitted to the Chancery. This also applies to bank accounts for auxiliary groups.

The Finance Council should recommend the appropriate amount of funds to be on deposit in the checking account, and in savings and investment accounts.

Parishes are not to maintain accounts outside the State of South Carolina.

The Diocese of Charleston strongly encourages parishes to deposit excess funds in the Diocesan D&L fund. As the Church of Charleston, we collectively have a mission to support the needy parishes within the State of South Carolina.

If the pastor chooses to invest the parish funds outside the Diocesan D&L, each pastor should utilize government-insured, interest-bearing accounts/instruments to maximize the earning power of available cash balances. The following is a list of allowable investment instruments:

- Certificates of Deposit
- US Government Instruments
- State/Municipal Government Instruments
- Money Market Funds
- Government Agency Instruments

Interest earned on a diocesan deposit account is non-assessable, whereas, interest earned on the funds in a bank is assessable revenue.

11. At least one appointed member of the Finance Council is to review the bank reconciliation, bank statements and canceled checks for all parish bank accounts at least four times per year. The following observations should be made or confirmed:

- The pastor must open the bank statements and review the cancelled checks and deposit receipts for any irregularities
- The ending balance of the bank reconciliation should equal the cash balance on the balance sheet and the checkbook at the end of each month
- The pastor's initials should be noted on the reconciliation indicating he has reviewed it and is in agreement
- The outstanding checks, deposit activity and canceled checks should be reviewed for obvious inconsistencies
- Scan the deposit and charges to the bank account as reflected on the monthly bank statements for any inconsistent or unusual deposits or charges.

12. The Finance Council should assist the pastor in establishing and managing a parish endowment program, insuring that the purposes of endowments are well-defined and consistent with the long-term needs and life of the parish. The pastor and Finance Council must obtain approval from the Bishop of Charleston to accept a gift or bequest with any defined restrictions of use. As restricted gifts are approved for acceptance by the Bishop of Charleston, the pastor and Finance Council must ensure that the parish formally accepts the funds from the donor, and the restricted funds are spent consistent with the donor restriction(s).

13. The Finance Council should review any indebtedness of the parish and assist the pastor in

fulfilling his obligations under canon 1284, §2, 5°, i.e. to "pay the interest on a loan or mortgage when it is due and take care that the capital debt itself is repaid in due time." Planning for debt repayment should be an integral part of the budget process. The Finance Council should review the circumstances associated with, and the plan for repayment of, any plan to incur additional debt. The Finance Council must approve the request before it is submitted to the Diocese.

14. The Finance Council assists the pastor in planning for repair, replacement, or service of property and equipment to ensure that the parish buildings and property are adequately maintained. The Finance Council should review maintenance and utility costs seeking to minimize costs through preventative maintenance, energy conservation, and the implementation of risk management programs and recommendations.

15. The Finance Council should review the parish's internal controls and accounting procedures utilized by the parish. To do so they should become knowledgeable of the financial policies and procedures contained in The Diocese of Charleston Financial Polices and Procedures Manuals for Parishes and Schools (the Manual), as appropriate. The Finance Council should review procedures for parish operations, the parish school and other parish organizations or programs, as well as auxiliary associations, to determine compliance with the Manual and whether proper accounting practices and internal control procedures are in place, and whether the parish is in compliance with all statutory requirements. They should also advise and assist parish staff in the implementation of policies and procedures. If written procedures do not exist at the parish, the Finance Council should participate in the development of written procedures for cash receipts, cash disbursements, administration of cash activity (including offertory procedures), and payroll.

16. Diocesan policy stipulates that two adult members of the parish who are active in parish life, in good standing, and having prudence and upright character and skilled in business affairs and in accounting shall be chosen each year by the pastor or administrator of the parish to act as auditors. In this capacity they would examine financial transactions for compliance with diocesan norms to insure transactions were properly approved and recorded. Ideally, parish auditors should not be members of the finance council, the parish council, or relatives of members of these councils in order to avoid any question of conflict of interest in the deliberations of the council. **See Exhibit 3** (find on diocesan website, www.catholic-doc.org). This is a guideline to review key areas of the parish's financial activity.

The pastor and Parish Finance Council have the option of a more extensive review to be performed by the parish auditors by following the Parish Financial Services office audit plan; or the parish may elect to contact an external accounting firm to perform an independent audit of other agreed upon procedures. The Office of Finance can assist in providing guidance in this area.

