

DIOCESE OF MARQUETTE

**2011  
CONSTITUTION  
OF THE  
ST. JOSEPH ASSOCIATION**

PREAMBLE

The St. Joseph Association is a Juridical Person, as understood in the Code of Canon Law. It was erected and established by the authority of the Most Reverend Thomas L. Noa, Bishop of the Diocese of Marquette, on August 14, 1961.

When, in 1959, the original Constitution for the St. Joseph Association was promulgated, the covering letter stated: "The plan, as it is envisioned, is a protection not only for the priests individually, but for the diocese as a whole, now and for the future." With this sixth revision of the Constitution, the vision remains the same, but since the fifth revision of the Constitution the retirement plan is no longer being provided directly through the St. Joseph Association. Effective as of July 1, 2004, the Bishop has adopted the Diocese of Marquette Priests' Retirement Plan, which is a qualified retirement plan under Section 401(a) of the Internal Revenue Code. All payments of retirement benefits to priests of the Diocese of Marquette after July 1, 2004 are made from the new Plan. The Board of Trustees of the St. Joseph Association will serve as administrator and trustee of the new Plan.

*Be it understood* that the goal of the association remains to provide a sufficiently substantial retirement benefit for each priest of the Diocese of Marquette that he may utilize as the foundation of an income that will allow him to live out his years following active service with proper dignity and self-sufficiency. It has never been the intention of the association to provide a total retirement plan in and of itself to its members.

It is, however, among the aims of the association to so build its equity that it will be able to provide a retirement income favorably comparable to that provided by the other dioceses of the Province of Detroit. There can be no doubt that our clergy are deserving of such equitable consideration.

To this end, the association will not only continue to examine and recommend to the Bishop of the Diocese of Marquette such contributions from the parishes, institutions and the annual supplement from the Upper Peninsula Catholic Services Appeal, as have been the major income for the association, but also actively to seek contributions and donations from other sources: diocesan, individual and from groups and organizations which may have a specific interest in, or recognize their obligation to priestly retirement.

The association functions under the prescriptions of the Gospel, protecting the priest against improvident planning (Luke 14:28ff), acknowledging that "the laborer deserves his wages" (Luke 10:7), while helping to free him from "the worries of the world," (Mark 4:19) which can interfere with his ministry to others.

Thus, the goal of financial security for the retired priest is the association's contribution toward his total physical and spiritual well being. The National Conference of Catholic Bishops has issued a document entitled, Norms for Priests and Their Third Age. In its introduction, it states:

The senior years of a priest's ordained ministry, especially the retirement years, are important for the proper completion and perfection of the priestly vocation. These norms, in accord with the Code of Canon Law, are intended to promote both the value and the dignity of the person, as well as the ministry and mission of the church. These norms, in accord with the Code of Canon Law suggest that retirement from a diocesan appointment does not imply an end to ministry. Rather they speak of an entry into a third age where the Spirit is calling us to reflect upon, to integrate, and to complete the ministry to which we were called.

To facilitate this "Third Age" ministry is the reason for existence of the St. Joseph Association.

#### **ARTICLE I: NAME**

*Section 1.1* - The name of the association shall be the "**St. Joseph Association of the Catholic Diocese of Marquette**," hereinafter referred to as the "St. Joseph Association" or "association."

*Section 1.2* - The legal title of the St. Joseph Association is "The Roman Catholic Bishop of the Diocese of Marquette for the St. Joseph Association."

#### **ARTICLE II: PURPOSE**

*Section 2.1* - The purpose of the St. Joseph Association is to assist in the provision of retirement income to the priests of the Diocese of Marquette by performing the duties assigned to it under the Diocese of Marquette Priests' Retirement Plan and Trust Agreement (the "Priests' Retirement Plan") and to perform the other duties specified in this Constitution.

