

CONSTITUTION OF FINANCE COUNCIL
OF THE
DIOCESE OF RAPID CITY

PREAMBLE

The need for a body of advisors to assist the diocesan bishop in fulfilling his duty of administration and stewardship of the temporal goods of the diocese was recognized in law long before the 1983 Code was promulgated.

The 1917 Code of Canon Law required that the bishop establish a *Consilium Administrationis* whose purpose was to counsel the bishop on financial matters pertaining to the diocese and other juridic persons subject to his authority. The bishop could freely appoint members, clerical or lay, to this council, but they were to be expert in both canon and civil law.

The understanding of the laity's role in the Church was quite different prior to the Second Vatican Council as compared to the understanding developed and formulated by the Council and in its documents of implementation. As a result, bishops responded to the canonical mandate of the 1917 Code by appointing their clerical diocesan consultors to the *Consilium Administrationis*. Consequently the expertise of the Council sometimes did not reflect the criteria delineated in the law.

At the Second Vatican Council, the Church clearly stated that, in addition to their own proper role in furthering the mission of Christ in the world, the laity are capable of "more immediate cooperation" in the functions of the Church hierarchy by being appointed to ecclesiastical offices when their special talents or knowledge render this beneficial to the Church (*Lumen Gentium*, 33 and 37).

Implementing the vision of the Second Vatican Council, the 1983 Code of Canon Law stated that lay members of the Church are capable of participating in the ecclesiastical power of governance according to the norm of law (c.129,2 and 228). In the Sacred Canons governing the purpose and activities of the Diocesan Finance Council the Lawgiver calls the laity to place their special gifts and expertise at the service of the local Church and to cooperate with the bishop in the episcopal function of diocesan governance (*potestas gubernandi*).

In the following Statutes, the diocesan bishop, through particular legislative authority, adapts and develops the universal law for the benefit of the People of God in the local Church.

ARTICLE ONE: NAME

The name of this body shall be "The Finance Council of the Diocese of Rapid City."

ARTICLE TWO: PURPOSE

The Finance Council is part of the diocesan curia and is an advisory body to the diocesan bishop. There are particular cases in law where its consent is required for the bishop to act. Like the College of Consultors, it is a body made particularly stable by law, and it does not cease during a *sede vacante*. The law which defines its purpose and governs its activity is found in the Code of Canon Law and the Statutes of this Constitution as follows:

1. To prepare and recommend, under the direction of the bishop, an annual budget of the income and expenditures foreseen for the governance of the entire diocese.
2. To examine and approve, at the end of each year, a report presented by the Finance Manager of the actual income and expenditures of the diocese during the year.
3. To advise and assist the bishop in the preparation of accounting and fiscal guidelines/directives to be employed by the Finance Manager in the administration of the temporal goods of the diocese.
4. To advise and assist the bishop in the preparation of accounting and fiscal guidelines/directives to be employed by pastors and parishes.
5. To advise and assist the bishop in the development of investment philosophy appropriate to the needs and goals of the diocese.
6. To advise and assist the bishop with development programs to enhance the fiscal growth of the diocese.
7. To advise or collaborate with the bishop on the following canonical matters:
 - (a) Imposition of a diocesan tax/assessments (c.1263)
 - (b) Decisions regarding important or extraordinary acts of financial administration at the diocesan level (c.1277).
 - (c) Implementation of canonical definitions of ordinary and extraordinary acts of financial administration at the parochial level (c.1281)
 - (d) Annual review of the financial status of the juridic persons subject to the authority of the bishop, that is, parishes, associations, etc. (c.1287)
 - (e) Alienation of diocesan or parochial temporal goods, according to the guidelines of the National Conference of Catholic Bishops (c.1292)
 - (f) Establishment of *pious foundations* (canonically restricted funds) (c.1305)
 - (g) Diminishment of obligations arising from a will of a member of the faithful when circumstances have rendered the observance of the obligations impossible (c.1310)

FINANCE COUNCIL

DESCRIPTION OF OFFICE

A) Approve Financial Statement of the Diocese and prepares the annual budget in accordance with the directives of the bishop.
They are to be consulted or to give advice to the bishop for various administrative decision of a financial character, especially but not exclusively specified in Book V on the Church's temporal goods (c.493).

B) The Bishop must CONSULT finance council in the following matters:

- 1) Appointment and removal of fiscal officer (c.494:1,2,)
- 2) Imposition of taxes on physical and juridical persons (c.1263).
- 3) Positing of significant administrative acts in light of the economic condition of the Diocese (c.1277).
- 4) Determining the meaning of acts of extraordinary administration for institutes subject to his control if statutes do not specify this (c.1281,2)
- 5) Authorizing the placing of money and mobile goods in a safe place and investing them (c.1305).
- 6) Reducing the burdens imposed in executing last wills for pious causes if such burdens cannot be fulfilled (c.1310,2).

The bishop must obtain CONSENT of finance council in the following matters:

- 1) Positing acts of extraordinary administration (c.1277).
- 2) Authorizing alienation of Church goods within minimal and maximal sums determined by the National Conference of Bishops in cases of juridic persons subject to him (c.1292,1)
- 3) Alienation of diocesan property (c.1292,1)

DURATION OF OFFICE:

Persons named for a five-year period, which may be renewed for other quinquennia (c.492,2).

