

## **Statutes**

*Preliminary Remark:*

*All official positions or functions are referred to using the masculine form (he, his, etc.), but may of course also be occupied by women, with the exception of those restricted to ordained clergy.*

### **Preamble**

In communion with the Bishop of the diocese and the Pope, each parish of the Roman Catholic Church of Geneva (ECR) is hereby endowed with Statutes, which define its structure and the responsibilities of:

- Christians in general,
- The councils of the Roman Catholic Church of Geneva
- The Bishop of the diocese or his representative.

In accordance with the will of Christ himself, the mission of the Church requires:

- Responsible commitment on the part of baptized Christians, and
- Governance on the part of the bishops as successors of the apostles.

Orientations, initiatives and decisions affecting the life of the Church need to be authenticated or approved by the Bishop or his representative.

The members of the Association, and in particular those of the various councils, are aware that these Statutes are essential under civil law so that the Parish can be recognized as having a legal personality. They will interpret and apply these Statutes in the light of the Church's own law (canon law).

Beyond satisfying the legal requirements, these Statutes call for a readiness to listen and to engage in consultation so as to prepare the decisions affecting the development of pastoral and parish life in a manner befitting the Church.

As is the case with the councils of the Roman Catholic Church of Geneva, the Association has an obligation to take the decisions which come within its responsibility after ensuring that they have the approval of the Pastor, the pastoral team, the pastoral unit, and, if necessary, the Bishop or his representative.

## **Chapter I – Introduction**

### **Article 1 – Establishment**

An Association called “Pope John XXIII Parish”, hereinafter called the “Association”, is hereby established, in conformity with Articles 52, 60 *et seq.* of the Swiss Civil Code.

### **Article 2 – Aims**

1. In communion with the Bishop of the diocese, the aims of the Association shall be:
  - a. To assist the pastoral bodies in maintaining and developing the life of the community, in the light of the Gospel, in compliance with the decrees and instructions of the Bishop and in observance of canon law;
  - b. To acquire the necessary financial means for undertaking the pastoral work defined by the pastoral bodies;
  - c. To manage and maintain its assets;
  - d. To maintain and develop solidarity with the Roman Catholic Church of Geneva (ECR) and other institutions of the Church.
2. The Association shall be a non-profit-making organization.

### **Article 3 – Seat and Duration**

1. The seat of the Association shall be Geneva.
2. The Association shall exist in perpetuity.

## **Chapter II – Members**

### **Article 4 – Members**

1. The members of the Association shall be:
  - a. Any person belonging to the Roman Catholic faith,
    - i. residing in the canton of Geneva or in the surrounding border regions,
    - ii. able to communicate in English
    - iii. at least 16 years of age,
    - iv. whose membership has been registered in the Parish registry.
  - b. The Pastor,
  - c. The representative of the Parish designated by the pastoral team.
2. Exceptions may be permitted, subject to the approval of the Pastor, the pastoral team and the Parish Administrative Council, for persons living away from the Geneva area or of another confession.

3. Members elected to hold office must have reached the civil age of maturity.
4. It shall not be possible for a member to be excluded from the Association.
5. The members of the present Association shall in any case remain members of their territorial parish association.

#### **Article 5 – Loss of membership**

1. Individual membership of the Association shall cease:
  - a. Should any of the conditions laid down by Article 4 no longer be fulfilled;
  - b. Upon the written request of a member;
  - c. Upon the death of a member.

### **Chapter III – Organs**

#### **Article 6 – Organs**

1. The organs of the Association are:
  - a. The General Assembly,
  - b. The Parish Administrative Council, and
  - c. The Pastoral Council, or a group of parish delegates to the pastoral council of the pastoral unit or sector

### **Chapter IV – General Assembly**

#### **Article 7 – Competence**

1. The General Assembly shall be the highest authority of the Association.

#### **Article 8 – Convening of the General Assembly**

1. The General Assembly shall be convened by the Parish Administrative Council at least once a year, no later than 30 June, in particular to approve the accounts and the budget and conduct statutory elections.
2. An Extraordinary General Assembly may be convened at any time at the request of any of the following:
  - a. The Pastor,
  - b. The representative of the Parish appointed by the pastoral team,
  - c. The Parish Administrative Council,
  - d. The Parish Pastoral Council,
  - e. The Auditor
  - f. At least twenty members of the Association.