#### **ARTICLE III: PROPERTY**

*Section 3.1* - All property owned or acquired by the St. Joseph Association shall be vested in the St. Joseph Association and shall be assigned solely to the purposes and objectives of the St. Joseph Association.

#### **ARTICLE IV: MEMBERSHIP / ELIGIBILITY**

*Section 4.1* - All priests ordained for the Diocese of Marquette are ipso facto members of the St. Joseph Association from the time of their ordination. Priests entering the service of the diocese from other jurisdictions become members at the time they begin their incardination into the diocese. Former religious priests become members of the St. Joseph Association according to the norms of Canon Law.

*Section 4.2* - Any member on approved leave of absence from the diocese, who continues in active ministry, may remain a member as long as payment of his annual assessment to the St. Joseph Association is kept current.

*Section 4.3* - No benefit payable by the St. Joseph Association shall be subject, in any manner, to alienation, sale, transfer or assignment.

*Section 4.4* - Upon the demise of a member, neither his estate nor his heirs shall have any claim whatsoever against the St. Joseph Association since all rights hereunder cease upon the death of the member.

#### **ARTICLE V: BENEFITS UPON RETIREMENT**

*Section 5.1* - Members who have attained the age of 70 (65 if the member was born before July 1, 1948) and who are vested in a pension benefit shall be eligible to receive pension benefits (without regard to whether the member has actually retired) as determined under the Priests' Retirement Plan.

*Section 5.2* - A member who retires, with the approval of the Bishop, from active priestly service in the Diocese of Marquette on or after attaining age 70 (65 if the member was born before July 1, 1948) will also be entitled to health/dental and automobile insurance, unless he has coverage from another source. This benefit amount will be prorated to the actual number of years of service served in a ratio to 25. Health and dental benefits will be provided through the St. Joseph Association only to the extent such benefits are not provided from the Priests' Retirement Plan.

#### **ARTICLE VI: DISABILITY BENEFITS**

*Section 6.1* - Disability retirement benefits will be paid to a disabled priest in accordance with the terms of the Priests' Retirement Plan.

The St. Joseph Association annual assessment for the permanently disabled priest shall be waived by the board.

If it is a temporary disability, the annual assessment may be waived depending on the circumstances. The board will examine each case and render a decision.

#### **ARTICLE VII: TRUSTEES AND OFFICERS**

*Section 7.1* - The St. Joseph Association shall be governed by a Board of Trustees consisting of the Bishop of the Diocese of Marquette and seven elected members of the following three age groups of the Diocese of Marquette.

(a) Those priests who have attained "Senior Priest Status" shall elect two representatives in staggered years to the Board of Trustees.

(b) Those active priests who have served twenty or more years in the diocese shall elect three representatives in staggered years to the Board of Trustees.

(c) Those active priests who have served less than twenty years in the diocese shall elect two representatives in staggered years to the Board of Trustees.

In addition, the President of the Board of Trustees may appoint from among the members of the St. Joseph Association one or more at-large members of the board, upon the advice and consent of the board. The term of an appointed member shall be three years. In addition, the representative of the Diocese of Marquette who serves on the Pension Board of the Michigan Catholic Conference Lay Employees' Retirement Plan (the "MCC Pension Board") shall serve as an ex officio member of the Board of Trustees with full voting rights for the entire term that he or she serves on the MCC Pension Board. In the event that there is no lay representative of the Diocese of Marquette serving on the MCC Pension Board, the President of the Board of Trustees shall appoint a qualified lay representative to serve on the board for a term of three years or, if shorter, until a lay representative of the Diocese of Marquette is appointed to the MCC Pension Board.

**Section 7.2** - The Board of Trustees shall hold meetings regularly, at least semi-annually. Two-thirds of the board membership shall constitute a quorum at any meeting of the board with concurring votes of a majority of those present being necessary for a decision by the board. A board member may participate in any meeting by way of a conference telephone or by other means of remote communication, and such member will be considered present at the meeting.