8. To advise and assist the bishop with any other matters of a financial nature which he may delegate to the Council.

ARTICLE THREE: MEMBERSHIP

A. General Norms

1. The Finance Council is comprised of ex officio and regular members.
2. All Council members are to be of outstanding integrity.
3. At least three (3) members of the Council must be truly skilled in financial affairs and civil law.
4. The maximum number of Council members, excluding ex officio members, is thirteen (13).

B. Regular Members

1. Candidates for the Council may be presented to the bishop for appointment by diocesan clerics, by parish councils, or the candidates may present themselves.
2. Regular members are freely appointed by the bishop after hearing the other members of the Council. Appointment is to be in writing.
3. Council members are to be chosen from the *Christifideles*.
4. Each regular member is appointed to a five-year term of office. This term may be renewed, even more than once, through the bishop's reappointment after hearing the other members of the Council.
5. If a Council member has three unexcused absences from the Council meetings, upon written notification from the President of the Council, the member's seat will be considered vacant and a new appointment is to be made as soon as possible.

C. Ex officio Members

1. The ex officio members of the Council shall be the Diocesan Bishop, the Vicar General and/or the Moderator of the Curia, and the Finance Manager of the diocese.
2. Since one does not consult oneself, the bishop does not vote on Council matters.
3. Other ex officio members have the right to vote on Council matters.

ARTICLE FOUR: OFFICERS

A. General Norms

1. The officers of the Finance Council shall be the President, the Chairperson, and the Secretary.

2. The officers other than the President shall be appointed from among the members of the Council by the President after hearing the other members. The Chairperson and Secretary have indefinite terms of office and serve until successors are appointed, their Council membership expires, or their resignation is offered. In the event of a vacancy in an appointed office, the President after hearing the Council shall appoint another to fill the position.

B. The Officers

1. The President of the Council shall be the diocesan bishop. The President shall have the right to call meetings of the Council, to preside over meetings of the Council, to place matters of concern on the agenda of the Council, to accept or reject (except where otherwise provided by Canon Law) the results of the Council's deliberations, and to approve and place into effect the budget, financial directives, and other recommendations of the Council. If he wishes, he may exercise his authority through the Finance Manager or the Vicar General/Moderator of the Curia.

2. The Chairperson, under the direction of the President, shall chair the meetings of the Council, shall be the chief executive officer of the Council, and shall have the duties prescribed for this office by the parliamentary authority and by such rules as the Council shall adopt. By statute this person shall have the additional following duties:

- (a) See that the agenda is prepared for each meeting.
- (b) See that members are notified of the meetings.
- (c) See that the minutes are sent to each member following the meeting.
- (d) See that members of the Council are reimbursed for mileage and other expenses legitimately incurred in service of the Council.

3. The Secretary -- Duties of the secretary shall be:

(a) Compile, under the direction of the Chairperson and the President, the agenda for all meetings of the Council.

(b) Keep accurate minutes of each meeting and carefully record and file the same.

(c) Send out notices of meetings, minutes of meetings, etc., to all members of the Council.

(d) Under direction of the President and Chairperson, keep a record of the Council's expenses, and reimburse members for mileage and other expenses legitimately incurred in service of the Council.

(e) The secretary may be assigned additional duties by the President or the Council to be carried out under the authority of the President or Chairperson.

ARTICLE FIVE: MEETINGS

1. The Finance Council shall meet at least quarterly for regular meetings at a time and place designated by the President or the Chairperson.
2. Special meetings of the Council may be called at other times by the bishop, or with his approval by petition of one third of the Council.
3. A simple majority of the members who have been legitimately called to the meeting shall constitute a quorum.
4. The rules contained in the current edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with Canon Law, this Constitution, and any special rules of order the Council may adopt.

ARTICLE SIX: COMMITTEES

1. Circumstances may require from time to time that the work of the Council be carried out through "Ad Hoc" Committees authorized by the Council.
2. Norms for Committees
 - a. Any member of the Council is eligible to be appointed as chairperson or member of any Ad Hoc Committee.
 - b. All Ad Hoc committees shall be appointed as the need arises and will be dissolved when the goal of the committee is achieved.
 - c. Ad Hoc committees will meet as the need requires, and report to the Council at each scheduled meeting.
 - d. Ad Hoc committees will consist of:
 - (1) The President, ex officio
 - (2) The Chairperson of the committee, appointed by the President or Chairperson of the Council.
 - (3) Two or more members appointed, with the approval of the President, by the chairperson of the committee from either the Council itself or from among the entire *Christifideles* of the diocese.

ARTICLE SEVEN: BY-LAWS

1. The Council shall establish such additional statutes and by-laws as are deemed necessary to implement this constitution. Adoption of the same shall be by an absolute majority vote of the members of the Council who, after being legitimately convoked, constitute a quorum at the meeting scheduled for this business. Approval of the bishop is required for canonical effect.

ARTICLE EIGHT: AMENDMENTS

1. This constitution may be amended by a two-thirds majority vote of the members of the Council, provided that the amendment has been submitted in writing at the previous meeting of the Council and discussed among its members. Amendments require the approval of the bishop for canonical effect.

2. This constitution shall be signed into law by decree of the diocesan bishop, following its adoption by a two-thirds majority vote of the Presbyteral Council. It shall become effective upon the date of its promulgation.

VERIFICATION OF ADOPTION

This Constitution was approved by a two-thirds vote of the members of the Presbyteral Council at the regularly scheduled meeting of the Council on the 10th day of April, 1989 at the Cathedral of Our Lady of Perpetual Help, Rapid City.

+ Charles J. Chupatana, esp.
President

Richard R. Mowbray
Chairman

Michael Wooster
Chancellor