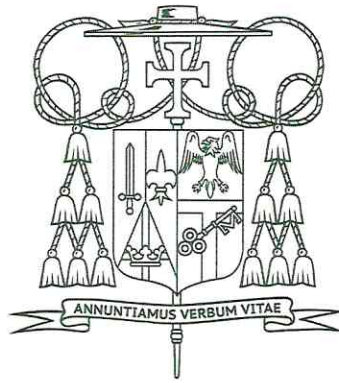


JOHN STOWE, OFM, CONV.



BISHOP OF LEXINGTON

The Revised Constitution and the By-Laws of the Presbyteral Council of the Roman Catholic Diocese of Lexington Kentucky

As Bishop of the Diocese of Lexington in Kentucky, I hereby issue this revised Constitution and the By-Laws of the Presbyteral Council of the Roman Catholic Diocese of Lexington Kentucky as administrative directives of the Diocese of Lexington, summarizing policies and procedures related to the body of the priest whose purpose is to assist the Bishop in the governance of the diocese according to the norm of law.

The revised Constitution and the By-Laws of the Presbyteral Council of the Roman Catholic Diocese of Lexington Kentucky is to be published in print or electronic format in a manner that is readily accessible to all affected by this policy. The provisions of this policy are effective within the Diocese of Lexington as of September 1, 2019, any particular legislation, directives or instructions to the contrary notwithstanding.

Given at the Chancery, Lexington, Kentucky this 30th day of August, 2019.

Most Reverend John Stowe, O.F.M., Conv.
Bishop of Lexington

Karen Abbey
Chancellor

2019:AD013

**CONSTITUTION and BY-LAWS of the PRESBYTERAL COUNCIL
of the ROMAN CATHOLIC DIOCESE of LEXINGTON, KENTUCKY**

PREAMBLE

Through Baptism all the members of the Body of Christ share in the one, eternal Priesthood of Jesus Christ. From among the body of believers, God chooses bishops and priests to share in a unique way in the Priesthood of Jesus Christ through the Sacrament of Holy Orders. Through Sacramental Ordination they are configured to Christ as Head of his Body, the Church. Bishops and priests are entrusted with a particular responsibility to proclaim the Good News of the Kingdom of God and to build up the Body of Christ.

The Presbyteral Council is one practical expression of the real communion that exists between the Bishop and his Presbyterate. It is a forum for open reflection and fraternal dialogue between the Bishop and the priests serving in the Diocese of Lexington and for the effective collaboration in diocesan planning, policymaking and administration. The Bishop is to consult the Presbyteral Council and the Council to advise the Bishop freely.

Ever conscious of our responsibilities for the mission of the Church in this Diocese, mindful of our communion with the universal Catholic Church, acknowledging the fraternal bonds that exists among the priests of this Diocese, and aware of the bonds of unity among all of the people of God, the Bishop and the priests of the Diocese of Lexington in conformity with the 1983 Code of Canon Law have established the Presbyteral Council of the Roman Catholic Diocese of Lexington, Kentucky.

Revised May, 2018

ARTICLE I - NAME

The name of this body shall be "The Presbyteral Council of the Roman Catholic Diocese of Lexington, Kentucky." Hereafter in these by-laws, the body shall be referred to as "The Council."

ARTICLE II- PURPOSE

The 1983 Code of Canon Law determines the purpose of the Council. It is a body of priests whose purpose is to assist the Bishop in the governance of the Diocese according to the norm of law, so that the pastoral well-being of the people committed to the Bishop's care, may, with the cooperation of his priests, be effectively promoted. The Council should be representative of the unity and diversity of the priests of the Diocese and enter into a full and free discussion of all issues of pastoral importance in the Diocese. All members are expected to fulfill this responsibility. (cf. 495.1 and 499)

ARTICLE III- MEMBERSHIP

Section 1- Eligibility

All priests in good standing who hold canonical office, whether they are incardinated or reside in the Diocese, shall be eligible for membership on the Council. Any doubt concerning the eligibility of a priest shall be resolved by the decision of the Bishop after consulting the Council. (cf. canon 498.1, contra 2)

Section 2- Composition

The composition of the Council shall consist of no more than fifteen (15) members of whom six (6) are elected as stated in Section 3; six (6)) are ex officio as stated in Section 4; three (3) may be appointed as stated in Section 5.