3. A General Assembly shall be deemed to be properly convened if the members are notified of the agenda, date and venue thereof at least fifteen days in advance, not counting the day of the Assembly, by means of announcements made at the church services and via notices placed on the parish premises, in the Church or in the parish media.
4. In addition, notification to attend the Assembly may be made via circular letter.
5. The accounts and the budget must be made available fifteen days prior to the General Assembly, not counting the day of the Assembly.

### **Article 9 – Agenda**

1. The Parish Administrative Council shall draw up the agenda and include therein all written proposals it has received prior to the publication of the agenda.
2. The General Assembly shall approve the agenda, and then shall deliberate on all items in the agenda.
3. Any items on which the councils have been unable to reach agreement shall be placed automatically on the agenda of the next ordinary or extraordinary General Assembly.

### **Article 10 – Presidency**

1. The President or Vice President of the Association shall preside over the General Assembly.

### **Article 11 – Decisions**

1. Decisions and Elections shall be valid when the total number of Association members present is at least twice the number of Parish Administrative Council members present.
2. Otherwise, a new General Assembly shall take place within a maximum period of ninety days. It shall be convened in accordance with Article 8.3 and its decisions will be valid regardless of the number of members present.
3. Unless otherwise stated in these Statutes, decisions shall be taken and elections shall be carried out by simple majority via a show-of-hands vote, unless a secret ballot is requested by one of the members.
4. Decisions of the General Assembly concerning the subjects listed in Article 18.1 shall be valid only if the prescribed procedure has been observed.

5. Decisions concerning amendments to the Statutes or dissolution of the Association shall be governed by Article 36 *et seq.*
6. The President of the association shall vote. Should voting result in a tie, he may:
  - a. Immediately open a second debate,
  - b. Decide on his sole initiative to postpone the decision until a subsequent assembly,
  - c. Cast the deciding vote, irrespective of how he himself voted.
7. The Parish Administrative Council shall be responsible for implementing the decisions taken.

### **Article 12 – Composition**

1. Persons who fulfill the conditions laid down in Article 4 may participate in the General Assembly.
2. The councils and the President may invite third parties to participate in assemblies.
3. The parties shall not be entitled to vote.

### **Article 13 - Reports**

1. The General Assembly shall hear and discuss the reports of:
  - a. The Parish Administrative Council,
  - b. The treasurer,
  - c. The auditor,
  - d. The Parish Pastoral Council,
  - e. The pastoral council of the pastoral unity or the sector,
  - f. The representative of the Parish or his delegate to the pastoral team,
  - g. The representatives of other Parish activities,
  - h. Its delegates to affiliated or sister associations or foundations,
  - i. Its delegate to the Roman Catholic church of Geneva (ECR)
2. These written reports shall be attached to the Minutes.

### **Article 14 – Accounts and Budget**

1. The General Assembly shall discuss and approve the accounts.
2. It shall discuss and approve the budget, taking account of the needs of the pastoral team, the Parish Pastoral Council and the pastoral council of the pastoral unit and sector and the various Parish groups, to ensure their autonomy with regard to incurring expected expenditure.

3. It shall decide what financial support should be given to the ECR, and on how its capital and surplus is to be allocated.

#### **Article 15 – Minutes**

1. The Minutes shall be taken at every General Assembly. They may be taken by a third party.
2. They shall be signed by the President and the Secretary.
3. They shall be made available to the members and sent to the Episcopal Vicariate thirty days after the General Assembly.
4. They shall be made available to a member upon request.
5. They shall be approved at the next General Assembly.