17. The Finance Council should review the activities and financial reports of all parish auxiliary groups. Each auxiliary group is required to submit a quarterly financial statement to the pastor, consisting of all revenues and expenses, and a reconciliation of the quarterly activity to the beginning and ending cash balances. The Finance Council is to assess the accounting practices and internal control procedures in use to insure compliance with diocesan policies and is to review the activities of the auxiliary groups

to ensure that they are not jeopardizing the tax-exempt status of the parish.

18. The Pastor and Finance Council will be notified by the Finance Office of the Diocese of Charleston of any complaints received with regard to the Conflict of Interest, Whistleblower or Fraud policies of the Diocese of Charleston, and provide recommendations on what the parish needs to do to comply with said diocesan policies with respect to reporting and prevention.

19. The Finance Council should provide advice on hiring and evaluating a business manager, accountant or similar position. Every parish according to its needs should consider employing a lay Business Administrator. The qualifications and credentials for the consideration of this position might be:

- four-year degree in business management, financial management or accounting
- experience in managing a business office or financial department, particularly with regards to personnel matters of employment, corrective action, termination, benefits, etc.
- knowledge and expertise of accounting practices
- oversight of maintenance and upgrading of facilities, grounds, vehicles
- coordination of parish staff and volunteers
- oversight of implementation and compliance of risk management practices for parish campus

The determination to staff the position of the lay Business Administrator should be considered on a parish by parish basis for financial viability and benefit. It is strongly encouraged that each parish performs a thoughtful review and discussion of the merits of employing a lay Business Administrator whether on a full-time, part-time or volunteer basis.

MEMBERSHIP

The Parish Finance Council is about the life of a community of faith and, as such, its members should be practicing members of that community of faith. The Pastor may use his discretion in the selection of reputable, qualified members from the parish community. The Pastor is an ex officio member of the Parish Finance Council and presides over the Parish Finance Council.

1. Representation

Members should be selected from the parish community and reflect its diversity. Where appropriate, outside advice and counsel may also be engaged to obtain needed specific expertise. A membership application form should be completed and submitted confidentially to the pastor for review and selection. **See Exhibit 4.**

Members of the Parish Finance Council should be chosen based on demonstrable skills or expertise in management and/or finance. Skill sets to consider include business, law, accounting, and communications. Additionally, persons with professional knowledge and experience in engineering, construction, maintenance, and purchasing could also make a significant contribution and should be recruited when available. Expertise can vary widely and include a business executive, accountant, lawyer, and small business owner. The unique talents within the parish community should be sought. A parish "Time, Talent, and Treasure" survey may be helpful in identifying parishioners having the desired skills and willingness to serve.

2. Number of Members

Membership should consist of no less than three members. A quorum shall consist of the majority of members. It is recommended that the Parish Finance Council have an odd number of members and that, except for unusual circumstances, membership be capped at nine voting members.

3. Officers

The officers of the Parish Finance Council shall be a Chairperson and a Secretary. The pastor shall appoint the Chairperson after the members have gone through a period of discernment.

The Chairperson, with the permission of the pastor, will lead all Parish Finance Council meetings in a parliamentary manner at all meetings and, in consultation with the pastor, will be responsible for selecting the time and location of meetings, preparing the meeting agenda, and any other duties so assigned by the pastor.

The Secretary will be responsible for the recording and distribution of minutes, notifying members of upcoming meetings, maintaining a permanent record of each member's tenure and of business conducted by the Parish Finance Council, and any other duties so assigned by the Chairperson or pastor.

4. Conflicts of Interest/Preclusion to Membership

Parish Finance Council members owe the parish a duty of loyalty. The duty of loyalty requires a Parish Finance Council member to act in the interest of the parish rather than in the personal interest

of the member or any other person or organization. In particular, the duty of loyalty requires a Parish Finance Council member to avoid conflicts of interest that are detrimental to the parish.

Any member of the Finance Council or family member having an interest in any contract or other transaction presented to the Council for consideration, recommendation or approval shall make prompt, full and frank disclosure of his or her interest to the Finance Council and the Pastor prior to acting on such contracts or transactions.