Section 3-Elected Members

One priest is to be elected from each of the six (6) deaneries, by the priests of his deanery. By acceptance and notification by the Bishop he becomes the Vicar *Forane* for that deanery, herein referred to as Dean and shall be appointed to the Council as an elected member. (cf. canon 497. 1, 499)

Section 4- Ex Officio Members

There shall be six (6) ex officio members: Vicar General, Vicar for Priests, Associate Vicar for Priests, Vicar Retired Priests, Vicar for On-going Formation of Priests and the Director of Acculturation for International Priests.*

- The priest, currently serving as the Associate Vicar for Priests, is an ex officio member of the Council. He will continue to serve on the Council, bringing the number of ex officio members to six (6) and total membership to fifteen (15). Associate Vicars/Directors will not automatically be members of the Council.

Section 5- Appointed Members

The Bishop may appoint up to three (3) members to the Council to assure that the diverse ministries in the Diocese are sufficiently represented and that the Religious Priests serving in the Diocese are adequately represented. He may also appoint for other reasons or as needed by the Council. The total membership of the Council is not to exceed fifteen (15).

ARTICLE IV TERMS

Section 1 - Elected Members

The term of the elected members shall be three (3) years. Elected members may not serve more than two (2) consecutive terms. In the case that an elected member cannot fulfill his term, the person who had received the second highest number of votes in the most recent election in the deanery will fill out the term. Those who conclude a term in this manner are eligible to serve two (2) more full terms.

Section 2- Ex Officio Members

The term of membership of ex officio members pertains to the office, not to the individual. The individual will serve on the Council as long as he holds the Ex Officio Office.

Section 3- Appointed Members

The term of an appointed member is three (3) years and they serve at the Bishop's request. The Bishop may dismiss from the Council any one of his choices at any time. Appointed members may not serve more than two (2) consecutive terms.

Section 4- Cessation and Resignation

A priest ceases to be a member of the Council: a) by death; b) by the loss of eligibility as defined in Article III; c) by written resignation duly submitted and accepted by the Bishop; d) by removal by the Bishop; e) by transfer from the deanery for which he was elected; f) by expiration of term, office or appointment.

If a Dean moves from his deanery, he ceases to be a member of the Council. The Alternate (see Article VII, 3.) takes on the responsibility as soon as the position of Dean is vacated. In case he happens to be the Chair of the Council he remains in office as Chair until the beginning of the September meeting.

Unexcused absences from three (3) consecutive meetings of the Council shall be grounds for removal by the Bishop. Any member unable to attend a meeting is to notify the Secretary of the Council. If the member is a dean, he should notify his alternate so that he may attend the meeting in his stead.

Section 5- Vacancies

Vacancies shall be filled for the completion of unexpired terms of elected members by the appointment of the alternate to serve out the term.

Vacancies of ex officio members are filled with the next appointee to that office.

Vacancies of appointed members shall be filled by Episcopal appointment.

ARTICLE V- OFFICERS

Section 1- President of the Council

keeping with the norms of Canon Law, the Bishop of the Diocese is President of the Council. As President, the Bishop shall have the right to call meetings of the Council, preside over meetings, place matters of concern on the agenda (see Article VI.8), approve the agenda, accept or reject the results/recommendations of the Council's deliberations arising there from (cf. canon 500.1-3).

Section 2- Other Officers

Each year at the September meeting, the Council shall elect by written ballot, simple majority or by acclamation, a Chair, a Vice Chair and a Secretary from among its members. The election will be directed by the oldest dean of the Council (by age). The election will take place immediately after the prayer convening the meeting. Other than the President, the terms of the Council's officers is one year beginning with the September meeting.

The Chair shall serve as the delegate of the President in conducting Council meetings, in convening the Council for special meetings at the direction of the President, in accepting the appointments of chairs of the Standing Committees and in appointing any ad hoc committees as needed.

The President and the Chair shall constitute the Executive Committee. The Chair may conduct the Council meeting with the express permission of the President.

The Vice-Chair shall fulfill the duties of the Chair in his absence.

The Secretary shall give written notice to the Bishop and the Council members, as needed, of all action items that require their attention.

The recording secretary, appointed by the Bishop, will be responsible for recording the minutes of the meeting and disseminating them.

Any correspondence the Council Secretary becomes responsible for will be directed to the Council members through the office of the Chancellor/Executive Administrative Assistant of the Bishop.

