

## **St John XXIII Parish**

### **Statutes**

(Translated from the original French version)

*Preliminary remark :*

*All official positions or functions are referred to using the masculine form (he, his, etc.), but may of course 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 in 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 in Geneva,
- the Bishop of the diocese or his representative.

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

- responsible commitment on the part of the baptised Christians,
- governance on the part of the bishops as successors of the apostles.

Directions, initiatives and decisions affecting the life of the Church require authentication or approval by the Bishop or his representative.

The members of the Association, and in particular the members of the various councils, are aware that these Statutes are essential under civil law in order for the parish to be recognised as a legal entity. They will interpret and apply these Statutes in the light of the Church's own law (canon law).

Beyond satisfying legal requirements, these Statutes require a readiness to listen and to work together in order to make decisions affecting the development of pastoral and parish life in an ecclesial manner.

The Association, following the example of the Roman Catholic Church in Geneva councils, makes it a rule to come to decisions only after having ensured that they meet with the assent of the parish priest, the pastoral team, and if necessary the Bishop or his representative.

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## **Chapter I - Introduction**

### **Article 1 - Establishment**

An Association is established under the name of "St John XXIII Parish" in accordance with articles 52, 60 et seq. of the Swiss Civil Code.

### **Article 2 - Aims**

<sup>1</sup> In communion with the Bishop of the diocese, the Association has the following aims:

- 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 canon law,
- to provide the financial means necessary for the pastoral work defined by the pastoral bodies,
- to manage and maintain its assets,
- to maintain and develop solidarity with the Roman Catholic Church of Geneva (ECR) and other church institutions.

<sup>2</sup> The Association shall be a non-profit organisation.

### **Article 3 - Seat and duration**

<sup>1</sup> The seat of the Association shall be in Geneva.

<sup>2</sup> The Association shall exist in perpetuity.

## **Chapter II - Members**

### **Article 4 - Membership**

<sup>1</sup> The members of the Association shall be :

- a. any person
  - belonging to the Roman Catholic faith and
  - residing in the canton of Geneva and its peripheral regions and
  - able to communicate in English,
  - who is at least sixteen years of age and listed in the parish registry,
- b. the parish priest,
- c. the representative of the parish designated by the pastoral team.

<sup>2</sup> Exceptions may be made with the approval of the pastoral team and the Parish Administrative Council (PAC) for people living outside the parish area or of another confession.

<sup>3</sup> Members elected to hold office must have reached the civil age of majority.

<sup>4</sup> It shall not be possible to exclude a member from the Association.

### **Article 5 - Loss of membership**

<sup>1</sup> Membership of the Association shall cease:

- a. should any of the conditions of Article 4 is no longer be fulfilled,
- b. upon the written resignation of a member or
- c. upon the death of a member.

## **Chapter III - Organs**

### **Article 6 - Organs**

The organs of the Association are :

- the General Assembly,
- the Parish Administrative Council,
- the Parish Pastoral Council.

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## **Chapter IV - General Assembly**

### **Article 7 - Jurisdiction**

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

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

<sup>1</sup> The General Assembly shall be convened by the Parish Administrative Council at least once a year, no later than June 30, in particular to approve the accounts, the budget and to conduct statutory elections.

<sup>2</sup> An Extraordinary General Meeting may be convened at any time at the request of any of the following:

- of the parish priest,
- the representative of the Parish appointed by the pastoral team,
- of the Parish Pastoral Council,
- of the auditor,
- of at least twenty members of the Association.

<sup>3</sup> 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.

<sup>4</sup> In addition, notification to attend the Assembly may be made via circular letter.

<sup>5</sup> The accounts and budget must be available immediately.

### **Article 9 - Agenda**

<sup>1</sup> The Parish Administrative Council shall draw up the agenda and include all written proposals received prior to the publication of the agenda.

<sup>2</sup> The General Assembly shall decide on all items on its agenda.

<sup>3</sup> Any items on which the councils have not been able to agree shall be placed on the agenda of the next ordinary or extraordinary General Assembly.

### **Article 10 - Chairmanship**

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

### **Article 11 - Decisions**

<sup>1</sup> 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.

<sup>2</sup> Otherwise, a new General Assembly shall be held within a maximum of ninety days. It shall be convened in accordance with Article 8, paragraph 3, and its decisions will be valid regardless of the number of members present.