**Section 7.3** - The decision of the board in matters within its jurisdiction shall be final, binding and conclusive upon each member, former member and every other person or party interested and concerned, subject however to Article XIV.

**Section 7.4** - The Officers of the St. Joseph Association shall be a President, Vice President, Treasurer and a Secretary, elected annually from and by the members of the Board of Trustees.

**Section. 7.5** -

(a). The President, with the advice and consent of the board, shall set the time and place of the semi-annual meeting. Special meetings may be called at the discretion of the President with the advice and consent of the board.

(b). The President presides at all meetings of the St. Joseph Association.

**Section 7.6** - The Vice President presides at meetings in the absence of the President.

**Section 7.7** -

(a) The Secretary or his delegate is responsible for the minutes of the meetings.

(b) The Secretary or his delegate reminds the members of the Board of Trustees of the date and place of the next meeting four (4) weeks prior to said meeting.

(c) The Secretary or his delegate mails a copy of the minutes of the meetings to the Board of Trustees and the membership following each meeting.

(d) The Secretary or his delegate keeps a record of the membership of the association.

(e) The Secretary or his delegate conducts elections to the Board of Trustees as described in Article VII.

***Section 7.8 -***

(a) The Treasurer is responsible for all financial transactions.

(b) The Treasurer makes a report of all operational receipts and disbursements at the regular meetings of the Board of Trustees.

(c) The Treasurer is the liaison between the association and anyone providing information for matters related to fiscal operations.

(d) The Treasurer is bonded for fraud or embezzlement under the Protected Self-Insurance fund administered by Michigan Catholic Conference.

**ARTICLE VIII: ELECTIONS**

***Section 8.1 -*** Each of the three age groups shall elect representatives to the Board of Trustees for a term of three (3) years.

***Section 8.2 -*** (a) Those priests who have attained "Senior Priest Status" shall elect two representatives in staggered years to the Board of Trustees. (b) Those active priests who have served twenty or more years in the diocese shall elect three representatives in staggered years to the Board of Trustees. (c) Those active priests who have served less than twenty years in the diocese shall elect two representatives in staggered years to the Board of Trustees.

***Section 8.3 -*** No member of the Board of Trustees is eligible for re-election or re-appointment after two (2) successive terms. However, he again becomes eligible for election or appointment after an interim of one (1) year.

***Section 8.4 -*** The election of members to the Board of Trustees will be conducted annually by the Secretary or his delegate.

***Section 8.5 -*** The procedure for conducting the elections shall be determined by the Board of Trustees.

***Section 8.6 -*** The election shall be held during the Fall of the year, being staggered so that at least two or three members are elected each year.

***Section 8.7 -*** The term of office begins on January 1<sup>st</sup> following the Fall election.

***Section 8.8 -*** In the event of an incomplete term of office by an elected member of the Board of Trustees, because of death, or inability to act, a special election is to be conducted by the Secretary as soon as possible to fill the unexpired term. A member elected to the Board of Trustees to complete a term will remain eligible for two (2) successive full terms.

*Section 8.9* - Any elected member of the Board of Trustees whose unexcused absences are judged by the board as failing to represent properly his constituency must be replaced by an interim election. An appointed member of the Board of Trustees whose unexcused absences are judged by the board as contrary to the best interests of the board and the St. Joseph Association may be removed from the board by a majority vote of the board.