ARTICLE VI MEETINGS

Section 1- Regular Meetings

The regular meetings of the Council shall be held no less than five (5) times per year, beginning in September and then meeting in November, January, March and May. Additional meetings may be called by the President and Chair, when necessary.

An annual calendar of these meetings will be placed on the Diocesan Calendar through the office of the Chancellor/Executive Administrative Assistant.

Section 2- Executive Session

The Bishop, or the Chair with the Bishop's permission, may call the Council into Executive session at any time during the meeting.

Section 3- Special Meetings

Special meetings of the Council may be called at the direction of the Bishop. All members are to be contacted by voicemail notifying them of any special meeting by the office of the Chancellor/ Executive Administrative Assistant.

Section 4- Quorum

A quorum, eight (8), of all current members shall be a simple majority,

Section- 5- Rules of Order

All proceedings are to be conducted in the spirit of the Gospel with parliamentary matters guided by the current edition of Robert's Rules of Order wherever they are applicable and consistent with Canon Law, with this Constitution and any special rules of order that the Council may adopt.

Section 6- Attendance at Council Meetings

Visitors may be invited to attend the Council Meetings. Any priest of the Diocese may attend the Council as an observer. He may not enter into deliberations unless invited by the President or the Chair. Only Council members can be present when the Council is in executive session.

Section 7- Agenda for Meetings

The agenda is established by the Bishop and finalized by interaction with the Chair in determining the business of the meeting.

Agenda and documentation for discussion shall be distributed to the Council members at least seven (7) days prior to the date of the meeting.

All Deanery minutes and any matters requested for inclusion on the agenda must be submitted in writing (electronic or paper) to the Chancellor/Executive Administrative Assistant, at least three (3) weeks in advance of the Council meeting. This request should include the rationale for and the purpose of the proposed agenda item. The request will be forwarded to the Bishop and Chair for consideration.

After the meeting has been called to order, any member may propose a change in the agenda. Any change must be approved by the Bishop. The Bishop may add or delete agenda items at any time.

Section 8- Format of Meetings

The Council can never act without the Bishop. Members have a consultative vote only. Votes by the Council members will be oral and noted by the recording secretary. If necessary, the President or Chair can call for a written ballot. While the Bishop needs the consent of the Council only in those cases expressly by the norms of Canon Law (canon 1742, 1), the Bishop shall listen attentively and enter into the discussion for clarification on all matters of major importance taken up at Council meetings.

Section 9- Recording of the Minutes

The Bishop shall provide that the minutes of each meeting be recorded.

Publication of the minutes of the Council belongs by law to the Bishop. He shall decide what issues may be included in the minutes. Copies of the minutes are to be electronically mailed to the members at least fourteen (14) days prior to the next scheduled meeting. A member of the Council who wishes the minutes sent by US Mail may request this from the recording secretary.

The recording secretary is directed to keep a copy of all business conducted by the Council including minutes, agenda, and all items distributed at the meetings. Copies of these documents may be obtained by any member of the Council.

ARTICLE VII- ELECTIONS

Section 1- Election of Deans

At the May meeting, the Chair will inform the members as to which deaneries are to

hold elections for Dean and Alternate Dean. Each Dean will have the responsibility for conducting the election in his deanery. This election should be completed by the 15th of August.

The Dean is to notify the Bishop of the results of the election. Upon ratification of the election by the Bishop and notification of those elected, he will notify the Chair. The new deans will begin office with the September meeting.

Section 2- Absence from Council Meeting

When a Dean foresees that he cannot attend the Council meeting, he has the responsibility to notify the Alternate Dean to attend the meeting in his place. The Dean should also notify the recording secretary of this change.

When an ex officio member, or one appointed by the Bishop, cannot attend a Council meeting, he should inform the Chancellor/Executive Administrative Assistant.

All reports to have been given by the absent member(s) should be forwarded to the recording secretary.

ARTICLE VIII- COMMITTEES

Section 1- Standing Committees

There shall be an Executive Committee, consisting of the Bishop and the Chair, to set the agenda for the upcoming meeting.

There shall be a committee on Priests' Life to consider the everyday life of the priest, and the fiscal matters and benefits that pertain to him. This committee will periodically review those sections of the " Priest Handbook" that pertain to his life, compensation and benefits.