The Finance Council shall thereupon determine, by majority vote, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist and make its recommendation to the Pastor as to whether the person should be able to vote and/or participate in the discussions or deliberations with respect to such contract or transaction. Considering the recommendation of the Finance Council, the Pastor should then make the final determination.

The minutes of the meeting shall reflect the disclosure made the recommendation to the Pastor and the abstention from participation deemed appropriate by the Pastor. Any contract or transaction conducted with a member of the Finance Council or family member shall be no less favorable to the parish than any such business would or could have been conducted had no member of the Finance Council been associated with said business, form, or profession.

On an annual basis Parish Finance Council members should confirm, in writing, that there are no known conflicts of interest, or disclose any potential conflict of interest, such as a financial interest that the individual, or a member of the individual's family, has in an entity that transacts business with the parish. **See Exhibit 5.** In the event a change in circumstances gives rise to a real or potential conflict of interest, the situation should be disclosed in writing and submitted to the pastor on a timely basis. See Policy.

No parish employee or family member of an employee or relative of the pastor or any parochial vicars may serve on the finance council.

Members of the Parish Finance Council may serve in other volunteer service roles in the parish such as other committees or boards if, in the judgment of the pastor, such dual service will not create conflict of interest situations. The role of the Parish Finance Council should not be vitiated.

No person may serve on the Parish Finance Council at the same time as a closely related person (e.g. husband and wife, mother and son, etc.).

5. Role of Parish Employee

Parish employees are not members of the Parish Finance Council; however, they may serve as staff to support the Parish Finance Council. Parish employees should be available to answer questions regarding parish programs, accounting, financial reporting, and internal controls. The Finance Council should be provided relevant and timely information including financial reports (balance sheet, income statement, check register, budget to actual comparisons, debt service schedules, investment schedules, and status reports on fundraising activities) to review. The parish accountant (or Business Manager or bookkeeper) should normally attend meetings in a consultative, nonvoting capacity. Likewise, when parish buildings and grounds are to be discussed, it is appropriate for staff responsible for these functions to attend the meeting.

6. <u>Terms</u>

Members are to be appointed by the pastor for fixed terms of three years, and may be reappointed to a second term after which the member should rotate off the Parish Finance Council for at least one year. The pastor may assign or remove a parish finance council member at his discretion. It may be helpful to stagger the terms so that there is continuity of service and no disruption to the function of the Finance Council.

When a parish becomes vacant, a Parish Finance Council should remain in place to assist the administrator and to provide continuity throughout the transition. After a period of transition, the Parish Finance Council should offer their resignations. If the administrator or new pastor does not reconfirm the members of the Parish Finance Council, he would then enlist a new Parish Finance Council membership through a selection process of his choosing. Membership in the Parish Finance Council is subject to the discretion of the pastor/administrator.

MEETING PROTOCOLS

1. Scheduled Meetings

Meetings should be scheduled in advance for a specified period, typically a year. Meetings must be held no less frequently than once a quarter, but preferably monthly. As the purpose of the Parish Finance Council is to provide advice and support to the pastor, the pastor should be present at all Parish Finance Council meetings and cannot meet with out the pastor's consent.

The Finance Council and pastor should formulate a communication method among members to address Parish Finance Council matters between meetings.

2. Use of Agendas and Review Materials

Meeting agendas should be prepared in advance of the meeting by consultation between the pastor and Parish Finance Council Chair. The agenda should list the major items for discussion. Supplying information in advance to members will lead to more productive meetings.

3. Recording of Meeting Minutes

Minutes should be recorded by the Parish Finance Council Secretary, circulated among the members for their review and officially accepted by majority vote. They should be archived as part of the parish permanent record.

4. Confidentiality

Members should maintain confidentiality on those matters designated as confidential, including employee salaries and parishioner contributions. Materials such as agendas, meeting minutes, and review materials should not be disclosed to others if designated as confidential.

5. Visitors/Communications

Parish Finance Council meetings should follow Robert's Rule of Order and may be open to the parish community. An executive session may be called when sensitive or confidential matters need to be addressed such as contract negotiations, agreements, receipt of legal advice and personnel matters. It is appropriate to keep the entire parish community informed of major issues. This could be accomplished via letters, bulletin articles, pulpit announcements, and/or publication of meeting minutes. The Finance Council should advise the pastor on the best ways to keep the parish informed and involved in key issues and decisions facing the parish.

