

# STATUTES OF THE COLLEGE OF CONSULTORS of the Diocese of Beaumont

(9-21-07)

## PREAMBLE

Consultation in the Church is rooted in the theological principles that the Church is the People of God, a people gathered around their Bishop, a holy people incorporated into the Body of Christ (*Lumen Gentium*, 11) with a share in the threefold mission of Christ to teach, to sanctify, and to govern (LG, 31).

In the Vatican II spirit of collegiality, shared responsibility, and participation in the ecclesial decision-making process, the College of Consultors functions a group of priests (*in solidum*) who act as official advisors to the Bishop in his governance of the diocese and in his pastoral ministry to the local church. For the validity of a juridic act by the Bishop, there are sometimes canonical requirements of consultation, for advice or for consent, of the College of Consultors. The group also acts as a governing board of the diocese when the See is vacant or is impeded through the inability of the Bishop to communicate with the diocese (c. 502 §2).

## ARTICLE I: NAME

The name of this body shall be "The College of Consultors of the Diocese of Beaumont."

## ARTICLE II: PURPOSE

The College of Consultors is a required body in the diocese (c. 502).

A. As advisors to the Bishop, the College is to be consulted (c. 127):

1. to give **advice**:

- a. prior to placing more important acts of administration in light of the economic condition of the diocese, including forgiveness of a loan from liquid assets<sup>1</sup> (c. 1277);
- b. prior to leasing diocesan ecclesiastical goods when the market value of the goods to be leased exceeds \$400,000 (Aug. 15, 2007 USCCB Complementary norm for c. 1297);
- c. prior to naming a finance officer (c. 494 §1);
- d. prior to removing the fiscal officer from office during the term (c. 494 §2);

2. to give **consent**: (absolute majority of the quorum present--c. 119)

- a. for acts of extraordinary administration (c. 1277);
- b. for alienation of Church property (i.e. stable patrimony<sup>2</sup>) by sale, gift, exchange, or forgiveness of a loan beyond the amount specified by the USCCB<sup>3</sup> (c. 1292 §1);
- c. for alienation of goods donated to the Church through a vow or for alienation of goods that are especially valuable due to their artistic or historical value, regardless of the appraised value (c. 1292 §2);
- d. for incurring indebtedness (without a corresponding increase in the assets of the diocese) that exceeds the minimum USCCB limit (c. 1295);
- e. for encumbering stable patrimony, the value of which exceeds the minimum USCCB limit or which poses a risk to the overall economic well-being of the diocese (c. 1295).

- f. prior to leasing diocesan ecclesiastical goods when the market value of the goods to be leased exceeds \$1,000,000 or the lease is to be for 3 years or longer (Aug. 15, 2007 USCCB Complementary norm for c. 1297);

B. As a governing Board, the College has the following functions:

1. When the diocese is occupied by the Diocesan Bishop, to view the Apostolic Letter of appointment of a Coadjutor Bishop when he takes possession of his office (c. 404 §1);
2. When the diocese is an impeded See with no coadjutor:
  - a. to select a priest to govern the diocese if the diocesan order of succession is not available (c. 413 §2);
  - b. to view the Apostolic Letters of appointment of a coadjutor and auxiliary bishop when they take office (c. 404 §3).
3. When the diocese is vacant:
  - a. if there is no auxiliary bishop, to notify the Apostolic See of the death of the diocesan bishop (c. 422);
  - b. if there is no auxiliary bishop, to govern the diocese in the interim before the selection of a diocesan administrator (c. 419);
  - c. to elect a diocesan administrator within eight (8) days of receiving notice that the See is vacant (c. 421 §1), according to the procedure outlined in the Code (cc. 416-430);
  - d. to witness the profession of faith of the diocesan administrator following his election (c. 833, 4<sup>o</sup>);
  - e. to fulfill the role of the Presbyteral Council during the vacancy (c. 501 §2);
  - f. to give consent for the diocesan administrator to remove the Chancellor or other notaries (c. 485);
  - g. to give consent before the diocesan administrator can issue dimissorial letters, but never to those who have been denied orders by the diocesan bishop (c. 1018 §1,2<sup>o</sup>);
  - h. after a year of vacancy, to give consent for the diocesan administrator to permit excardination, incardination, or permission for a cleric to move to another particular church (c. 272);
  - i. to view the Apostolic Letter of appointment of the new diocesan Bishop when he takes possession of his office (c. 382 §3).

### **ARTICLE III: MEMBERSHIP AND TERMS OF OFFICE**

- A. Members: From among the members of the Presbyteral Council and in a number not less than six (6) nor more than twelve (12), the diocesan Bishop freely appoints in writing an odd number of priests to constitute a College of Consultors.
- B. Term: Consultors serve as a body (*in solidum*) for a five (5) year term. The College remains in office until a new College is named (c. 502 §1). Once one becomes a member of the College, that membership is independent of the Presbyteral Council membership. Thus, if one later ceases to serve on the Presbyteral Council, he still retains membership in the College of Consultors. If any Consultor resigns or retires from the College for any reason before the expiration of the five-year term, the Bishop shall appoint from the members of the Presbyteral Council another in his place to fill the unexpired term if the total number would fall below the required six (6).

- C. If the five-year term of the College expires during the vacancy of the diocese, the Consultors remain in office until the new Bishop takes possession of the diocese and subsequently constitutes a new College of Consultors.

