

## **Diocesan Finance Council Charter Diocese of Fargo**

### **ARTICLE I**

#### **Name and Purpose**

The Diocesan Finance Council of the Diocese of Fargo (hereinafter referred to as “Council”) is established pursuant to the requirements of Canon 492 of the *Code of Canon Law* for the Roman Catholic Church, and is subject to the provisions of Canon Law. It shall consist of clergy and laypersons of the Roman Catholic Church who are skilled in financial matters and familiar with elements of canon and civil law. The Council exists to assist the diocesan bishop (hereinafter referred to as “Bishop”) in undertaking the more important acts of economic administration in the diocese (Canon 1277) and to prepare and review annual budgets of income and expenditures for the governance of the Diocese of Fargo (Canon 493). It shall be supported in its work by standing committees designated in this document which will allow for a more comprehensive process of consultation and collaboration.

### **ARTICLE II**

#### **Duties and Responsibilities**

The Council, appropriately assisted by its standing committees, shall accept the following responsibilities:

1. Oversee the preparation of the annual diocesan budget, as well as periodic review of that budget. (Canon 493)
2. Receive and review the annual diocesan audit. (Canon 493)
3. Receive and review an annual report on the financial condition of the juridic persons under the Bishop’s jurisdiction. (Canon 1287,§1 )
4. Provide consultation, when requested of the Bishop, when acts of administration, in light of the financial situation of the diocese, are of major importance. (Canon 1277).
5. Giving or withholding consent, by means of exercising a deliberative vote, in matters of extraordinary administration, as that term is defined by the Episcopal Conference. (Canon 1277) The consent of the College of Consultors must also be sought by the Bishop in such matters.

6. Receive and review a regular report on the financial condition of the Catholic Church Deposit & Loan Fund of Eastern North Dakota, and the Catholic Development Foundation. (Canons 473, 493, and 1287)
7. Advise the Bishop regarding the appointment of the finance officer for the diocese. (Canon 494). The advice of the College of Consultors must also be sought by the Bishop regarding the appointment of the finance officer.
8. Advise the Bishop regarding an overall development plan for the diocese, including, but not limited to:
  - a. Property transactions
  - b. Construction projects
  - c. Development and Stewardship programs
  - d. Insurance programs
9. Advise the Bishop regarding proposed changes of diocesan practice in the following areas:
  - a. Parish assessments (Canon 1263)
  - b. Investment of diocesan assets (Canon 1305)
  - c. Operation of the Catholic Church Deposit & Loan Fund of Eastern North Dakota and the Catholic Development Foundation.
10. Advise the Bishop regarding financial transactions as needed or requested.
11. Give consent to or withhold consent from the Bishop on proposed alienation of goods of a juridical person subject to the Bishop, where the amount of the goods to be alienated is between the minimum and maximum sums established by the Episcopal Conference. The consent of the College of Consultors and of other interested parties must also be sought. The Bishop requires the consent of these same persons to alienate goods which belong to the diocese itself. (Canon 1292)
12. Advise the Bishop on appropriate commutation of the Wills and estates of the faithful, if just reason exists and the power to do so has been granted by the donor. (Canon 1310)

The above list does not preclude the possibility that the Bishop may specify additional duties to the Council in given circumstances.

## ARTICLE III

### Membership and Officers

- Section 1      The Council is presided over by the Bishop. The membership of the Council shall consist of those appointed to the Council by the Bishop or his predecessor in office, and the ex officio members of the Council.
- Section 2      The number of appointed members of the Council shall number at least five and no more than eleven.
- Section 3      The ex officio members of the Council are as follows:
- a.      A Vicar General
  - b.      Moderator of the Curia
  - c.      Chancellor
  - d.      General Counsel
  - e.      The Director of Stewardship and Development shall serve as staff resource, however, is not a voting member of the Council.
- Section 4      *Chair*  
The Bishop is to serve as Chair of the Council. He is to preside at its meetings and determine the agenda for those meetings.
- Vice-Chair*  
The Vicar General is to serve as Vice-Chair of the Council and to preside at its meetings in the absence of the Bishop. The Vice-Chair, along with the assistance of the Finance Officer is also to assist the Bishop in determining the agenda for those meetings and communications with the membership and other entities that relate to the Council.
- Section 5      The Finance Officer, who is a servant of the Council, reports regularly to the Council (Canon 494, §4) and assists the Bishop.
- Section 6      A Recording Secretary shall be chosen for the purposes of keeping an accurate record of the proceedings at Council meetings. The Recording Secretary may be chosen by the Bishop from among the Council membership or may be provided by the Finance Office explicitly for the purposes of recordkeeping.
- Section 7      Persons related to the Bishop up to the fourth degree of consanguinity or affinity are excluded from the Finance Council. (Canon 492 §3)

## **ARTICLE IV**

### **Membership Terms and Officer Terms**

Section 1      The term of membership for appointed members of the Council is five years. One successive term of equal length may be granted to appointed members who are reappointed by the Bishop. After serving two consecutive terms, however, an appointed member must relinquish appointed membership status.

Any previously appointed member of the Council can be reappointed to another membership term, as long as at least two years have passed since his or her last appointment.