6. Record Retention

The parish should retain meeting minutes, agendas, handouts, reports, and materials reviewed during the meeting for future reference by either internal or external parties.

SUBCOMMITTEES

It may be appropriate to establish subcommittees to deal with specific responsibilities and duties. The magnitude and complexity of the different subcommittees depends upon the size, resources, obligations, and needs of each particular parish. The subcommittees may be composed of either, or both, Finance Council members and non-Finance Council members. The subcommittees may be permanent or limited in duration to the accomplishment of a specific assignment. The Finance Council coordinates the work of these subcommittees.

The work of the subcommittees may encompass the following:

1. Budget Subcommittee

- To assist the pastor in the preparation, presentation, and review of an annual budget for both operating and capital expenditures based upon the goals and objectives determined by the Parish Pastoral Council. The approved budget should be published and made avail able to parishioners.
- To assist other programs and ministries in preparing and submitting their annual budgets to the parish.
- To study parish revenue and make recommendations for maintaining and increasing revenues in order to meet parish objectives and priorities; and to monitor contribution trends.
- To periodically (e.g. monthly or quarterly) review income and expenditures and make recommendations as necessary to see that expenses are within set limits.
- To provide parishioners with periodic (at least twice a year), comprehensive reports on the parish's financial position, including a statement of activity and balance sheet.
- To review internal controls and offertory procedures, and prepare recommendations for improved procedures.
- To ensure that bank reconciliations are regularly completed within 10 days after each bank statement is received; and to review the bank statements, returned checks (or check facsimiles), and reconciliations at least four times per year.
- To educate parishioners about stewardship and the need for parish involvement and support. If a parish has a separate stewardship committee this responsibility would fall to that committee.
- To identify cost-cutting measures when necessary.

2. Facilities and Maintenance Subcommittee

- To advise the pastor regarding the results of quarterly inspection of all parish facilities.
- To recommend repairs or replacements based on priorities established by these inspections.
- To develop a detailed inventory of all parish assets in accordance with canon 1283, §2 and update the inventory on an annual basis.
- To assist in the development of guidelines concerning the use of parish facilities.
- To assist in the development of parish energy conservation programs.
- Develop teams of parishioners who will donate time and talent for parish maintenance tasks, taking note of the extent to which such work is allowed to be performed by

volunteers under the guidelines of the diocesan risk management and insurance programs.

- To review the parish's risk management and loss prevention reports in order to ensure corrective action is taken where necessary.
- To ensure that the safety and security of the parish campus is addressed and reviewed regularly.
- 3. Financial Planning and Development Subcommittee
 - To provide long-range planning for both the financial and physical needs of the parish, by working closely with the budget and maintenance subcommittees, the Parish Pastoral Council, and other parish organizations.
- 4. Parish School Subcommittee
 - To provide insight of the school's operating and capital project budgetary needs for the parish financial planning and determination of a subsidy to be provided to the school.

RELATIONSHIP TO PASTORAL AND OTHER COUNCILS

The development of the parish pastoral plan is the work of the pastor with the assistance of the pastoral and parish finance councils. Communication between the two councils is essential to share information regarding the parish finances in order to implement the pastoral plans and priorities.

It is the role of the pastoral council to assist the pastor in prioritizing the goals of each commission as part of the pastoral planning process. Based on these goals, the various commissions prepare budgets for review by the parish finance council.

It is the responsibility of the parish finance council to determine the adequacy of resources to fund the activities of the commissions, specific parish ministries and operating expenses of the parish. If there is a budget shortfall, the finance and pastoral councils should collaborate to offer the pastor solutions to the matter.

Ultimately, it is the role of the parish finance council to recommend the final budget to the pastor for his approval.

To maintain open communication, it is recommended that a person from the pastoral council serve as an ex-officio member on the finance council. The finance council, likewise, should appoint an ex-officio member to the pastoral council.

An appropriate means of communication should be developed between the Parish Finance Council and other parish groups and councils. It may be useful to assign a liaison between councils. The Finance Council should interact with parish groups/councils to study, create, and revise plans for the effective management and use of parish resources.