#### **Article 16 – Elections and Terms of Office**

1. The General Assembly shall elect for a three-year term renewable two times:
  - a. The President of the Association,
  - b. The Vice President, and
  - c. The other members of the Parish Administrative Council as provided for in Article 20.1.e.
2. An exemption to extend a term of office beyond nine consecutive years may be approved on a case-by-case basis by the General Assembly, but such an extension shall not exceed one year and may be renewed only once.
3. The General Assembly shall elect the auditor, its representatives or delegates to sister associations or foundations and its representative to the ECR.
4. The candidates shall be presented to the General Assembly.

#### **Article 17 – Representation**

1. The General Assembly shall confirm the appointment of the members of the parish delegates to the unit pastoral council and of the members of the Parish Pastoral Council,

#### **Article 18 – Prior Opinion**

1. The Parish Administrative Council must obtain the prior opinion of the Bishop or his representative before the General Assembly takes any decision to:
  - a. Contract any loan, take out any mortgage or issue any bond;

- b. Agree to any lien, collateral, mortgage or other guarantee or security;
  - c. Effect any purchase, sale, exchange or other disposal of goods or property, either free of charge or for payment, which is beyond the powers of the Parish Administrative Council;
  - d. Conclude any lease or contracts on use of property for a period of more than five years with respect to premises used for the pastoral needs of the Parish, of the pastoral unit or sector;
  - e. Make any change to the intended use of Parish premises or places of worship;
  - f. Carry out any major renovation of Parish premises or places of worship;
  - g. Enter into any lease or agreement relating to construction, rights of way or charges on landed property;
  - h. Sell or otherwise dispose of liturgical objects or works of art.
2. The prior opinion shall be sought in writing.
3. If the Bishop or his representative does not reply within 90 days, the General Assembly may take a decision.
4. The prior opinion of the Bishop or his representative shall be read out at the General Assembly.
5. If the prior opinion is negative or subject to conditions, the General Assembly must consult the Bishop or his representative before taking a decision.
6. In order to be valid, any decision concerning one of the subjects listed in paragraph 1 above must be approved by 67% of the members present.

## **Chapter V – Parish Administrative Council**

### **Article 19 – Competence**

1. The Parish Administrative Council shall:
  - a. Be the executive committee of the Association;
  - b. Be the sole representative of the Association and commit it in accordance with Article 34;
  - c. Manage and administer the property and business of the Association;
  - d. Draw up the agenda for the General Assemblies and convene them;
  - e. Ensure that the duration of terms of office is duly observed;
  - f. Keep an up-to-date list of the members of both the Parish Administrative Council and the Parish Pastoral Council and of its delegates to the pastoral unit or sector;

- g. Ensure that the archives are maintained as prescribed by law and in accordance with the instructions of the diocesan authority;
- h. Draw up the Annual Report of the Parish, taking account of the reports listed in Article 13.1.

### **Article 20 – Composition**

1. The Parish Administrative Council shall be composed of:
  - a. The President of the Association who shall be the President of the said Council;
  - b. The Vice President of the Association;
  - c. The representative of the Parish designated by the pastoral team;
  - d. A delegate of the Parish Pastoral Council, or the pastoral council of the pastoral unit or sector;
  - e. Between one and nine other members elected by the General Assembly;
2. Paid employees of the Association can serve on the PAC only with a consultative voice;
3. The PAC members act as volunteers and can only claim compensation for their actual expenses and travel expenses. Possible attendance fees may not exceed those paid to official commissions. For activities that go beyond the usual functions of the PAC, each member of the PAC may receive appropriate compensation.

### **Article 21 – Management of Accounts**

1. The Parish Administrative Council shall appoint one person who has the necessary competence for keeping the accounts of the Association.
2. It may engage the services of a person who is not a member of the Parish.

### **Article 22 – Staff**

1. The Parish Administrative Council shall recruit or dismiss staff after consulting the pastoral team, the Parish Pastoral Council, or that of the pastoral unit.
2. It shall ensure that the legal provisions applicable to staff are observed, particularly with regard to labor, social and other insurance, right of residence and right of establishment.

### **Article 23 – Functioning**

1. The Parish Administrative Council shall be convened at least once every six months by the President or at the request of two of its members or of the Pastor.