There shall be a Committee on Priests' Ministry and Mission to consider how best priests can cooperate in achieving the goals set forth in the Diocesan Pastoral Plan,

Section 2- Membership and Standing Committee Meetings

These committees have an important role in the work of the Council through research, discussion and interaction not only with other members of the committee but also with members of the presbyterate.

Elected and appointed members of the Council will be appointed to these two standing committees. There shall be at least four Council members on each of these two standing committees.

The members of each committee will select a chair for that committee for one (1) year. The chair should be a member of the Council and a member of that committee.

The selected chair will call meeting(s) to achieve the goal set by the Council. Written reports on the ongoing work of the committee will be forwarded to the Chancellor/Executive Administrative Assistant in a timely manner for inclusion in the upcoming meeting of the Council so that the members may be notified and prepared to enter fully into the discussion or decision at hand or in making a formal recommendation to the Bishop. The Standing Committees may call upon ex officio members of the Council or others not on the Council to serve as consultants as needed. The Chairs will give a report at each meeting of the Council of the action of the committee.

Section 3- Ad Hoc Committees

To assist in furthering the general purpose of the Council's work, ad hoc committees may be established by action of the Chair in agreement with the Bishop. Such committees shall include an elected member and an ex officio member who will be responsible for the area under discussion that is not in the range of the Standing Committees. The Chair of the Council will appoint the chair of the ad hoc committee, identify the task and suggest a time sequence.

The Ad Hoc Committee may call upon the assistance of consultants as necessary.

After the report to the Council, the Ad Hoc Committee ceases to exist.

ARTICLE IX- AMENDMENTS

The Constitution may be amended by a vote of two-thirds (2/3) of the members of the Council, provided that the amendments have been submitted in writing at the previous meeting of the Council, discussed and received the approval of the Bishop.

ARTICLE X- ADOPTION OF THE CONSTITUTION

The adoption of this constitution shall require approval of at least two-thirds (2/3) of the priests on the Council and the subsequent approval of the Diocesan Bishop. It shall become effective ten (10) days after the date of such approval.

PRIEST RETIREMENT PLAN OF THE DIOCESE OF LEXINGTON, KENTUCKY
RESTATED AND AMENDED Nov 1, 2016

Effective January 2, 1990, **THE ROMAN CATHOLIC DIOCESE OF LEXINGTON**, a non-profit organization, organized and existing under the Canon Law of the Roman Catholic Church pursuant to USCCB IRS Group Ruling as 501 (c)(3), does hereby establish and adopt this Priest Retirement Plan to provide retirement benefits for all eligible priests in the Diocese, including, but not limited to, those priests of the Diocese formerly under the Priest Retirement Plan of the Diocese of Covington and the Archdiocese of Louisville.

This Plan is intended to meet the requirement of a "church plan" as set forth in Sections 414 (e) and 3121 (w) (3) of the Internal Revenue Code of 1986 and Section 3 (33) of the Employee Retirement Income Security Act of 1974 (ERISA).

Article 1: Definitions

- 1.1 "Effective Date" shall mean January 2, 1990
- 1.2 "Employer" shall mean the Roman Catholic Diocese of Lexington, Ky.
- 1.2.1 "Diocese of Lexington" shall mean the Roman Catholic Diocese of Lexington.
- 1.3 "Member" shall mean all incardinated priests of the Diocese of Lexington who are in good standing and active in the priestly ministry, subject to section 4.6 hereof.
- 1.3.1 "Former Member" shall mean all incardinated priests of the Diocese of Lexington who left the priesthood prior to their Earliest Retirement Date, but with a minimum of fifteen (15) years of service.
- 1.4 "Years of Service" for Members shall mean the period between July 1 immediately following ordination and Earliest Retirement Date. "Years of Service" for a "Former Member" shall mean the period between July 1 immediately following ordination and July 1 of the year in which such individual leaves the priesthood.
- 1.5 "Retirement Date" shall mean (a) July 1 of the year in which the "Member" becomes seventy (70) years of age, or (b) July 1 of the year in which the "Member" is given permission to retire earlier on application to the Bishop, but in no event earlier than the year in which the "Member" becomes sixty-five (65) years of age.
- 1.6 "Plan" shall mean the Priest Retirement Plan of the Diocese of Lexington, as established herein and as it may be amended from time to time

- 1.7 "Plan Year" shall mean the fiscal year beginning January 1 and ending December 31.
- 1.7.1 "Presbyteral Council" shall mean the council of priests of the Roman Catholic Diocese of Lexington created in pursuant to Canon 495 of the Canon Law of the Roman Catholic Church.
- 1.8 "Retirement Committee" shall mean the committee defined in Paragraph 2.1 hereof.
- 1.9 "Trustee" shall mean the independent fiduciary named as Trustee in the Trust Agreement or its successor.
- 1.10 "Trust Fund" shall mean the fund(s) held under this Plan, established to service, hold, and invest contributions and earnings of the Plan and from which benefits will be distributed.