## **ARTICLE IX: POWER OF INVESTMENT AND BOARD DUTIES**

*Section 9.1* - The Board of Trustees shall hold, invest, manage, administer and distribute the assets of the Priests' Retirement Plan as set forth in the Priests' Retirement Plan. In connection with the establishment of the Priests' Retirement Plan, effective as of July 1, 2004, the Board of Trustees shall transfer that portion of the assets of the St. Joseph Association as specified by the Board of Trustees to the Priests' Retirement Plan Trust to fund the pension obligations assumed by the Priests' Retirement Plan that previously were obligations of the St. Joseph Association. The Board of Trustees may authorize additional contributions of the assets of the St. Joseph Association to the Priests' Retirement Plan from time to time. Members, including retired members, shall look to the Priests' Retirement Plan as the funding source for their pension benefits and, to the fullest extent permitted by law, for their health benefits. The other benefits described in this Constitution shall be provided from the assets of the St. Joseph Association. The assets of the St. Joseph Association shall be invested as determined by the Board of Trustees, which may delegate the investment duties to an investment committee. The Diocese of Marquette Finance Council and the Board of Trustees shall receive a report on the investment performance of the Priests' Retirement Plan and of the assets of the St. Joseph Association at least annually.

*Section 9.2* - The Board of Trustees has the power to disseminate funds, through the Treasurer, in payment of the expenses incurred by the meetings of the Board of Trustees. The agencies fiscally engaged in the operation of the association shall annually make available to the Treasurer an adequate sum for this purpose.

## **ARTICLE X: FUNDING RESOURCES**

*Section 10.1* - The primary source of funding for the St. Joseph Association is the annual assessment for parishes or institutions as determined by the Board of Trustees. The secondary source is the annual contribution from the Upper Peninsula Catholic Services Appeal. Other sources of income are investment proceeds, wills, insurance benefits, gifts, trusts, bequests or any other donation. Effective on and after July 1, 2004, contributions from these funding sources may be made directly to the Priests' Retirement Plan.

## **ARTICLE XI: AMENDMENTS**

*Section 11.1* - Proposed amendments to the Constitution may be made in writing to the member's age group representative or any officer of the Board of Trustees.

*Section 11.2* - A proposed amendment to the Constitution shall be voted on by the Board of Trustees. If a majority of the members of the board approves the proposed amendment, the proposed amendment shall be submitted to a vote of the full membership of the association. Approval by a simple majority of the total membership shall be required for adoption.

*Section 11.3* - The Priests' Retirement Plan provides that it may be amended by the Bishop, provided that any substantive, i.e., nontechnical, amendments to that Plan require the written consent of the Board of Trustees. Whenever it is required to give such written consent to an amendment to the Priests' Retirement Plan, the Board of Trustees shall present the proposed amendment to a vote of the full presbyterate.

## **ARTICLE XII: BEQUESTS**

*Section 12.1* - Bequests to the St. Joseph Association shall be made according to the following form: "I bequeath to the Roman Catholic Bishop of the Diocese of Marquette for the St. Joseph Association..."

## **ARTICLE XIII: BY-LAWS**

*Section 13.1* - To preserve simple and fluid procedure in the administration of the St. Joseph Association, it is the decision of the Board of Trustees not to formulate any definitive set of By-Laws. Interpretations of the mind of the Board of Trustees, its policy and intent, its procedures and conduct of meetings and business, are to be construed from the minutes of all official meetings of the association. The minutes of all official meetings of the association shall be considered as the By-Laws of this Constitution, and the only By-Laws.

## **ARTICLE XIV: APPROVAL BY BISHOP**

*Section 14.1* - Any action or decision by the Board of Trustees of the St. Joseph Association is subject to the approval of the Bishop.

**IT IS DULY NOTED** that on the **8<sup>th</sup> day of November, 2011** at a meeting of the Board of Trustees of the St. Joseph Association of the Diocese of Marquette, after having previously conducted a vote of the entire association membership for constitutional changes, this **2011 Constitution of the St. Joseph Association** was Ratified by the Board of Trustees, and Approved by the Bishop.

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**Most Reverend Alexander K. Sample**  
Bishop of Marquette

Given this 8<sup>th</sup> day of November, 2011,  
at Marquette, Michigan.

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Reverend Benedetto J. Paris  
Chancellor - Diocese of Marquette  
Ecclesiastical Notary

*(This Constitution replaces the Revised Constitution of 2004.)*