2. Its decisions shall be reached by simple majority. They shall be valid if at least half of its members are present.
3. The President shall vote. Should voting result in a tie, he may cast the deciding vote, irrespective of how he himself voted, or may postpone the decision until a future meeting.

#### **Article 24 – Day-to-Day Management**

1. The Parish Administrative Council shall make all property acquisitions that are provided for in the budget or come within the area of day-to-day management.
2. It shall conclude all leases or loans for periods of up to five years.
3. It shall accept or refuse all legacies, inheritances, donations or gifts of goods of property. It shall in particular ensure the execution of any attendant responsibility.
4. It shall manage the goods and property of the Association and take care of their day-to-day management.
5. It shall draw up the budget, ensuring that the Parish Pastoral council, the council of the pastoral unit or sector shall have sufficient funds to cover the cost of pastoral activities..
6. It shall assign the funds needed to cover costs shared jointly with the pastoral unit, if they exist.
7. Within the limits of the funds allocated in accordance with line 6, it shall allocate to the Parish Pastoral Council, the pastoral council of the pastoral unit the authority to incur costs.
8. It shall ensure that the Association is adequately insured, in particular with regard to:
  - a. Civil liability as buildings and enterprise proprietor (minimum coverage: CHF 5,000.00);
  - b. Contents insurance (theft, fire, etc.), particularly for objects of value (organs, stained-glass windows, works of art, liturgical objects, etc.);
  - c. Organization of events (Parish Kermesse, trips, excursions, etc.);
  - d. Transportation of persons; work of volunteers.

#### **Article 25 – Relations with the Episcopal Vicariate**

1. Each year the Parish Administrative Council shall provide the Episcopal Vicariate with the balance sheet, the profit and loss statements, the auditor's report and the Minutes of the General Assembly meetings.

## **Chapter VI – Parish Pastoral Council, the Pastoral Council of the Pastoral Unit,**

### **Article 26 – Composition**

1. The Parish Pastoral Council, the pastoral council of the pastoral unit or the sector and the pastoral team shall be responsible for organizing the pastoral activities of the Parish.
2. The mission of the Parish Pastoral Council shall be to:
  - a. Uphold the identity of the Parish within the pastoral unit or sector;
  - b. Provide support for the representative of the pastoral team and for persons associated with the pastoral unit or sector;
3. It must follow the decisions of the pastoral council of the pastoral unit or the sector and the pastoral team.
4. This Council can neither represent nor engage the Association.

### **Article 27 – Organization**

1. This Council is organized according to the provisions, regulations and instructions of the diocesan authority, establishing its own rules of procedure if necessary.

### **Article 28 – Decisions**

1. Any decisions of the Council having financial implications for the Association shall be taken in consultation with the Parish Administrative Council.

### **Article 29 – Composition**

1. The Parish Pastoral Council is composed of:
  - a. Members of the pastoral team composed of the two priests assigned to the Parish and a limited number of laypersons (minimum 2; maximum 5). The Pastoral Team is the expression of the co-responsibility and the participation of all baptized persons in the life and the mission of the Church.
  - b. A President, appointed by members of the Parish Pastoral Council,
  - c. Other members assuring a wide representation of all pastoral activities of the Parish, of the pastoral unit or sector.
2. The General Assembly of the Association shall confirm the composition of the Parish Pastoral Council in accordance with Article 17.
3. Members shall be appointed for a five-year term, which may be renewed once consecutively.

### **Article 30 – Exclusion of a Member**

1. The Parish Pastoral Council may exclude a member whose attitude or conduct is detrimental to its functioning or to the life of the Association.
2. Exclusion from the Parish Pastoral Council, the pastoral council of the pastoral unit or shall not imply exclusion from the Association.

### **Article 31 – Bureau**

1. If necessary, the Council shall appoint a bureau composed of at least three members, including:
  - a. The President,
  - b. The Pastor,
  - c. The delegate of the pastoral team.
2. The bureau and the Council shall meet as often as pastoral activities and structures require.
3. A record of decisions taken by the bureau and the minutes of plenary meetings shall be kept.
4. Decisions shall be taken by consensus in the spirit of the Preamble, in full agreement with the Pastor and the representative of the Parish appointed by the pastoral team.

### **Article 32 – Competence**

1. The Parish Pastoral Council shall be competent for all areas that do not come within the exclusive competence of the General Assembly or of the Parish Administrative Council.
2. It shall appoint a delegate to the Parish Administrative Council as provided for in Article 20.1.d.

## **Chapter VII – Auditor**

### **Article 33 – Auditor**

1. Each year the General Assembly shall appoint at least one auditor having the necessary competence. He shall be appointed from outside the various councils.

2. The General Assembly may also engage the services of an outside auditor.
3. The auditor shall present a report to the General Assembly.
4. The period for which the services of an auditor are engaged shall not exceed five years.

## **Chapter VIII – Authority to Commit the Association**

### **Article 34 – Right of signature**

1. The Association shall be committed by the joint signatures of the President and Vice-President of the Parish Administrative Council or either of them together with another member designated by the said Council.

## **Chapter IX – Finances**

### **Article 35 – Finances**

1. The resources of the Association shall be constituted in particular by:
  - a. Voluntary contributions,
  - b. Collections, except for those assigned to specific purposes,
  - c. Pledges and sponsorships,
  - d. Gifts and legacies,
  - e. Grants
  - f. Income from property,
  - g. Profits from Parish kermesses.
2. The members of the Association shall have no claim to the assets. They shall therefore incur no personal liability as a result of commitments made by the Association, except in cases involving criminal law.
3. The accounts of the Association shall be kept in accordance with the accounting plan and the instructions of the ECR, in conformity with the requirements of the tax administration and other public authorities.
4. The accounts shall be made available to the members prior to the General Assembly and shall be circulated at that Assembly.

## **Chapter X – Amendments to the Statutes**

### **Article 36 – Amendments to the Statutes**

With the prior approval of the Bishop or his representative, the General Assembly shall adopt and amend the Statutes, in accordance with the spirit of the Preamble.

1. Any proposal to amend the Statutes must be included in the Agenda. Any draft amendment to be voted on must be attached to the Agenda.
2. Such a decision must be approved by 75% of the members present.

### **Article 37 - Dissolution of the Association and Transfer of the Assets**

1. Any decision concerning the dissolution of the Association and the transfer of its assets after liquidation must be taken with the prior approval of the Bishop or his representative.
2. Such a decision must be approved by 75% of the Association.
3. The assets after liquidation shall be transferred to the ECR or to any other legal entity designated by the ECR, which pursues similar non-profit-making objectives and benefits from tax exemption. In no case may the assets return to the physical founders or members, nor be used for their profit, whether partial or whole, in any way whatsoever.

### **Article 38 – Arbitration**

1. ~~Except in an emergency,~~ Any dispute relating to the business of the Association shall first be submitted to three arbiters who are not members of the Association. Two of them shall be appointed by the parties to the dispute and the third by the Bishop or his representative.
2. Should the arbitration process be unsuccessful, the parties shall have recourse in the last resort to the competent courts or tribunals.
3. The seat of the arbitral tribunal shall be Geneva.

### **Article 39 - Linguistic Validity**

1. In the event of any divergence in the interpretation of these Statutes between the English translation and the original French text of the Statutes, the French version shall prevail.

## **Chapter IX – Transitional Provision**

### **Article 40 – Transitional Provision**

1. If, on entry into force of the new Statutes, certain members have already completed their maximum term of office, they may be re-elected for a period not exceeding three years, unless they have already been in office for nine years.

## **Chapter XII – Entry into Force**

### **Article 41 – Entry into Force**

1. The Statutes, approved by the representative of the Bishop in Geneva on 1<sup>st</sup> June 2012, were adopted by the General Assembly held on 19 June 2012.
2. They shall enter into effect 19 June 2012. They shall supersede the Statutes of 15 June 2011.

Place and Date: Geneva, Switzerland, 19 June 2012

#### **Signatures**



**Père Richard de Lord**  
Curé Modérateur  
Le répondant de la paroisse  
désigné par l'équipe pastorale



**Manuel M. Dayrit**  
Président  
Conseil de Paroisse