Article 2: Administration of Plan

- 2.1 The Plan shall be administered by a Retirement Committee which shall consist of six (6) priests. The Vicar for the Retired Priests shall serve on the Retirement Committee by virtue of his position as one of those priests. Two (2) priests shall be selected by the Bishop and shall serve at the discretion of the Bishop. The other three priests shall be appointed through the process and for the term set forth hereafter ("Appointed Priests"). The Committee Membership is limited two retired priests serving at any time.
- 2.1.1 The process for the selection of the Appointed Priests shall be for the Retirement Committee to recommend a nominee to the Presbyteral Council for consideration at their March meeting for each position to be filled. The Presbyteral Council may accept such recommendation or may reject the recommendation and request that a different nominee be selected and offered for consideration. Once selected the Presbyteral Council shall then advise the Bishop of its recommended nominee(s). The Bishop shall then notify in writing the Retirement Committee, Presbyteral Council and the applicable priest of his appointment.
- 2.1.2 The Appointed priests (1990) shall be appointed to serve initially in staggered terms for one (1) year, two (2) years and three (3) years. Thereafter, each of the three (3) appointed priests shall serve a term of three (3) years, commencing on July 1, in the first Year of the term of appointment and ending on June 30 in the third year of the term of appointment. Each of the three (3) appointed priests may only serve two (2) full consecutive three (3) year terms, but after remaining off the Retirement Committee for one (1) year may be reappointed. Any vacancy of the Appointed Priests on the Committee may be filled as set forth in paragraph 2.1.1. The replacement Appointed Priest on the Retirement Committee so appointed shall complete the term of office of the priest that he replaces and be eligible for two (2) full, consecutive three (3) year terms thereafter.

- 2.2 The Retirement Committee shall select a Chairman, Secretary, and Treasurer of the Committee at its annual meeting which shall be held in the Fall of each year. The Chairman shall serve as chief executive, preside over meetings, delegate functions of the Committee, and coordinate all the activities of the Committee. The Secretary shall record the minutes of all meetings, maintain all administrative records, and shall handle correspondence for the Committee. The Treasurer shall have the responsibility of supervising all financial matters of the Plan and shall be responsible for preparing or having prepared all financial statements of the Plan.
- 2.3 The Retirement Committee shall have an annual meeting in the Fall of each year to review the financial condition of the Plan and to select its Chairman, Secretary, and Treasurer, who shall serve until the next annual meeting or until their successors are selected.
- 2.4 The duties of the Retirement Committee shall include interpretation of the provisions of the Plan, adoption of rules and regulations necessary to administer the Plan, determination of benefits, maintenance of detailed accounting and financial records, provision of an annual report with an actuarial study report if deemed necessary, selection of investment counselors, retention of accountants and attorney for professional advice, and performance of such other duties as may be required for the proper administration of the Plan and its purposes.
- 2.5 The Retirement Committee shall meet at least quarterly at a time and place selected by the Chairman, unless, the Chairman determines the agenda to be insufficient whereupon he may cancel any such regular meeting. Provided, however, in no event shall the Retirement Committee meet less than once a year (Fall). Four (4) members of the Retirement Committee shall constitute a quorum at any meeting, and at least four (4) concurring votes shall be necessary for a decision. All decisions of the Retirement Committee are final and conclusive on all matters and are binding on all parties, including the Bishop of the Diocese of Lexington ("Bishop") and the Members or Former Members, subject to the provisions of Paragraph 2.6.
- 2.6 Any Member or Former Member who has received an adverse decision of the Retirement Committee shall have the right to appeal such a decision through the Conciliation/Arbitration Process of the Diocese of Lexington. Such appeal shall follow the procedure established in the Conciliation/Arbitration Process. A copy of the appeal must be delivered also to the Chairman of the Retirement Committee within thirty (30) days from the Member or Former member's receipt of the adverse decision.