Section 2      The Bishop may remove a member from the Council at any time for cause. In this case, cause is defined as either physical or mental incapacitation or participation in public scandal.

Appointed members impacted by Article VI, Section 4 automatically lose membership status.

Section 3      A Recording Secretary if provided by the Finance Office is not a member of the Council, and does not have an appointed term.

Section 4      The term of office for ex officio members coincides with the duration of their appointment to the office of position which entitles them to ex officio membership status.

Section 5      The term of office for officers of the Council coincides with the duration of their appointment to the office of position which entitles them to be an officer.

## **ARTICLE V**

### **Standing Committees**

Section 1      The following standing committees are to support the work of the Council:

Audit Committee – responsible for coordination of the annual external diocesan audit and other audits of diocesan entities.

Budget Committee – responsible for coordination of annual diocesan budget, preparation and periodic review of that budget, as well as review of annual parish reports.

Investment Committee – responsible for periodic review of diocesan investments and recommendations regarding management of those investments.

- Section 2      The operations and functions of the standing committees would be governed by the following principles:
- a.      All standing committees should number from three to six members, depending upon committee need.
  - b.      A liaison from the Council will coordinate the work of the standing committees.
  - c.      All standing committee chairs, committee liaisons, and committee members are appointed by the Bishop.
  - d.      Standing committee chairs are to be chosen from among the membership of the Council.
  - e.      Standing committee members may be chosen from among the membership of the Council, but need not be members of that body.
  - f.      Standing committees are expected to meet at least annually. Meeting times are scheduled by the committee chair. Standing committees are expected to meet in special session whenever asked to do so by the Bishop.
  - g.      Standing committee chairs or members who are appointed to a committee because they occupy a particular diocesan staff position would be entitled to serve in their appointed capacity as long as they fulfill that diocesan staff position. All other chairs or members would be appointed for two year terms. A chair or member, who is not diocesan staff, could serve one successive term of equal duration, but then must relinquish their post until at least two years have passed.

## **ARTICLE VI**

### **Finance Council Meetings**

- Section 1      The Council shall conduct four regularly scheduled meetings each year. Meetings shall generally be held in the months of March, June, September, and December, with the scheduled dates for the following year announced during the December meeting.
- Section 2      Special meetings of the Council may be called at the discretion of the Bishop as circumstances may require.
- Section 3      Written notice of all meetings is to be provided in the form of a meeting agenda provided to the members at least one week in advance of a meeting date.

Section 4      An appointed member who misses two regularly scheduled Council meetings in any given year without giving prior notice to the Bishop or the Finance Officer shall be removed from the membership rolls. An appointed member who misses all regularly scheduled Council meetings in any 12 month period shall be removed from the membership rolls.

## **ARTICLE VII**

### **Quorum and Voting**

Section 1      When matters requiring consent from the Council are to be discussed in order for certain juridical acts to be performed, it is required that there be advanced communication of the matter to all. The Council must then be convened (canon 166), and the consent of the Council is sought of those persons. An absolute majority of those who must be summoned must be present. Provision shall be made of a means by which even those not physically present may be able to participate in a formal vote (e.g. conference call, written proxy). For a quorum to exist when matters of consent are to be voted upon, at least 50% of the members must be present in person or via the alternatively provided means for participation.

The Bishop shall call for a formal vote of those present. All members of the Council present are entitled to vote and the final result of the vote is to be duly recorded in the minutes of the meeting. The support of the absolute majority of those present is necessary for consent to be considered granted. In the event of a tie, consent has not been obtained and the act cannot be performed. In these occasions, the Bishop cannot intervene to resolve the tie with a casting vote.

Section 2      When matters requiring advice from the Council are to be discussed in order for certain juridical acts to be performed, it is required that there be advanced communication of the matter to all. The Council must then be convened (canon 166), and the advice of the Council is sought of those persons. An absolute majority of those who must be summoned must be present. Provision shall be made of a means by which even those not physically present may be able to participate in the discussion (e.g. conference call, written proxy).

The Bishop is to seek the advice of all concerned, asking for advice on the particular point and then listening to what is said. The Bishop may call for a straw poll as a means of measuring the sentiment of the Council. It being understood that the Bishop is not bound by advice offered in these matters (canon 127), all members of the Council in attendance may express their opinion on the given matter during that poll. If no response is received, the invitation should be renewed, together with a reminder of the grave obligation involved. If there is still no response, the Bishop is free to act. The minutes should reflect that the advice was asked for and that the Bishop heard the advice given.

Section 3      Members shall refrain from discussion or voting on any issue on which a conflict of interest exists. Any such conflict of interest should be noted to the Chair in writing. The member having such conflict of interest should not be present during the voting on any such resulting motion.

## **ARTICLE VIII**

### **Charter Amendments**

Section 1      Amendments to the Charter may be made independently by the Bishop upon notice to the members of the Council in matters where canon law does not require the Bishop to receive the consent of the Council.

Section 2      Where Canon Law requires that an amendment to this Charter receive the consent of the Council, such consent must be given by a majority of the members present and constituting a quorum as set forth in Article VII, Section 1.

Promulgated on November 1, 2005