



ANNUAL ELECTION OF TRUSTEES – WHAT DO TRUSTEES DO?

In the Diocese of Wilmington, the directors of the parish corporation are the five trustees who act on behalf of the civil parish corporation. The Bishop of the Diocese (in the case of a vacancy, the Administrator of the Diocese), the Chancellor, and the Pastor of the Parish are ex-officio members of the corporation. Two lay trustees, in accordance with the religious corporation laws of the State of Delaware and the State of Maryland, are to be elected each year as members of the parish corporation. The officers of the corporation are President, Treasurer, and Secretary. By statute of the Diocese of Wilmington, the Pastor is both the President and the Treasurer of the parish corporation. Also, by statute of the Diocese of Wilmington, one of the two lay trustees are to be named by the Pastor as Secretary of the corporation.

The Role of the Trustees

In response to the question – what is the role of the trustees? – the typical response would be, to conduct certain civil business transactions of the parish civil corporation, but to do so in a manner consistent with the rights and obligations of the parish as an ecclesial entity as directed by canon law and diocesan statutes. In the Diocese of Wilmington, paralleling the rights and obligations of the juridical person and its administrator in canon law and as directed by diocesan statutes, trustees of the civil corporation are authorized to act in the following matters: (a) the acquisition, lease, and sale of real estate and other major assets (e.g., buildings of the parish); (b) execute contracts involving major financial commitment (example, major construction projects); (c) borrowing money and incurring financial liability.

In executing their duties, however, the trustees must follow the statutes and regulations as promulgated by the diocesan Bishop. For example, under Church law in the Diocese of Wilmington, entering into a contract for major construction (building new buildings or major renovations to existing facilities) may not be done without first an appropriate review by appropriate diocesan authority and then the direct permission of the local Bishop. The same is true for incurring debt or alienation of property or any part of the parish's patrimony. The trustees may not engage in any civil action against any party or respond to any civil action without the Bishop's specific permission. Note that under this scheme of governance, as established in the civil constituting documents of the civil entity, ecclesial authority authorizes the activities of the civil corporation. It is not the role of the trustees to be involved in the ordinary day to day business administration of the parish. The pastor, authorized by canon law, is to conduct the day to day temporal business affairs of the parish in consultation and with the advice of Parish Councils, and the Parish Finance Council. There are specific diocesan rules and regulations which specify participation in the temporal affairs of the parish by the Parish Finance Council.

As to the process the pastor should employ when the activity of the trustees is required: Once the determination has been made that the parish should, for example, enter into a major contract or incur debt, the pastor, after consultation with the Parish Council and Finance Council, must call together the trustees, explain fully the purpose of the intended action, provide opportunity for discussion among the trustees, keeping in mind the recommendations and advice given the pastor by the Parish Councils. Usually the pastor will gather his lay trustees for these conversations, after having informed the local Ordinary of the need for such action and having received the non-objection of the Ordinary to proceed.

Qualifications for a Trustee

A trustee must be a parish member, a practicing Catholic, and at least 25 years of age. Priests, deacons, and religious assigned to the parish are not eligible to serve as a trustee. State law requires that trustees be elected every year. Trustees serve until their successors are elected. Trustees may not hold office on the Parish Councils nor should they serve as chairpersons of parish committees. Generally, the trustees do not have regular meetings but are convened by the pastor as circumstances require.