Article 3: Eligibility

3.1 A Member shall be eligible for retirement benefits under the Plan on his Retirement Date and the cessation of primary responsibilities for active ministry (such as pastor, full time position in the diocesan office, full time chaplain, administrator etc.) Unless such Member is on a leave of absence approved by the Bishop. In addition, the following requirements also must be met:

- a. The member has exercised all of his priestly ministry in the Diocese of Lexington, the Diocese of Covington, or the Archdiocese of Louisville. A Member serving in a specific capacity outside of the subject Diocese at the direct request of the Bishop thereof fulfills this requirement.
- b. The member is in good standing and actively serving the Roman Catholic Diocese of Lexington.
- c. The Member has exercised his priestly ministry for a minimum of ten (10) years.

A priest must have fulfilled all three (3) requirements listed above to be automatically eligible for retirement benefits.

3.1.1 A Former Member shall be eligible for certain retirement benefits under the Plan, as set forth in Section 4.1.1, upon July 1 of the year in which such individual becomes seventy (70) years of age.

3.1.2. Any Member retiring prior to age sixty-five (65) with permission of the Bishop shall be the responsibility of the Roman Catholic Diocese of Lexington until such Member reaches Retirement Age.

3.2 The Retirement Committee shall have the discretionary authority to grant either partial or complete benefits of the Plan to Members or Former Members who would not qualify under one or more of the provisions of 3.1 or 3.1.1 of the Plan. This action may be initiated by either the Member, or Former Member, upon written petition of the Retirement Committee. The Retirement Committee should consider special circumstances and the individual needs of the Member or Former Member. The recommendation of the Retirement Committee will be presented to the Presbyterial Council for affirmation. The Retirement Committee shall communicate its decision to the Member or Former Member within sixty (60) days.

- 3.3 A Member who has or will reach his Retirement Date and intends to retire, or a Former Member who wishes retirement benefits under the Plan, must notify the Employer and retirement Committee of his intention to retire or seek retirement benefits six (6) months prior to his Retirement Date or July 1 in the Year in which he becomes seventy (70) years of age, in the case of Former Members. Notice must be in writing. In case of necessity the Retirement Committee may make an exceptions to this rule. A Member who reaches his Retirement Date (70) under Section 1.5 (a) hereof shall automatically begin receiving benefits thereafter without further action by such Member.
- 3.4 The payment of retirement benefits to a Member or Former Member shall commence on the last day of July in the year of his Retirement Date. July 31 in the year in which he becomes seventy (70) in the case of Former Members. Such payments shall continue to be paid on the last day of each month thereafter until his death. A Member or Former Member shall not be entitled to benefits for the month in which his death occurs.
- 3.5 It is the responsibility of the Committee notify the Bank of the pending retirement, the start date and the amount to be paid. It is up to the retiree to set up all other Fiscal arrangements.

Article 4: Benefits

- 4.1 As set forth in Section 2.4 hereof, the retirement benefit shall be determined by the Retirement Committee from time to time by the amendment of these Articles. In making its determination of such retirement benefits the Retirement Committee shall consider the performance of the investments in the Fund, a timely actuarial report on the Plan, the demographics of the Members or potential Members, retired, active, or otherwise, cost of living data, expected contributions and any other factors the Retirement committee decides are relevant. It is the goal of the Retirement Committee to set retirement benefits as close as the Retirement Committee deems prudent to the total salary paid to an active priest of the Diocese. Modifications of the retirement benefit shall be considered annually for the upcoming benefit period by the Retirement Committee at its winter meeting or such other meeting as it may choose. See (4.1.3)
- 4.2 A qualified Member, upon retirement, shall be entitled to receive a retirement benefit commencing on the last day of July in the year in which his Retirement Date occurs.
- a. Effective August 1, 2011, for qualified Members with at least **Twenty-five (25) Years of Service** who have, or will be, retiring on their Retirement Date under Section 1.5 (a) hereof, the retirement benefit shall be \$1,853.00 per month.

- b. Effective August 1, 2011, qualified Members with at least Twenty-five (25) Years of Service who have, or will be, retiring on their Retirement Date under Section 1.5 (b) hereof, the retirement benefit shall be the following:

Retirement Date	Retirement Benefit
Year attaining Age 65	75% of the benefit under Section 4.2 (a) hereof
Year attaining Age 66	80% of the benefit under Section 4.2 (a) hereof
Year attaining Age 67	85% of the benefit under Section 4.2 (a) hereof
Year attaining Age 68	90% of the benefit under Section 4.2 (a) hereof
Year attaining Age 69	95% of the benefit under Section 4.2 (a) hereof
Year attaining Age 70	Full benefit under section 4.2 (a) hereof

- c. For Members with less than twenty-five (25) Years of Service on their Retirement Date, the retirement benefits shall be reduced pro rata.