GLOSSARY

Administration

To administer — to protect temporal goods, to help them bear fruit (e.g., revenue), and to use them for their proper ends

- 1. **Ordinary administration** actions which are considered to be necessary for the daily operation and maintenance of the property and work of a juridic person.
- 2. Acts of major importance A category of acts of administration pertaining to the juridic person of a diocese. Such acts are the more significant ones and are determined by the Diocesan Bishop in light of the economic condition of the diocese (see can. 1277).
- 3. Extraordinary Actions which because of their nature, importance, or financial value, exceed the limits of the routine administration of the goods and activity of a juridic person. Such acts always require the written permission of the Diocesan Bishop authority, such as, asking permission to exceed the \$10,000 limit for a parish.
- 4. Alienation of temporal goods The juridical transfer, with or without compensation, of the ownership or interest in real estate or other property to another.

<u>Church</u>

"In the following canons (of Book V), the term Church signifies not only the universal Church or the Apostolic See, but also any public juridic person in the Church unless it is otherwise apparent from the context or the nature of the matter" (can. 1258).

College of Consultors

This small group of priests is appointed by the Diocesan Bishop from among the members of the presbyteral council for a narrow range of specific responsibilities (can. 502). The college plays a key role when the diocesan see is impeded or vacant (cann. 421, 272, 413, 419, 422, 485, 501, § 2) and in major decisions related to finances (cann. 494, 1277, 1292). The college of consultors has from six to twelve members and serves for a five-year term. The bishop presides over meeting of the consultors (can. 502).

Ecclesiastical Goods

"All temporal goods which belong to the universal Church, the Apostolic See or other public juridic persons in the Church are ecclesiastical goods and are governed by the following canons (of Book V) and their own statutes." (can. 1257, § 2)

Classification of Ecclesiastical Goods: The 1917 Code and canonical tradition distinguished a number of categories to classify temporal goods, many of which are also found in the 1983 Code:

1. **Corporeal goods** — goods which are palpable or that can be perceived by the senses; i.e. a church, hospital, automobile

Incorporeal goods — goods which are not palpable and cannot be perceived by the sense but only by the mind; i.e. legal rights, patents, stocks

Immovable goods — corporeal goods which cannot be transferred from place to place naturally; i.e. land, buildings, or legally; i.e. doors, plumbing, windows
 Movable goods — corporeal goods which can be transferred from place to place; i.e. merchandise, livestock, automobiles; these are further distinguished as:

- a. <u>fungible movable goods</u> movable goods which may be replaced in kind and which are consumed when used; i.e. grain, vegetables, fruit
- b. <u>non-fungible movable goods</u> movable goods which are not consumed by their first use; i.e. automobiles, furniture, computers
- 3. **Sacred goods** goods designated for divine worship by dedication or blessing (see cann. 1171 and 1205)
- 4. Profane goods goods which are not sacred
- 5. Precious goods goods distinguished by age, art, material, or veneration (see Canon 1189)
- 6. Non-precious goods goods which are not precious

Persons: Moral, Physical, Juridic

Persons are subjects of rights and obligations. The Latin Code recognizes and distinguishes three kinds of persons:

- 1. **Moral persons** these come into existence without the intervention of any legal authority The code recognizes two such moral persons: the Catholic Church, and the Apostolic See (can. 113, § 1).
- 2. **Physical persons** Individuals who have, through baptism, acquired a number of rights (and corresponding obligations) in the Church (can. 96). These rights and obligations of physical persons may be exercised according to their status; for instance, depending on whether or not they are infants, minors, or adults; whether they are subject to ecclesiastical penalties; whether they have, through religious profession or some other type of commitment, renounced the exercise of certain rights.
- 3. Juridic persons "artificial" persons who, in canon law, are subjects of rights and obligations, which are in accord with their nature (can. 113, § 2). Like a corporation in the secular world, a juridic person is a fiction of canon law. It is established to carry out works which transcend the purposes and capacities of individuals (can. 114, § 1), and, by its nature is perpetual (can. 120, § 1). The competent legislator intervenes to bring it into existence, and, if necessary, to modify or even to suppress it.

Presbyteral Council

A body of priest, which constitutes the senate of the diocesan bishop, representing the presbyterate who aids the bishop in the governance of the diocese according to the norm of law in order that the pastoral welfare of the portion of the people of God entrusted to him may be promoted as effectively as possible (can. 495, § 1).