<sup>3</sup> Unless otherwise stated in these Statutes, decisions shall be taken and elections shall be carried out by a simple majority via show-of-hands vote, unless a secret ballot is requested by one of the members.

<sup>4</sup> Decisions of the General Assembly concerning the matters listed in Article 18, paragraph 1 shall only be valid if the prescribed procedure has been observed.

<sup>5</sup> Decisions concerning the amendments to the Statutes or the dissolution of the Association shall be governed by Article 36 et seq.

<sup>6</sup> The President of the Association shall vote. In the event of a tie, he may :  
- immediately open a second debate

- 
- decide alone to postpone the decision to a later Assembly,
  - cast the deciding vote, irrespective of how he himself voted.

<sup>7</sup> The Parish Administrative Council shall be responsible for the implementation of the decisions taken.

### **Article 12 - Composition**

<sup>1</sup> Persons who fulfil the conditions set out in Article 4 may participate in the General Assembly.

<sup>2</sup> The councils and the President may invite third parties to participate in the Assemblies.

### **Article 12a - Voting rights**

<sup>1</sup> Participants in the General Assembly who have been registered in the parish register for more than one year are entitled to vote.

<sup>3</sup> Third parties do not have the right to vote.

### **Article 13 - Reporting**

<sup>1</sup> The General Assembly shall hear and discuss the reports of:

- of the Parish Administrative Council,
- the treasurer,
- of the auditor,
- of the Parish Pastoral Council
- the representative of the Parish appointed by the pastoral team,
- representatives of other parish activities,
- of its delegates to affiliated associations or foundations,
- of its delegate to the Roman Catholic Church in Geneva (ECR).

<sup>2</sup> These reports should preferably be written and attached to the minutes. If there is no written report, the minutes will accurately reflect what was discussed.

### **Article 14 - Accounts and budget**

<sup>1</sup> The General Assembly shall discuss and approve the annual accounts.

<sup>2</sup> It shall discuss and approve the budget, taking into account the needs of the pastoral team, the Parish Pastoral Council and the various parish groups, so that they have autonomy in incurring their expected expenditure.

<sup>3</sup> It shall decide on what financial support should be given to the ECR, and on how its capital and any surpluses are to be allocated.

### **Article 15 - Minutes**

<sup>1</sup> Minutes shall be taken at each General Assembly and may be taken by a third party.

<sup>2</sup> They shall be signed by the President and the Secretary.

<sup>3</sup> The unapproved minutes shall be made available to the members and sent to the Diocesan House of Geneva within thirty days of the General Assembly.

<sup>4</sup> They shall be made available to any member upon request.

<sup>5</sup> They shall be approved at the next General Assembly.

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## **Article 16 - Elections and terms of office**

<sup>1</sup> The General Assembly shall elect for a four-year term of office, which may be renewed twice:

- the President of the Association,
- the Vice-President,
- the other members of the Parish Council provided for in Article 20, letter e.

<sup>2</sup> An exemption beyond a term of office of twelve consecutive years may be approved by the General Assembly on a case-by-case basis.

<sup>3</sup> The General Assembly shall, as far as possible, ensure that new members are added to the organs during elections in order to encourage their renewal.

<sup>4</sup> The General Assembly shall elect the auditor, its representatives or delegates in the sister associations or foundations and appoints its representative to the ECR.

<sup>5</sup> The candidates are presented to the General Assembly.

## **Article 17 - Representation**

The General Assembly shall confirm the appointment of the parish delegates to the Parish Pastoral Council.

## **Article 18 – Prior Opinion**

<sup>1</sup> The Parish Administrative Council must obtain the prior opinion of the Bishop or his representative before the General Assembly takes any decision to :

- to contract any loan, take out to any mortgage or issue any bond,
- agree to any lien, collateral, mortgage or other guarantee or security,
- 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,
- to conclude all leases or contracts of use of more than five years with respect to the premises that are used for the pastoral needs of the parish,
- to make any changes to the intended use of church premises or places of worship,
- carry out any major renovation of church premises or places of worship,
- enter into any lease or agreement relating to construction, rights of way or charges on landed property,
- sell or otherwise dispose of liturgical objects or works of art.

<sup>2</sup> The prior opinion shall be sought in writing.

<sup>3</sup> If the Bishop or his representative does not respond within ninety days, the General Assembly may take a decision.