EXAMPLE:

15 years of service at age 70

Full retirement benefit of \$1,000

Pro rata Benefit----- $15/25 \times \$1,000 = \600

- 4.2.1 Beginning January 1, 2009 in addition to the benefit under 4.1 (a) and (b) above, each Member shall receive an additional monthly benefit as determined by the Secretary of Stewardship on a yearly basis.
- 4.2.3 A Former member upon July 1 of the year in which such individual becomes Seventy (70) years of age, and upon written notification (3.3), shall be entitled to receive a retirement benefit commencing on the last day of July in which he is eligible, as set forth herein, shall occur. Provided, however, such retirement benefit for a Former Member shall be calculated on the following Formula: (Years of service divided by (year of attaining age seventy (70) minus year of ordination) with such total multiplied times the applicable benefits for those retiring at sixty-five (65) under the benefit scale in effect at the time the Former Member's resignation from the Priesthood.

EXAMPLE:

Year resigned: 1997—benefit of \$962.00 at age 70
Scale in effect in 1997

Year at age 70: 2006

Year Ordained: 1967

$30(1997-1967) / 39(2006-1967) \times \$962.00 = \$740.00$

- 4.3 A Member or Former Member shall not have a vested interest or right in any retirement benefit.
- 4.3.1 The amount of the monthly payment may be increased or decreased at the discretion of the Retirement Committee with the approval of the Presbyteral Council based on the financial status of the Trust Fund and other relevant circumstances.
- 4.4 A Member or Former Member shall not be entitled to any death benefits under the terms of this Plan before or after his retirement.
- 4.5 All benefits payable under the Plan shall be paid or provided solely from the Trust Fund, and the Employer and the Diocese assume no liability or responsibility therefore.
- 4.6 The benefits shall be payable to the Member or Former Member or, at the discretion of the Retirement Committee, to persons or entities for the exclusive use and benefit of a Member or Former Member.
- 4.7 In dealing with priests who retire who qualify to receive retirement benefits under the Plan, and who also are entitled to receive retirement benefits under other retirement plans because of other work, it is the policy of the plan that said priests will be granted retirement benefits without regard to any other retirement benefits which they might receive. It is the further policy of the Plan that the retirements benefits, from whatever source (but not to include personal investments, IRAs and savings) for all priests of the Diocese of Lexington should be made equal, as nearly as possible, on a voluntary basis. Any priest who has other retirement benefits will be made aware of the goal of equalization of retirement benefits and asked to consider carefully the equities involved, but it shall be his personal decision as to any reduction of his retirement benefits.
This discussion should take place with the Bishop and person prior to incardination, and a written notification of the result be forwarded to the Retirement Committee.

Provided, however, after July 1, 1991, whenever a priest is permitted to undertake a special ministry where he will be provided retirement benefits (example: Federal Prison Chaplain, Hospital Chaplain etc.) there will be prior determination by the Retirement Committee, with the Bishop, as to whether said priest will continue to be treated as a Member in the retirement program and, if so, under what terms. Likewise, a similar determination will be made by the Retirement Committee, with the Bishop, for any second vocation priest, or one ordained elsewhere who becomes incardinated in the Diocese of Lexington, but who has vested retirement rights from his earlier employment. All such determinations under this Section shall be in writing and maintained in the files of the Retirement Committee and by the Diocesan Chancellor.