#### **ARTICLE IV: OFFICERS**

- A. The diocesan Bishop is the President of the College of Consultors (c. 502 §2). The President shall have the right to call meetings of the College, to preside over the meetings, to place matters on the agenda, to accept or reject (except where otherwise provided by canon law) the results of the College's deliberations, and to promulgate official decisions arising there from.
- B. If the diocese is an impeded See, the priest selected to govern *sede impedita* presides over the College in the place of the Bishop (c. 502 §2).
- C. If the diocese becomes vacant, the priest who is oldest in ordination in the College of Consultors presides until a diocesan administrator is elected, after which the Administrator presides during the vacancy (c. 502 §2).
- D. A priest Chancellor appointed *ex-officio* to the College of Consultors shall serve as Secretary to the College. If the Chancellor is not a priest and, thus, not a member or an officer of the College, that person shall serve as a recording secretary. Because of the juridic nature of the functions of the College, the agenda items, attendance, deliberations, recommendations, voting results, and decisions of the College are carefully documented in the minutes and retained in the diocesan archives.

#### **ARTICLE V: MEETINGS**

- A. The College of Consultors meets whenever the Bishop calls a meeting, or, if the See is vacant, on the call of the Diocesan Administrator.
- B. For the election of a Diocesan Administrator, the norms of Canon Law are to be followed (c. 119, 1<sup>o</sup>; 164-179).
- C. If Canon Law requires the consent of the College of Consultors for an action to be valid, the matter is to be considered formally at a meeting of the College (c. 127 §1); the Bishop is not able to break a tie when consent is required.
- D. If Canon Law requires the advice of the College of Consultors, an actual meeting is desirable. If this is not possible, consultation by a conference call is permitted so as to maintain the collegial nature of the consultation. If this also is not possible, necessity may require that consultation be by mail, e-mail, or fax; but if some of the members of the College desire a meeting to discuss the matter, the meeting will be called as soon as possible (c. 127 §1).

#### **ARTICLE VI: AMENDMENTS**

These Statutes may be amended by action of the Bishop.

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These Statutes will take effect on the day that the Bishop approves them, as evidenced by his signature hereto, and they will then rescind and revoke the stipulations in previous Presbyteral Council Constitutions or Statutes related to the College of Consultors.

Approved on September 21, 2007.

By: Most Rev. Curtis J. Guillory, S.V.D., D.D.  
Bishop of Beaumont

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<sup>1</sup> Liquid assets or free capital are cash and its equivalents (e.g. checking and regular savings accounts, short-term certificates of deposit, securities to be held only for a short term). It is intended that they be consumed in their use within a relatively short period of time (e.g. to meet operating expenses) and, hence, they are not stable patrimony.

<sup>2</sup> There are four general categories of stable patrimony: (1) real estate (land, buildings); (2) non-fungible personalty (tangible movable property that is not consumed in its use, such as automobiles, furniture, books); (3) long-term (over two years) investments in securities (stocks, bonds, treasury notes); (4) restricted funds, that is, funds, even if comprised of cash or short-term securities, that have been set aside for a specific purpose, such as pension funds or certain building or educational funds. As a general rule, these four categories of assets are intended to afford reliable security for the future, enabling a juridic person to continue to serve the purposes for which it was created.

<sup>3</sup> For year 2007, the minimum USCCB limit for the Diocese of Beaumont (Catholic population under 500,000) is \$547,500; thus, the Bishop must have the consent of the College of Consultors to alienate ecclesiastical goods above this minimum amount. For alienation of ecclesiastical goods below this minimum amount, the Bishop must seek the advice of the College of Consultors. [The USCCB adjusts the amount annually based on the consumer price index as determined each year by the U.S. Bureau of Labor Statistics.]

## ALIENATION OF REAL PROPERTY

Canon 1292, §1. With due regard for the prescription of canon 638, §3 (religious institutes), when the value (*appraised value*, not the selling price) of the goods whose alienation is within the range of the minimum and the maximum amounts which are to be determined by the Conference of Bishops for its region, the competent authority is determined in the group's own statutes when it is a question of juridic persons who are not subject to the diocesan bishop; otherwise, the competent authority is the diocesan bishop with the consent of the finance council, the college of consultors, and the parties concerned. The diocesan bishop also needs their consent to alienate the goods of the diocese.

*The grid below (effective Jan. 24, 2007) is specific to the Diocese of Beaumont, with a Catholic population under 500,000.*

### DIOCESE OF BEAUMONT

Minimum	Maximum	Participants	Basis
\$ 0	\$ 547,500	<ul style="list-style-type: none"> <li>• Diocesan Bishop</li> </ul> However, in matters of "greater importance," Bishop is to HEAR the College of Consultors and the Finance Council first.	Diocesan Policy  Canon 1277  (U.S. Dept. of Labor estimate - 2.5% inflation)
\$ 547,500	\$ 5,475,000	<ul style="list-style-type: none"> <li>• Diocesan Bishop with CONSENT of:</li> <li>--College of Consultors</li> <li>--Diocesan Finance Council</li> <li>--Parties Concerned</li> </ul>	USCCB (1-24-2007) (U.S. Dept. of Labor estimate) Canons 1277, 1292
\$ 5,475,000	---	<ul style="list-style-type: none"> <li>• Diocesan Bishop with CONSENT of:</li> <li>--College of Consultors</li> <li>--Diocesan Finance Council</li> <li>--Parties Concerned</li> </ul> and finally with the APPROVAL of the Holy See - Congregation for the Clergy	USCCB (1-24-2007) (U.S. Dept. of Labor estimate)  Canon 1292