<sup>4</sup> The prior opinion of the Bishop or his representative shall be read out at the General Assembly.

<sup>5</sup> If the prior opinion is negative or subject to conditions, the General Assembly must consult the Bishop or his representative before taking a decision.

<sup>6</sup> In or to be valid, a decision concerning one of the subjects listed in paragraph 1 above must be approved by 67% of the members present.

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## **Chapter V - Parish Administrative Council**

### **Article 19 - Competence**

The Parish Administrative Council shall:

- be the executive committee of the Association,
- Be the sole representative of the Association and commit it in accordance with Article 34,
- manage and administer the property and affairs of the Association,
- prepare the agenda and convene the General Assemblies,
- ensure compliance with the terms of office and derogations,
- maintain the list of members of the Parish Administrative Council and the Parish Pastoral Council,
- ensure that the archives are maintained as prescribed by law and in accordance with the instructions of the diocesan authority,
- prepare the report of the Parish Administrative Council.

### **Article 20 - Composition**

The Parish Administrative Council shall be composed of :

- a. the President of the Association who chairs the 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,
- e. between one to nine other members elected by the General Assembly.

The members of the Parish Administrative Council shall act on a voluntary basis and shall only be entitled to compensation for their actual expenses and travel costs. Possible attendance fees may not exceed those paid to official commissions. For activities which go beyond the usual scope of the function, each member of the Parish Administrative Council may receive appropriate compensation.

### **Article 21 - Organisation**

<sup>1</sup> The Parish Administrative Council shall appoint one person with the necessary skills to keep the Association's accounts.

<sup>2</sup> It may engage the services of an external agent.

### **Article 22 - Staff**

<sup>1</sup> The Parish Administrative Council hires and dismisses employees after consulting the pastoral team and the Parish Pastoral Council.

<sup>2</sup> It shall ensure that the legal provisions applicable to employees are observed, particularly with regard to labour, social and other insurance, right of residence and right of establishment.

<sup>3</sup> Paid employees of the Association may only attend the Parish Administrative Council at the invitation of the said council and only in an advisory capacity.

### **Article 23 - Operations**

<sup>1</sup> The Parish Administrative Council shall convene at least once every six months at the invitation of the President or at the request of two of its members or of the representative of the parish designated by the pastoral team.

<sup>2</sup> Its decisions are reached by simple majority; they shall be valid if at least half of its members are present.

<sup>3</sup> 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.

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## **Article 24 - Day-to-day management**

<sup>1</sup> 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.

<sup>2</sup> It shall conclude all leases or loans for periods of up to five years.

<sup>3</sup> 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.

<sup>4</sup> It shall manage the goods and property of the Association and take care of their day-to-day management.

<sup>5</sup> It shall draw up the budget, ensuring that the Parish Pastoral Council shall have sufficient funds to cover the cost of pastoral activities.

<sup>6</sup> It shall assign the funds needed to cover costs shared jointly with the Parish Pastoral Council.

<sup>7</sup> Within the limits of the funds allocated according to paragraph 6, it shall allocate to the Parish Pastoral Council the authority to incur common costs.

<sup>8</sup> It shall ensure that the Association is properly insured, in particular as regards

- civil liability as buildings and enterprise proprietor (minimum coverage: CHF 5,000.00);
- contents insurance (theft, fire, etc.), particularly for objects of value (organs, stained-glass windows, works of art, liturgical objects, etc.);
- organization of events (parish kermesses, trips, excursions, etc.);
- transportation of persons; work of volunteers.

## **Article 25 - Relations with the Diocesan House of Geneva**

Every year, the Parish Administrative Council shall provide the balance sheet and profit and loss statements, the auditor's report and the minutes of the General Assemblies to the Diocesan House of Geneva.

## **Chapter VI – Parish Pastoral Council**

### **Article 26 - Composition**

<sup>1</sup> The Parish Pastoral Council and the pastoral team shall be responsible for organising the pastoral activities of the parish.

<sup>2</sup> The mission of the Parish Pastoral Council is to provide support for the representative of the pastoral team. It must follow the decisions of the pastoral team.

<sup>3</sup> These councils can neither represent nor commit the Association.

### **Article 27 - Organisation**

These councils are organised according to the provisions, regulations and instructions of the diocesan authority, establishing their own rules of operation if necessary.

### **Article 28 – Decisions**

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

### **Article 29 - Composition**

<sup>1</sup> These councils shall be composed of :

- a. a president, appointed by the members of the council,
- b. members of the pastoral team,
- c. other members allowing a broad representation of all areas of activity in the parish.

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<sup>2</sup> The General Assembly of the Association shall confirm the composition of these Councils in accordance with Article 17.

<sup>3</sup> Members shall be appointed for a renewable term of four years.

### **Article 30 - Exclusion of a member**

<sup>1</sup> These Councils may exclude a member whose attitude or conduct is detrimental to their functioning or to the life of the Association.

<sup>2</sup> Exclusion from the Parish Pastoral Council does not imply exclusion from the Association.

### **Article 31 - Bureau**

<sup>1</sup> If necessary, the said Councils shall appoint a bureau composed of at least three members, including :

- the President,
- the parish priest,
- the delegate of the pastoral team.

<sup>2</sup> The bureau and the Council shall meet as often as pastoral activities and structures require.

<sup>3</sup> A record of decisions taken by the bureau and the minutes of plenary meetings shall be kept.

<sup>4</sup> Decisions shall be taken by consensus in the spirit of the Preamble, in full agreement with the parish priest and the representative of the parish appointed by the pastoral team.

### **Article 32 - Competence**

<sup>1</sup> These Councils shall be competent for all matters that are not the exclusive competence of the General Assembly or the Parish Administrative Council.

<sup>2</sup> They shall appoint the delegate to the Parish Administrative Council provided for in Article 20, letter d.

## **Chapter VII - Auditor**

### **Article 33 - Auditor**

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

<sup>2</sup> The General Assembly may also engage the services of an outside auditor.

<sup>3</sup> The auditor shall present a report to the General Assembly.

<sup>4</sup> 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**

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.



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## **Chapter IX - Finances**

### **Article 35 - Finances**

<sup>1</sup> The resources of the Association shall be constituted in particular by:

- voluntary contributions,
- collections, except for those assigned to specific purposes,
- pledges and sponsorships,
- donations and legacies,
- grants,
- proceeds from property,
- profits from parish kermesses.

<sup>2</sup> The members of the Association shall have no claim to the assets of the Association. They shall therefore incur no personal liability as a result of commitments made by the Association, except in cases involving criminal law.

<sup>3</sup> 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.

<sup>4</sup> The accounts are made available to members in electronic or paper form prior to the General Assembly and shall be circulated at that Assembly

## **Chapter X - Amendment of the Statutes - Dissolution - Arbitration**

### **Article 36 - Amendment of the Statutes**

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Such a decision requires the approval of 75% of the members present.

### **Article 37 - Dissolution of the Association and transfer of assets**

<sup>1</sup> 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.

<sup>2</sup> Such a decision must be approved by 75% of the Association.

<sup>3</sup> In the event of the dissolution of the Association, the available assets will be entirely allocated to the ECR or to an institution designated by it 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**

<sup>1</sup> Except in urgent cases, any dispute relating to the affairs of the Association shall first be submitted to three arbitrators 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.

<sup>2</sup> Should the arbitration process be unsuccessful, the parties shall have recourse in the last resort to the competent courts or tribunals.

<sup>3</sup> The seat of the arbitral tribunal shall be Geneva.

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**Article 39 - Linguistic validity**

<sup>1</sup> In the event of any discrepancy in the interpretation of these Statutes between the original French text and the English translation, the French version shall prevail.

**Chapter XI - Transitional provision****Article 40 - Transitional provision**

If, at the time of entry into force of the new Statutes, members have already reached the maximum term of office, they may be re-elected by way of derogation in accordance with Article 16 para. 2 of these Statutes.

**Chapter XII - Entry into force****Article 41 - Entry into force**

<sup>1</sup> The present statutes, approved by the Bishop's representative in Geneva on March 15, 2023, were adopted by the General Assembly held on 01.06.2023.

<sup>2</sup> They shall come into effect on 01.06.2023. They shall supersede the Statutes of 19.06.2012.

Place and date: Geneva, Switzerland June 1 2023

**Signatures****Abbé Paul C. Friel**

Curate Moderator

The parish respondent

Designated by the pastoral team

**Oscar Mbeche**

President

Parish Administrative Council

**Joselito Benitez**

Vice-President

Parish Administrative Council