Stewardship

The careful and responsible management of something entrusted to one's care.

Temporal Goods

According to canon 1245, § 1 and § 2 (of Book V), To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal (lay or secular) goods independently from civil power. The proper purposes are principally: to order divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy.

Appendix

References — Canons 1281-1288

<u>Can. 1281</u>

§1 — Without prejudice to the prescripts of the statutes, administrators invalidly place acts which exceed the limits and manner of ordinary administration unless they have first obtained a written faculty from the ordinary.

The statutes are to define that acts which exceed the limit and manner of ordinary administration; if the statutes are silent in this regard, however, the diocesan bishop is competent to determine such acts for the persons subject to him, after having heard from the finance council. J — Unless and to the extent that it is to its own advantage, a juridic person is not bound to answer for acts invalidly placed by its administrators. A juridic person itself, however, will answer for acts illegitimately but validly placed by its administrators, without prejudice to its right of action or recourse against the administrators who have damaged it.

Can. 1282

All clerics or lay persons who take part in the administration of ecclesiastical goods by legitimate title are bound to fulfill their functions in the name of the Church according to the norm of law.

<u>Can. 1283</u>

Before administrators begin their function:

 1° — they must take an oath before the ordinary or his delegate that they will administer well and faithfully;

2° — they are to prepare and sign an accurate and clear inventory of immovable property, movable objects, whether precious or of some cultural value, or other goods, with their description and appraisal; any inventory already done is to be reviewed;

3° — one copy of this inventory is to be preserved in the archive of the administration and another in the archive of the curia; any change which the patrimony happens to undergo is to be noted in each copy.

<u>Can. 1284</u>

§1 — All administrators are bound to fulfill their function with the diligence of a good householder.

- 2 Consequently they must:
 - 1° exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary;
 - 2° take care that the ownership of ecclesiastical goods is protected by civilly valid methods;
 - 3° observe the prescripts of both canon and civil law or those imposed by a founder, a donor, or legitimate authority, and especially be on guard so that no damage comes to the Church from the non-observance of civil laws;
 - 4° collect the return of goods and the income accurately and on time, protect what is collected, and use them according to the intention of the founder or legitimate norms;
 - 5° pay at the stated time the interest due on a loan or mortgage and take care that the capital debt itself is repaid in a timely manner;

- 6° with the consent of the ordinary, invest the money which is left over after expenses and can be usefully set aside for the purposes of the juridic person;
- 7° keep well organized books of receipts and expenditures;
- 8° draw up a report of the administration at the end of each year;
- 9° organize correctly and protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute are based, and deposit authentic copies of them in the archive of the curia when it can be done conveniently.
- §3 It is strongly recommended that administrators prepare budgets of incomes and expenditures each year; it is left to particular law, however, to require them and to determine more precisely the ways in which they are to be presented.

<u>Can. 1285</u>

Within the limits of ordinary administration only, administrators are permitted to make donations for purposes of piety or Christian charity from movable goods which do not belong to the stable partrimony.

Can. 1286

Administrators of goods:

- 1° in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church;
- 2° are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.

<u>Can. 1287</u>

- §1 Both clerical and lay administrators of any ecclesiastical goods whatever which have not been legitimately exempted from the poser of governance of the diocesan bisiop are bound by their office to present an annual report to the local ordinary who is to present it for examination by the finance council; any contrary custom is reprobated.
- §2 According to norms to be determined by particular law, administrators are to render an
 account to the faithful concerning the goods offered by the faithful to the Church.

Can. 1288

Administrators are neither to initiate nor to contest litigation in a civil forum in the name of a public juridic person unless they have obtained the written permission of their own ordinary.

Definition: A juridic person is an artificial person constituted by competent ecclesiastical authority for an apostolic purpose, with a capacity for continuous existence and with canonical rights and duties like those of a natural person. Like a civil-law corporation, it is a legal construct which can and must be conceived of apart from the natural persons who constitute it, administer it, or for whose benefit it exists. Of its nature, a juridic person is perpetual and, once established, it can outlast all natural persons or material goods which formed it.

<u>Canon Law — The Administration of Temporal Goods</u> presentation, DFMC October 2008, Rev. Francis G. Morrisey, OMI, St. Paul University, Ottawa, Ontario, Canada.

Recommended Reference Materials

- 1. **Church Finance Handbook**, edited by Kevin E. McKenna, Laurence A. DiNardo, Joseph W. Pokusa; published by Canon Law Society of America.
- 2. Income Taxes for Priests Only, by Wayne Martin Lenell, CPA, Ph.D. Contact information: www.nfpc.org, 312-442-9700, or fax 312-442-9709.

EXHIBIT 1

VOTUM CONCERNING EXTRAORDINARY ACTS

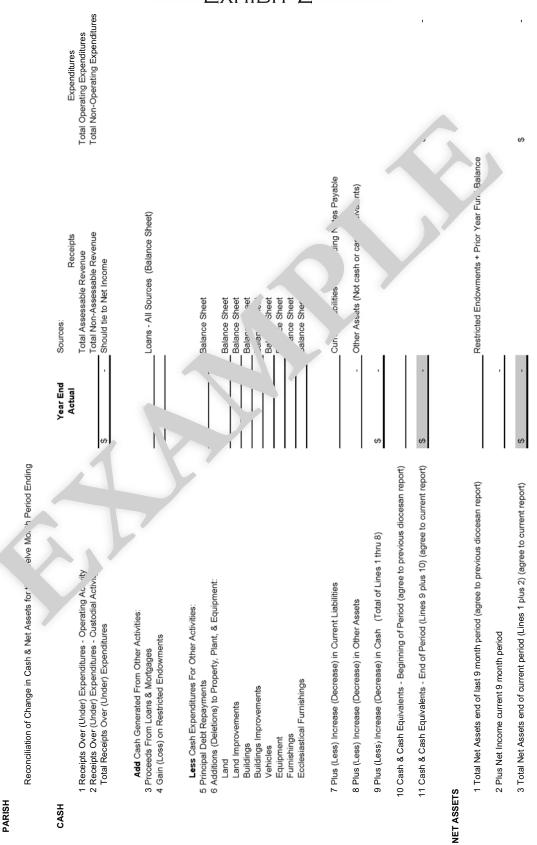
OF

[PARISH NAME]

[DATE]

I,	, a member of the Parish	1 Finance
Council of the parish of	, having heard t	he pastor
of noted parish concerning the important	t factors about the extraordinary	act of
	for the noted exper	nditure of
\$·		
During the discussion, I expressed my opinion	in favor (OR) no	t in favor
(check one) of the extraordinary act.		

Signature _____



DIOCESE OF CHARLESTON

Ехнівіт 2

26

Ехнівіт З

DIOCESE OF CHARLESTON PARISH AUDITOR CHECKLIST

PARISH DATE

PREPARER ____

-

PROCEDURES	PERFORMANCE DOCUMPETED (X)	INITIALS
Balance Sheet Review		
1 Total assets equal total liabilities and equity.		
2 ALL checking, savings and investment accounts are reflected on the parish's balance sheet.		
3 The bank statements for all accounts have been reconciled monthly to the cash accounts on the balance sheet, and reviewed by the Pas*		
4 Investment statement balances should be reflected on the balance e sheet. Journal entries for gains, losses and interest earned may be ary.		
5 Petty cash should be reconciled. The cash in the box us the received disbursements should equal the petty cash fund esta and i.e. \$100. Appropriate approval and business purpose of expendence of us to be noted and each disbursement.		
6 The change in Fixed Assets is consister 'reted copecta, .s, cash disbursements, and/or retired assets.		
7 The unpaid bills has been reviewed to determine '* significant delinquencies exist.		
8 The net change in Notes Payab , if a been reviewed and found to be represed ative of new browing. ss principal payments.	-	
1 Actual reverties have been compare to budgeted amounts and prior year's a second sec		
2 sctual expenses have been compared to budgeted amounts and prior year's stual. Any sig cant fluctuations have been investigated to our set of stion		
 idual char, es to repairs and maintenance expense have been re to risure that it does not include capital expenditures. 		
4 Any it .ns over \$1,000 have been presented to the Finance Council for their review and acknowledged in the meeting minutes of the Parish Finance Council.		
5 ALL expenditures/repairs or project whose combined expenditures are expected to exceed \$10,000 has received prior approval from the Bishop.		
6 Payroll records and 941's have been reviewed for timely submission to the appropriate government agency and balance to the salary accounts in the general ledger quarterly, and to the W2's and W-3 at calendar year end.		
7 All disbursements reflect appropraite approval, receipts attached and business purpose of expense stated.		
Where necessary, attach additional pages documenting the identification and resolution of matters not initially resolved to the auditors' satisfaction.		

EXHIBIT 4

PARISH FINANCE COUNCIL MEMBERSHIP APPLICATION FORM

Name:				
Addres	ss:			
Telephone: _		daytime		
evening/weekend		evening/weekend		
E-mail:	:			
1.	At whic	h parish are you a registered member?		
2.	How m	any years have you been a registered parishioner in this parish?		
3.	What is	your occupation?		
4.	List any parish ministries and the dates of service in which you serve, or have served, at this parish or any service in a parish or in the diocese.			
5.	List any	secular community service.		
6.		ndicate any of your education or formation experience you think would ful to this particular ministry.		

In a few sent		. 1	•	· .1	
In a few sentences, please state why you are interested in serving on the parish finance council.					
L					
	(1	1 1 1			
What is your	age range: (plea	ise check)			
18-25	26-35	36-50	51-65	65+	
Marital Statu	s: (please check))			
	s: (please check)		Divorce	d	_ Widowed

Thank you for taking the time to respond to these questions and to offer your service to the pastor. Your responses are confidential and will be reviewed by the pastor only. Please seal your application in an envelope, marked confidential, to the attention of the pastor. You may mail it to the parish or put it in the collection basket.

ΕΧΗΙΒΙΤ 5

DIOCESE OF CHARLESTON CONFLICT OF INTEREST INFORMATION FORM

Parish Name:		
Name:	 	
Date:		

Please describe below any relationships, positions, or circumstances in which you are involved that you believe could contribute to a Conflict of Interest (as defined in the Parish Finance Council Guidelines policy on Conflicts of Interest) arising.

I hereby certify that the information set forth above is true and complete to the best of my knowledge. I have reviewed, and agree to abide by, the Policy of Conflict of Interest of [Parish Name] that is currently in effect.

Signature

Date

EXHIBIT 6

(Insert date)

Most Rev. Robert E. Guglielmone c/o Office of Financial Services 1662 Ingram Road Charleston, SC 29407

Re: Annual Report for (insert parish name)

Dear Bishop Guglielmone,

Enclosed please find the annual financial report of (insert parish name) for the year ended June 30, 20xx.

The Finance Council of our parish is comprised of the following individuals:

Name	Occupation/Title	Phone Number	Mailing Address	E-mail

The Finance Council met on the following dates in 20xx:

The parish budget for the year ending June 30, 20xx was approved by the Finance Council at its (insert date) meeting. A summary of this budget will be presented to the parish (insert date) by use of (insert method of communication i.e., insert in bulletin, brief oral report at each mass etc.) by the Chairman of the Finance Council. A summary of the annual report will be given to the parish at the same time.

The annual Internal Control Questionnaire was completed for and forwarded to the Department of Parish/School Accounting on (insert date).

Attached is a statement signed by me and members of the Finance Council confirming that we have met, developed and discussed the financial statements and budget of the parish. We submit this information as faithful members of (insert name) parish and diligent stewards of the faith.

(Signature of pastor/administrator) (Printed name of pastor/administrator)

(Name of parish) Annual Statement June 30, 20xx

We the Pastor/Parish Administrator and Finance Council of (insert name) parish have met, developed and discussed the financial statements of the parish for the year ending June 30, 20xx and the budget for the year ending June 30, 20xx.

Signature of Finance Council Member #1	(Print Name)	
Signature of Finance Council Member #2	(Print Name)	
Signature of Finance Council Member #3	(Print Name)	
Signature of Finance Council Member #4	(Print Name)	
Signature of Finance Council Member #5	(Print Name)	
Signature of Finance Council Member #6	(Print Name)	
Signature of Finance Council Member #7	(Print Name)	
Signature of Finance Council Member #8	(Print Name)	
Signature of Pastor/Administrator	(Print Name)	

Diocese of Charleston P.O. Box 818 Charleston, SC 29402 843-853-2130 · Fax 843-724-6387 **Office of Finance** 1662 Ingram Road Charleston, SC 29407 843-402-9115 · Fax 843-402-9071

www.catholic-doc.org