Article 5: Trust Fund

- 5.1 The Employer has entered into a Trust Agreement with the Trustee to hold the funds and assets of the Plan that are to be used to pay Benefits. The said Trust Agreement shall be deemed a part of this Plan.
- 5.2 The Trust Fund shall be received, held in trust, and distributed by the Trustee in accordance with the provisions of this plan and the Trust Agreement. No part of the Trust Fund shall be used for or diverted to purposes other than the exclusive benefit of the Members under this Plan. No Person shall have any interest in or right to the Trust or any part thereof, except as specifically provided for in this Plan and/or Trust Agreement.
- 5.3 The Retirement Committee may elect or remove the Trustee at any time upon sixty (60) days notice to the Trustee. Likewise, the Trustee may resign at any time upon sixty (60) days notice in writing to the Retirement Committee. Upon such removal or resignation, the Retirement Committee shall appoint and designate a successor Trustee who shall assume the duties and responsibilities of the Trustee. Within sixty (60) days after the date of removal or resignation, the Trustee shall furnish the Employer and the Retirement Committee a full and complete accounting of the assets and liabilities of the Trust Fund.
- 5.4 The Trustee shall be authorized to invest or reinvest all or any part of the Trust Fund pursuant to the discretion of the Retirement Committee or its duly appointed investment counselor.

- 5.5 The Retirement Committee may authorize the Trustee to pay any reasonable administrative costs incurred in the formation, operation, and maintenance of the Plan.

Article 6: Contributions

- 6.1 The Plan and Trust Fund has been initially funded with funds in the amount of \$589,500.00 transferred to the Plan and Trust Fund from the Trust Fund of the Priest Retirement Plan of the Diocese of Covington pursuant to that certain agreement of November 27, 1989, and later supplemented with funds in the amount of \$58,164.00 transferred to the Plan and Trust Fund from the Trust Fund of the Priest Retirement Plan of the Diocese of Louisville.
- 6.2 Additional contributions from the Employer and other sources such as Member contributions, parish assessments, gifts, bequests, and general solicitations, may be made at any time; provided however, the Employer shall not be under any obligation to make any additional contributions. Member contributions shall be voluntary and shall not create a vested interest or right to any benefit deriving from such contributions.

Article 7: Amendments

- 7.1 The Employer, in consultation with the Presbyteral Council, reserves the right at any time to modify, alter, amend, revoke, or terminate this Plan.
- 7.2 In the event of modification or termination of the Plan, the assets of the Trust Fund shall not be used for or diverted to purposes other than the exclusive benefit of the Members, retired Members and Former Members.


Article 8: Miscellaneous

- 8.1 It is the intention of the Employer that this Plan shall be continued and contributions thereto made regularly, however, this Plan is entirely voluntary on the part of the Employer, and the continuance of the Plan and the payments thereunder are not assumed to be a contractual

obligation of the Employer. This Agreement is not intended to be and shall not be interpreted as an employment contract between the Employer and any Member, Retired Member or Former Member, and shall not otherwise be interpreted to give rise to any right of employment

- 8.3 And benefit payable to or on behalf of a Member or Former Member which are not claimed within one (1) year after initial entitlement thereto shall not bear interest and shall be forfeited at the discretion of the Retirement Committee.
- 8.4 Neither the Employer, nor the Trust Fund shall in any manner be liable for or subject to the debts or liabilities of any Member, Former Member or Retired Member. No retirement income or other benefit at any time payable from the Fund shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, or encumbrance of any kind. If a Member, Former Member or Retired Member attempts to or does alienate, sell, transfer, assign, pledge or otherwise encumber his retirement income or other benefits from the Fund or any part thereof or, if by reason of his bankruptcy or other event happening at the time such benefits would be received by anyone else or would not be enjoyed by him, his interest in any such benefits shall thereupon terminate.
- 8.5 All notifications specified or required shall be in writing.

IN WITNESS WHEREOF, John Stowe, Bishop of the Roman Catholic Diocese of Lexington, Ky. has hereunto set his hand this 22nd day of November, 2016


+ John Stowe
Bishop of the Roman Catholic
Diocese of Lexington, Kentucky

Trustee: Huntington Bank, Columbus, Ohio
Actuary: Nyhart, Indianapolis, Indiana
Fund Manager: UBS, Cincinnati, Ohio

Membership of the Presbyterial Council November, 2016

Reverend:

Miguel Alvizures: *Miguel*

Danny Fister: *Danny Fister*

Michael Flanagan: *Rev. Michael Flanagan*

Charles Howell: *Rev. C. Howell*

Peter Joseph: *Fr. Peter Joseph*

Bob Nieberding: *Rev. Robert N. Nieberding*

Linh Nguyen:

Dan Noll:

Frank Osburg: *Frank L. Osburg*

Paul Prabell: *Paul Prabell*

Mike Ramler: *Mike Ramler*

John Rausch: *John S. Rausch*

Gary Simpson: *Gary Simpson*

Danny Schwendeman:

