

Book 5-1901

THE DIOCESE OF CHEYENNE



STATUTES OF THE DIOCESAN FINANCE COUNCIL

October 19, 2010

Feast of the North American Martyrs

I. Purpose

The purpose of the Diocesan Finance Council is to give assistance and counsel in the fiscal management of the Diocese of Cheyenne to the Bishop of Cheyenne.¹ The Council especially examines work proposals, budgets, and plans for financing them.² In the case where the See is impeded or vacant, this assistance and counsel is to be given to the priest governing the *sede impedita* or the Diocesan Administrator.³

II. Membership and Terms of Office

A. In order to serve as a member of the Diocesan Finance Council, a person must be:

1. A fully initiated Catholic;⁴
2. Skilled in financial affairs or civil law;⁵
3. Outstanding in firm faith, good morals, prudence, integrity, and honesty, with a love for the Church and her apostolates;⁶
4. Not be related to the Bishop of Cheyenne up to the fourth degree of consanguinity or affinity;⁷

¹ See *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus [CIC]* (Vatican City: Libreria Editrice Vaticana, 1989) cc. 492 §1; 493; 1280; 1281-1288; Congregation for Bishops, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores*, March 9, 2004 (Vatican City: Libreria Editrice Vaticana, 2004) n. 192.

² *Apostolorum Successores*, n. 192.

³ See *CIC*, cc. 413; 414; 419; 421; 427; 428; 492 §1.

⁴ See *CIC*, c. 492 §1.

⁵ See *CIC*, c. 492 §1; *Apostolorum Successores*, n. 192.

⁶ *Ibid.*

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5. Free of any canonical penalties or impediments including an irregular marriage,⁸ and,
 6. Selected according to the norms that follow.
- B. The Finance Council shall be composed of not less than five (5) but not more than twelve (12) members.⁹
- C. Five (5) members shall be ex-officio, voting members, namely, the Vicar General or his equivalent in canon law, or if there is more than one (1) Vicar General, the one who serves as a director on the diocesan corporation, the Priest who serves as a director on the diocesan corporation, the two (2) Lay Directors on the diocesan corporation, and the Judicial Vicar.¹⁰
- D. The Bishop of Cheyenne may freely appoint up to five (5) additional lay members of the Council and up to two (2) clerical members.¹¹
- E. Appointed members serve for a term of five (5) years, and may be appointed for additional terms.¹² Terms shall be staggered, so that each year no more than one-fifth (1/5) of the terms of the appointed lay members of the Council expire each year and that only one (1) of the terms of the appointed clerical members expires at a time. The Bishop of Cheyenne may fill a vacancy at anytime, and the newly appointed member shall serve for the remainder of the unexpired term.¹³ Appointed members currently in office retain their positions and serve for the remainder of the term for which they were appointed, and may be reappointed.
- F. A member may lose membership on the Diocesan Finance Council by:
1. The loss of office by which the ex-officio voting member was a member of the Council;
 2. The notification to the appointed member by the Bishop of Cheyenne of the expiration of the member's term;¹⁴
 3. The acceptance by the Bishop of Cheyenne of a letter of resignation of an appointed member;¹⁵

⁷ See *CIC*, c. 492 §3.

⁸ See *Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests*, art. 5, §2: *AAS* 89 (1997) 868; *Catechism of the Catholic Church*, 2d ed. (Washington, DC: United States Catholic Conference, 2000) n. 1650.

⁹ See *CIC*, c. 492 §1.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² See *CIC*, c. 492 §2.

¹³ See *CIC*, cc. 153; 157.

¹⁴ See *CIC*, cc. 184, §§1 and 3; 186.

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4. Removal by the Bishop of Cheyenne because the appointed member has lost domicile in the Diocese of Cheyenne, has failed to attend at least three (3) consecutive meetings without a reasonable excuse, has entered into an irregular marriage, lost the clerical state, has publicly defected from the Catholic faith or from the communion of the Church, is a cleric who has attempted marriage even if only civilly, or other grave reasons;¹⁶
5. The privation of office as the penalty for the commission of an ecclesiastical offense when imposed according to the norms of the penal laws of the Catholic Church;¹⁷
6. Death.

III. Officers

- A. The President of the Diocesan Finance Council is the Bishop of Cheyenne. He or his delegate presides over the meeting.¹⁸
- B. If the See is impeded, the priest selected to govern the *sede impedita* presides over the Diocesan Finance Council.¹⁹
- C. If the See is vacant, the Diocesan Administrator presides over the Diocesan Finance Council.²⁰
- D. The Bishop of Cheyenne will appoint a Chairperson and a Vice-Chairperson. Both serve for a one (1) year term and may be reappointed for additional terms. The Chairperson, or when absent or unable, the Vice-Chairperson, at the discretion of the President, moderates the meeting of the Diocesan Finance Council. When the President desires, the Chairperson, or when absent or unable, the Vice-Chairperson, assigns tasks to individual members or to committees to assist the full Council in its work.
- E. The Bishop of Cheyenne will appoint an individual, normally from the Diocesan Curia, to serve as Executive Secretary. The Executive Secretary will see to the distribution of agendas and preparatory materials for meetings, the arrangements for the location and other items needed for meetings, the accurate recording of minutes and attendance, the archiving of minutes with the Chancellor, the distribution according to the directions of the Bishop of Cheyenne of the minutes to members and others, and any other matter

¹⁵ See *CIC*, cc. 184, §§1 and 3; 187-189.

¹⁶ See *CIC*, cc. 184, §§1 and 3; 192-195; *Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests*, art. 5, §2: AAS 89 (1997) 868; *Catechism of the Catholic Church*, 2nd ed. (Washington, DC: United States Catholic Conference, 2000) n. 1650.

¹⁷ See *CIC*, cc. 184, §§1 and 3; 196.

¹⁸ See *CIC*, c. 492 §1; *Apostolorum Successores*, n. 192.

¹⁹ See *CIC*, cc. 413; 414; 427; 428; 492 §1.

²⁰ See *CIC*, cc. 419; 421; 427; 428; 492 §1.

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necessary for the effective operation of the Diocesan Finance Council. The Executive Secretary may utilize the assistance of others to fulfill the responsibilities of this position.

- F. The Diocesan Finance Officer serves as support personnel to the Diocesan Finance Council. The Finance Officer is to attend all meetings except those sessions or the portions thereof where the appointment or removal of the Diocesan Finance Officer is being deliberated.

IV. Meetings

- A. The Diocesan Finance Council will meet in regular session at least two (2) times a year according to the schedule published by the Bishop of Cheyenne and delivered to each member and at the time and place determined by the Bishop of Cheyenne. At the discretion of the Bishop, additional meetings may be scheduled or called. All members, however, are to be personally notified of the meeting at least forty-eight (48) hours in advance. In order for a meeting to be convened, there must be a majority of the members of the Diocesan Finance Council present.²¹ Although members of the Diocesan Finance Council may propose questions to be discussed by the Council, the agenda for each meeting is determined by the Bishop of Cheyenne. The Diocesan Finance Council can never meet without the authorization of the Bishop of Cheyenne.²²
- B. When canon law requires the consent of the Diocesan Finance Council for an action to be valid, the matter is to be considered formally at a meeting of the Council with an actual vote taken and recorded in the minutes in order to document the consent of the Council. Meetings are normally to be held in person. When this is not possible, consultation by conference call, teleconferencing, or other electronic means is permitted and is to maintain the collegial nature of the consultation. Consent constitutes an affirmative vote of an absolute majority of those present. The Bishop of Cheyenne is not able to break a tie when consent is required.²³
- C. When canon law requires the advice of the Diocesan Finance Council for an action to be valid, an actual meeting of the Council is desirable. Meetings are normally to be held in person. When this is not possible, consultation by conference call, teleconferencing or other electronic means is permitted and is to maintain the collegial nature of the consultation. If this is also not possible, necessity may require that consultation be conducted by mail; but if at least two (2) members of the Council desire a meeting to discuss the matter, a meeting will be called as soon as possible. Advice constitutes the recommendations of the members of the Council. A vote is to be taken and recorded in the minutes in order to document the consensus of the Council.²⁴

²¹ *CIC*, c. 119, 2°.

²² *Apostolorum Successores*, n. 182.

²³ See *CIC*, c. 127 §1; Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, response *Dubium canon 127 §1*, August 1, 1985: *AAS* 77 (1985) 771.

²⁴ See *CIC*, c. 127 §1.

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- D. When canon law requires the consent or advice of the Diocesan Finance Council, the members are obliged to offer their opinions sincerely.²⁵
- E. The Diocesan Bishop, the priest governing the *sede impedita* or the Diocesan Administrator can require matters discussed be kept confidential and secret.²⁶

V. Competence

- A. As assistants to the Bishop of Cheyenne in the administration of the ecclesiastical goods of the diocese, the Diocesan Finance Council has the following functions:
 - 1. To recommend to the Bishop of Cheyenne an annual budget for the Diocese of Cheyenne by composing a plan for the coordination of resources and expenditures.²⁷
 - 2. To examine the annual financial reports of:
 - a. The Diocese of Cheyenne; and,
 - b. The parishes and other public juridic persons in the Diocese of Cheyenne subject to the Bishop of Cheyenne.²⁸
 - 3. To perform the following administrative tasks:
 - a. Supervising the investment and use of common funds of the Diocese of Cheyenne;
 - b. Developing and monitoring compliance with investment policies;²⁹
 - c. Developing and monitoring compliance with personnel policies;³⁰
 - d. Reviewing and revising insurance valuation of property;³¹
 - e. Developing and monitoring administrative guidelines;³²
 - f. Reviewing statutes of finance councils for parishes and other public juridic persons in the Diocese subject to the Bishop of Cheyenne;³³ and,

²⁵ See *CIC*, c. 127 §3.

²⁶ *Ibid.*

²⁷ See *CIC*, c. 1284 §3; *Apostolorum Successores*, nn. 188; 192.

²⁸ See *CIC*, c. 1284 §2, 8°; 1287 §1.

²⁹ See *CIC*, c. 1305; *Apostolorum Successores*, n. 189 e).

³⁰ See *CIC*, cc. 231 §2; 1286; *Apostolorum Successores*, n. 189 e).

³¹ See *CIC*, c. 1284 §2, 1°; *Apostolorum Successores*, n. 189 e).

³² See *CIC*, c. 1276 §1; *Apostolorum Successores*, nn. 188; 192.

³³ See *Apostolorum Successores*, n. 192.

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- g. Other matters assigned to the Diocesan Finance Council on an *ad hoc* basis.
 - 4. If the Diocesan Finance Officer is elected to serve as the priest who governs the *sede impedita* or the Diocesan Administrator, the Diocesan Finance Council is to elect a temporary Diocesan Finance Officer who will serve until the Diocesan Finance Officer completes this function of governing the Diocese.³⁴
- B. As advisors to the Bishop of Cheyenne, the Diocesan Finance Council is to be consulted:
- 1. To give advice:
 - a. In the appointment and removal of the Diocesan Finance Officer;³⁵
 - b. On the imposition of an ordinary, recurring or non-recurring, moderate income tax for diocesan needs upon public juridic persons subject to the governance of the Bishop of Cheyenne;³⁶
 - c. On the imposition of an extraordinary, non-recurring, moderate income tax for the non-recurring diocesan needs upon physical and juridic persons subject to the governance of the Bishop of Cheyenne when a grave necessity warrants;³⁷
 - d. In the more important ordinary acts of administration of the Diocese of Cheyenne, which include:³⁸
 - 1) Risk management;³⁹
 - 2) Those areas which are traditionally viewed as extraordinary acts of administration, but, as they are not defined as such by the United States Conference of Catholic Bishops, constitute more important actions of administration:
 - a.) Accepting or refusing an inheritance, bequest, donation, or foundation which has conditions or long-term obligations attached to it;⁴⁰

³⁴ See *CIC*, cc. 414; 423 §2.

³⁵ See *CIC*, c. 494 §§1 and 2; *Apostolorum Successores*, nn. 189 a); 192.

³⁶ See *CIC*, c. 1263; *Apostolorum Successores*, nn. 189 a); 191.

³⁷ See *CIC*, c. 1263; Pontifical Council for the Interpretation of Legislative Texts, response *Dubium canon 1263*, August 8, 1989: *AAS* 81 (1989) 991; *Apostolorum Successores*, nn. 189 a) 191.

³⁸ See *CIC*, c. 1277; *Apostolorum Successores*, nn. 188; 189 a) and e); 192.

³⁹ See *CIC*, c. 1284 §2, 1° and 2°.

⁴⁰ See *CIC*, c. 1267 §2.

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- b.) Purchasing real estate and/or a building, or accepting an inheritance, bequest, or donation of real estate or a building;
 - c.) Alienation of real estate and/or a building valued below the minimum amount set in accord with canon 1292 §1 by the United States Conference of Catholic Bishops with the *recognitio* of the Holy See for alienation of diocesan stable patrimony;
 - d.) Construction, remodeling, or demolition valued at or above seventy-five thousand dollars (\$75,000.00);
 - e.) Establishing a diocesan Catholic cemetery;
 - f.) Establishing a diocesan Catholic school, college, university, hospital, or other institution; and,
 - g.) Deciding whether to engage in civil litigation in the secular forum.⁴¹
- 3) Establishing diocesan norms for fund-raising based upon canon 1262, and the norms established by the United States Conference of Catholic Bishops with the *recognitio* of the Holy See;⁴²
 - 4) Undertaking a new diocesan fund-raising campaign based upon canon 1262, the norms established by the United States Conference of Catholic Bishops with the *recognitio* of the Holy See, and the norms for the Diocese of Cheyenne;⁴³
 - 5) Determining the utilization of unrestricted donations and bequests valued at or above seventy-five thousand dollars (\$75,000.00);
 - 6) Determining whether to invest excess funds after expenses are met;⁴⁴
 - 7) Alienation of the diocesan stable patrimony valued at or above seventy-five thousand dollars (\$75,000.00) but below the minimum amount set in accord with canon 1292 §1 by the United

⁴¹ See *CIC*, c. 1288.

⁴² See *CIC*, cc. 222 §1; 1261 §2; 1262; *Apostolorum Successores*, n. 188; United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1262*, promulgated June 8, 2007, effective August 15, 2007: (<http://www.usccb.org/norms/1262.htm>).

⁴³ See *CIC*, c. 1261 §2; 1262.

⁴⁴ See *CIC*, c. 1284 §2, 6°; *Apostolorum Successores*, nn. 188; 189 a) and e); 192.

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States Conference of Catholic Bishops with the *recognitio* of the Holy See for alienation of diocesan stable patrimony; and,

- 8) Transactions where the diocesan patrimonial condition can be worsened and the value of the diocesan property involved in the transaction is at or above seventy-five thousand dollars (\$75,000.00) but below the minimum amount set in accord with canon 1292 §1 by the United States Conference of Catholic Bishops with the *recognitio* of the Holy See for alienation of diocesan stable patrimony.
- e. In determining the limits and procedures of ordinary administration in the parishes and other public juridic persons in the diocese subject to the Bishop of Cheyenne whose statutes have not determined these limits and procedures;⁴⁵
 - f. In leasing ecclesiastical goods of the Diocese of Cheyenne when the market value of the goods to be leased exceeds the amount specified by the United States Conference of Catholic Bishops after having received the *recognitio* of the Holy See;⁴⁶
 - g. In developing norms and instructions for the investment of funds of foundations and authoring such investments by foundations;⁴⁷ and,
 - h. In the commutation of pious wills (inheritances, bequests, donations and foundations made for religious or charitable purposes).⁴⁸
2. To give consent:
- a. For extraordinary acts of administration of the Diocese of Cheyenne, as defined by the United States Conference of Catholic Bishops, namely:⁴⁹
 - 1.) Initiating a program of financing by the issuance of instruments such as bonds, annuities, mortgages, or bank debt in excess of the minimum amount set in accord with canon 1292 §1.

⁴⁵ See *CIC*, c. 1281 §2; *Apostolorum Successores*, nn. 188; 189 a) and e); 192.

⁴⁶ *CIC*, c. 1297; *Apostolorum Successores*, nn. 188; 189 a) and e); United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1297*, promulgated June 8, 2007, effective August 15, 2007: (<http://www.usccb.org/norms/1297.htm>).

⁴⁷ *CIC*, c. 1305.

⁴⁸ *CIC*, c. 1310 §2.

⁴⁹ See *CIC*, c. 1277; *Apostolorum Successores*, nn. 188; 189 a) and e); 192; United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1277*, promulgated March 3, 2010, effective April 5, 2010: (<http://www.usccb.org/norms/1277.htm>).

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- 2.) Resolving an individual or aggregate claim(s) by financial settlement in excess of the minimum amount set in accord with canon 1292 §1.
 - 3.) Engaging in the regular management or operation of a trade or business that is not substantially related to the performance of the religious, spiritual, educational, or charitable purposes of the Church, for the purpose of generating income to carry on such activities.
 - 4.) Entering into any financial transaction or contractual agreement, the terms of which address matters involving an actual or potential conflict of interest for the Bishop of Cheyenne, Auxiliary Bishop(s), Vicar(s) General, Episcopal Vicar(s), or Diocesan Finance Officer.⁵⁰
- b. In alienation of the stable patrimony of:
- 1.) The Diocese of Cheyenne when the ecclesiastical goods to be alienated are valued above the amount specified by the United States Conference of Catholic Bishops after having received the *recognitio* of the Holy See;⁵¹ or,
 - 2.) The parishes and other public juridic persons in the Diocese of Cheyenne subject to the Bishop of Cheyenne when the ecclesiastical goods to be alienated are valued above the amount specified for these entities by the United States Conference of Catholic Bishops after having received the *recognitio* of the Holy See.⁵²
 - 3.) If the stable patrimony proposed for alienation is divisible, already alienated parts must, for validity, be mentioned when seeking permission,⁵³ and the value of stable patrimony coalesces over time when several goods are simultaneously alienated or alienated within one (1) month of each other,⁵⁴ by the intention to alienate

⁵⁰ See also *CIC*, c. 1298.

⁵¹ See *CIC*, cc. 1291; 1292 §1; *Apostolorum Successores*, nn. 188; 189 a) and e); United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1291 §1*, promulgated and effective March 31, 2010, nn. 1 and 2: (<http://www.usccb.org/norms/1292-1.htm>).

⁵² See *CIC*, cc. 1291; 1292 §1; *Apostolorum Successores*, nn. 188; 189 a) and e); United States Conference of Catholic Bishops, *Complementary Norm for Canon 1291 §1*, promulgated and effective March 31, 2010, nn. 3: (<http://www.usccb.org/norms/1292-1.htm>).

⁵³ *CIC*, c. 1292 §3.

⁵⁴ Pontifical Commission for the Authentic Interpretation of the Code, reply *Canon 1532 §4*, 2°, July 20, 1929: *AAS* 21 (1929) 574; *Canon Law Digest* 1: 731.

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different goods over time,⁵⁵ and the alienation of parts of the stable patrimony for the same purpose no matter the time period involved.⁵⁶

- 4.) Prior to giving consent for the alienation, the Diocesan Finance Council should require:
 - a.) A just cause such as urgent necessity, evident usefulness, piety, charity, or some other serious pastoral reason;⁵⁷
 - b.) A written estimate from at least two (2) experts concerning the value of the ecclesiastical goods to be alienated;⁵⁸
 - c.) That there be safeguards to prevent harm to the Church;⁵⁹ and,
 - d.) That the Council has been thoroughly informed of both the economic state of the juridic person whose goods are proposed for alienation and of previous alienations.⁶⁰
- 5.) When the ecclesiastical goods to be alienated are valued at or above the maximum amount set by the United States Conference of Catholic Bishops, when the goods were donated through a vow, or when the goods are especially valuable due to their artistic or historical importance, the consent of the Holy See, namely, the Congregation for the Clergy, is also required.⁶¹
- 6.) The stable patrimony comprises those ecclesiastical goods which, either by their very nature or by explicit designation, are destined to remain in the possession of the diocese, parish(es), parish school(s), parish mission(s), other parish institution(s), or other public juridic person(s) subject to the diocesan bishop for a long or indefinite period of time in order to provide a secure financial basis for the future. Stable patrimony can be divided into four general categories: (1) real estate (e.g., land and buildings); (2) non-

⁵⁵ Sacred Congregation for the Propagation of the Faith, private response, July 10, 1920: *Canon Law Digest* 2: 447-448.

⁵⁶ T. Lincoln Bouscaren, SJ, Adam C. Ellis, SJ, and Francis N. Korth, SJ, *Canon Law: A Text and Commentary*, 4th ed. (Milwaukee, WI: Bruce Publishing Company, 1966) 844-845; Robert T. Kennedy, "The Temporal Goods of the Church," in *New Commentary on the Code of Canon Law* (New York, NY/Mahwah, NJ: Paulist Press, 2000) 1498.

⁵⁷ *CIC*, c. 1293 §1, 1°.

⁵⁸ *CIC*, c. 1293 §1, 2°.

⁵⁹ *CIC*, c. 1293 §2.

⁶⁰ *CIC*, c. 1294 §4.

⁶¹ See *CIC*, cc. 1190 §§2 and 3; 1291; 1292 §2; John Paul II, apostolic constitution *Pastor Bonus*, June 28, 1988, n. 98: *AAS* 80 (1988) 885; *Apostolorum Successores*, n. 188.

fungible personal property (e.g., tangible movable property that is not consumed by its use, e.g., automobiles, furniture, books, equipment); (3) long-term investments in securities (e.g., equities, bonds, and treasury notes held over two (2) years; (4) restricted funds, such as funds, no matter their composition, set aside for specific purposes (e.g., pension funds, building funds, educational endowments). The stable patrimony is to be either explicitly or implicitly designated. Implicit designation occurs when property is acquired with the intention of retaining it for a long or indefinite time. Traditionally, such implicit designation includes real property such as land, churches, and other buildings, and personal property like books, furniture, and art. Explicit designation occurs when property is designated to be stable patrimony by the administrator or other legitimate authority of the public juridic person. The stable patrimony does not include the general operating funds of the diocese, parish(es), parish school(s), parish mission(s), other parish institutions, or other public juridic person(s) subject to the diocesan bishop.

- c. In transactions where the patrimonial condition of the Diocese of Cheyenne, or where the patrimonial condition of parishes or other public juridic persons subject to the Bishop of Cheyenne can be worsened through.⁶²
- 1.) Encumbering the stable patrimony, the value of which exceeds the minimum amounts given above for alienation. Examples of encumbrance may include:
 - a.) Granting an easement;
 - b.) Using the stable patrimony as security;
 - c.) Conceding to another person profits and income from the stable patrimony; and,
 - d.) Surrendering administration of the stable patrimony.
 - 2.) The prescriptions above for the alienation of stable patrimony are also to be observed in instances of the endangerment of the patrimony.
- d. In leasing ecclesiastical goods when the market value of the property to be leased exceeds the amount specified by the United States Conference of Catholic Bishops after having received the *recognitio* of the Holy See or the lease is to be for a period equal to or greater than the time specified by

⁶² CIC, c. 1295; *Apostolorum Successores*, nn. 188; 189 a) and e).

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the United States Conference of Catholic Bishops after having received the *recognitio* of the Holy See.⁶³

VI. Individual Assignments and Committees

- A. Individual members of the Finance Council can be assigned tasks to complete between meetings in order to assist the full Council in its work.
- B. From time to time, the Finance Council can form committees to assist the full Council in its work.

VII. Experts and Others

In order to better assist the Bishop of Cheyenne, the Diocesan Finance Council may seek the services of experts and of others.

VIII. Adoption and Amendment

- A. These statutes shall be adopted by a decree of the Bishop of Cheyenne.
- B. These statutes shall be amended by a decree of the Bishop of Cheyenne.

⁶³ See *CIC*, c. 1297; *Apostolorum Successores*, nn. 188; 189 a) and e); United States Conference of Catholic Bishops, decree Complementary Norm for Canon 1297, promulgated June 8, 2007, effective August 15, 2007, n. 2: (<http://www.usccb.org/norms/1297.htm>).

APPENDIX
United States Conference of Catholic Bishops
Complementary Norms

I. Norms for Fundraising, Canon 1262

*Decree of Promulgation*⁶⁴

United States Conference of Catholic Bishops
United States of America

Canon 1262

On November 13, 2002, the members of the United States Conference of Catholic Bishops legitimately approved complementary legislation for the implementation of canon 1262 of the Code of Canon Law for the dioceses of the United States. The action was granted recognitio by the Congregation for Bishops in accord with article 82 of the Apostolic Constitution Pastor Bonus and issued by Decree N. 778/2005 of the Congregation for Bishops signed by His Eminence Giovanni Battista Cardinal Re, Prefect, and His Excellency Most Reverend Francesco Monterisi, Secretary, and dated May 2, 2007.

Wherefore, and in accord with the prescripts of canon 1262, the United States Conference of Catholic Bishops decrees that the following norms shall govern fund-raising appeals to the faithful for Church support:

Motivation

1. Fund-raising appeals are to be truthful and forthright, theologically sound, and should strive to motivate the faithful to a greater love of God and neighbor.
2. Fund-raising efforts are to be for defined needs.
3. The relationship of trust between donor and fund-raiser requires that
 - a. funds collected be used for their intended purposes;
 - b. funds collected are not absorbed by excessive fund-raising costs.
4. Donors are to be informed regarding the use of donated funds and assured that any restrictions on the use of the funds by the donor will be honored.

⁶⁴ United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1262*, promulgated June 8, 2007, effective August 15, 2007: (<http://www.usccb.org/norms/1262.htm>).

Competent Ecclesiastical Authority

5. Institutes of consecrated life and societies of apostolic life require approval of the respective competent major superiors and the diocesan bishop to solicit funds; diocesan entities require approval of the diocesan bishop to solicit funds; other Catholic entities and organizations require the approval of the diocesan bishop to solicit funds.
6. Approval for fund-raising by the competent authority is to be given in writing with reference to the purpose for which the funds are being raised, the time frame, and the methods to be used in raising them.
7. Oversight of fund-raising programs is to be maintained by competent authority through periodic review and, where necessary, appropriate sanction.
8. Competent major superiors of institutes of consecrated life and societies of apostolic life are to submit to the diocesan bishop of the place where the fund-raising originates periodic reports on the fund-raising programs and the apostolic activities they support.

Accountability

9. Fund-raisers are to provide regular reports to competent authority on the extent to which promises expressed or implied in the solicitation of funds have been fulfilled.
10. Fund-raising reports are to be prepared in scope and design to meet the particular concerns of those to whom the reports are due:
 - a. the governing body and membership of the fund-raising organization;
 - b. the competent authorities who approved and monitor the fund-raising effort;
 - c. the donors to the organization;
 - d. the beneficiaries of the funds raised.
11. Annual fund-raising reports are to provide both financial information and a review of the apostolic work for which the funds were raised. They are to set forth, at the least, the amount of money collected, the cost of conducting the fund-raising effort, and the amount and use of the funds disbursed.

Procedures

12. Funds beyond operating expenses are not to be accumulated or invested by a fund-raising office, but are to be turned over to the appropriate office for allocation and investment.

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13. Special care is to be taken to see that ethical business relationships are maintained by fund-raisers with suppliers of goods and services.
14. Contracts between a religious fund-raiser and commercial suppliers and consultants are to insure that control over materials, designs, money and general operations remain in the hands of the religious fund-raiser.
15. Agreements are not to be made which directly or indirectly base payment either to the commercial firm or to the religious fund-raiser on a percentage basis.

Oversight

16. Competent authority is to ensure that fund-raising organizations:
 - a. make available fund-raising reports to benefactors on a regular basis or upon reasonable request;
 - b. provide their governing bodies with an annual financial statement prepared in accordance with generally accepted accounting principles and, where size warrants, by a certified public accountant.
17. In response to formal complaints, competent authority is to promptly investigate charges, remedy abuses and, when necessary, terminate the fund-raising program.

As President of the United States Conference of Catholic Bishops, I hereby decree that the effective date of this decree for all the dioceses of the United States Conference of Catholic Bishops will be August 15, 2007. Given at the offices of the United States Conference of Catholic Bishops in the city of Washington, the District of Columbia, on the 8th day of June, in the year of our Lord 2007.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary, USCCB

II. Norms for Diocesan Acts of Extraordinary Administration, Canon 1277

*Decree of Promulgation*⁶⁵

*United States Conference of Catholic Bishops
United States of America*

Canon 1277

On November 13, 2007, the members of the United States Conference of Catholic Bishops legitimately approved complementary legislation for the implementation of canon 1277 of the Code of Canon Law for the dioceses of the United States. In accord with article 82 of the Apostolic Constitution Pastor Bonus, the action was granted recognitio by the Congregation for Bishops in a decree dated December 19, 2009 (N. 778/2005), and signed by His Eminence Giovanni Battista Cardinal Re, Prefect, and Monsignor Giovanni Maria Rossi, Subsecretary.

Wherefore, the United States Conference of Catholic Bishops, in accord with the norm of canon 1277, decrees that the following are to be considered acts of extraordinary administration, the canonical validity of which requires the diocesan bishop to obtain the consent of the diocesan finance council and the college of consultors:

1. Initiating a program of financing by the issuance of instruments such as bonds, annuities, mortgages, or bank debt in excess of the minimum amount set in accord with canon 1292 §1.
2. Resolving an individual or aggregate claim(s) by financial settlement in excess of the minimum amount set in accord with canon 1292 §1.
3. Engaging in the regular management or operation of a trade or business that is not substantially related to the performance of the religious, spiritual, educational, or charitable purposes of the Church, for the purpose of generating income to carry on such activities.
4. Entering into any financial transaction or contractual agreement, the terms of which address matters involving an actual or potential conflict of interest for the diocesan bishop, auxiliary bishop(s), vicar(s) general, episcopal vicar(s), or diocesan finance officer.

As President of the United States Conference of Catholic Bishops, I decree that the effective date of the norms for all dioceses of the United States Conference of Catholic Bishops will be April 5, 2010.

⁶⁵ United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1277*, promulgated March 3, 2010, effective April 5, 2010: (<http://www.usccb.org/norms/1277.htm>).

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Given at the offices of the United States Conference of Catholic Bishops, in the city of Washington, the District of Columbia, on the 3rd day of March, in the year of our Lord 2010.

Francis Cardinal George, O.M.I.
Archbishop of Chicago
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary, USCCB

III. Norms for Minimum and Maximum Alienation Sums, Canon 1292 §1

*Decree of Promulgation*⁶⁶

*United States Conference of Catholic Bishops
United States of America*

Canon 1292 §1

On November 13, 2002, the members of the United States Conference of Catholic Bishops approved complementary legislation for the implementation of canon 1292 §1 of the Code of Canon Law for the dioceses of the United States. The action was granted recognitio by the Congregation for Bishops in accord with article 82 of the Apostolic Constitution Pastor Bonus, issued by a Decree (Prot. N. 296/84) of the Congregation for Bishops, dated June 3, 2003, and signed by His Eminence Giovanni Battista Cardinal Re, Prefect, and His Excellency Most Reverend Franciscus Monterisi, Secretary. On March 31, 2004, a subsequent Decree with the same Protocol Number was issued granting recognitio to the norms ad biennium. Through subsequent Decrees, dated January 31, 2006 and March 31, 2008, again with the same aforementioned Protocol Number, the same Congregation decreed the extension of its previously granted recognitio for two additional two-year periods. By means of a Decree, dated March 31, 2010 (Prot. N. 778/2005), signed by His Eminence Giovanni Battista Cardinal Re, Prefect, and His Excellency Most Reverend Manuel Monteiro de Castro, Secretary, the Congregation for Bishops granted definitive recognitio to the following defined sums.

Wherefore, and in accord with the prescripts of canon 1292 §1, the United States Conference of Catholic Bishops decrees that:

1. The maximum limit for alienation and any transaction which, according to the norm of law, can worsen the patrimonial condition is \$7,500,000 for Dioceses with Catholic populations of half a million persons or more. For other Dioceses the maximum limit is \$3,500,000 (cf. can. 1295).

⁶⁶ United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1292 §1*, promulgated and effective on March 31, 2010: (<http://www.usccb.org/norms/1292-1.htm>).

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2. The minimum limit for alienation and any transaction which, according to the norm of law, can worsen the patrimonial condition is \$750,000 for Dioceses with Catholic populations of half a million persons or more. For other Dioceses the minimum limit is \$250,000.
3. For the alienation of property of other public juridic persons subject to the Diocesan Bishop, the maximum limit is \$5,000,000 and the minimum limit is \$25,000 or 5% of the prior year's ordinary annual income, whichever is higher.

As President of the United States Conference of Catholic Bishops, I hereby decree that these norms are effective immediately for all dioceses of the United States Conference of Catholic Bishops.

Given at the offices of the United States Conference of Catholic Bishops, in the city of Washington, the District of Columbia, on the 31st of March, in the year of our Lord 2010.

Francis Cardinal George, O.M.I.
Archbishop of Chicago
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary, USCCB

IV. Norms for Leasing Ecclesiastical Goods, Canon 1297

*Decree of Promulgation*⁶⁷

*United States Conference of Catholic Bishops
United States of America*

Canon 1297

On November 13, 2002, the members of the United States Conference of Catholic Bishops legitimately approved complementary legislation for the implementation of canon 1297 of the Code of Canon Law for the dioceses of the United States. The action was granted recognition by the Congregation for Bishops in accord with article 82 of the Apostolic Constitution Pastor Bonus and issued by Decree N. 778/2005 of the Congregation for Bishops signed by His Eminence Giovanni Battista Cardinal Re, Prefect, and His Excellency Most Reverend Francesco Monterisi, Secretary, and dated May 2, 2007.

⁶⁷ United States Conference of Catholic Bishops, decree *Complementary Norm for Canon 1297*, promulgated June 8, 2007, effective August 15, 2007: (<http://www.usccb.org/norms/1297.htm>).

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Wherefore, and in accord with the prescripts of canon 1297, the United States Conference of Catholic Bishops decrees that the following norms shall govern the leasing of Church property:

1. Prior to leasing of ecclesiastical goods owned by a diocese, the diocesan bishop must hear the finance council and the college of consultors, when the market value of the goods to be leased exceeds \$400,000.
2. Prior to leasing of ecclesiastical goods owned by a diocese, the diocesan bishop must obtain the consent of the finance council and the college of consultors when the market value of the property to be leased exceeds \$1,000,000 or the lease is to be for 3 years or longer.
3. The valid leasing of ecclesiastical goods owned by a parish or other public juridic person subject to the governance of the diocesan bishop requires consent of the diocesan bishop when the market value of the goods to be leased exceeds \$100,000 or the lease is to be for 1 year or longer.
4. The valid leasing of ecclesiastical goods owned by a pontifical institute of consecrated life or society of apostolic life requires, in addition to the consent of the competent major superior and council, the nihil obstat of the diocesan bishop when the market value of the property to be leased exceeds \$1,000,000 or the lease is to be for 3 years or longer.

The valid leasing of ecclesiastical goods by any public juridic person requires the consent of the Holy See when the market value of the goods exceeds \$5,000,000.

As President of the United States Conference of Catholic Bishops, I hereby decree that the effective date of this decree for all the dioceses of the United States Conference of Catholic Bishops will be August 15, 2007.

Given at the offices of the United States Conference of Catholic Bishops in the city of Washington, the District of Columbia, on the 8th day of June, in the year of our Lord 2007.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary, USCCB

GLOSSARY

ACTS OF ADMINISTRATION

Acts of administration are divided into two types, ordinary and extraordinary. *Ordinary acts of administration* include whatever is necessary for the preservation and regular management of the ecclesiastical goods. They are actions which occur daily or periodically (i.e. monthly, quarterly, yearly), and are absolutely necessary for the customary transaction of business such as the payments of current bills and wages, the making of ordinary repairs, the collection or disposal of earnings, the deposit and withdrawal of funds, the collection of receivables, the making of required sales and purchases. *Extraordinary acts of administration* refers to those actions that are not included in the concept of ordinary management or exceed its limits and extent. Such acts do not occur regularly but, rather, in exceptional or even unforeseen cases, and are of greater importance. For dioceses, these acts are determined by the United States Conference of Catholic Bishops, with the *recognitio* of the Holy See. For public juridic persons subject to the diocesan bishop, these acts are determined by their statutes or, in the absence of such a determination, by the diocesan bishop after consulting the diocesan finance council.

AD HOC

Latin term meaning literally "for this." Generally refers to a specific project or task of limited duration.

AFFINITY

Being related to another person by marriage.

ALIENATION

The transfer of ownership of property from one person (physical or juridic) to another.

CANON LAW

See Ecclesiastical Laws.

CODE OF CANON LAW

In 1917 the Catholic Church for the first time codified its laws for the Latin (Roman) Catholic Church. This work was called the *Codex Iuris Canonici Pii X Pontificis Maximi Iussu Digestus Benedicti Papae XV Auctoritate Promulgatus* (1917 Code of Canon Law). Upon the completion the 1917 Code, a process was begun but not completed

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to codify the laws of the Eastern Catholic Churches due to the Second Vatican Ecumenical Council. Following the Council a process was begun to revise the laws of the Catholic Church in the light of the Council. In 1983, this process was completed for the Latin Catholic Church, and in 1990, this process was completed for the Eastern Catholic Churches. These codifications of laws are called *Codex Iuris Canonici Auctoritate Ioannis Pauli PP. II Promulgatus* (1983 Code of Canon Laws) and *Codex Canonum Ecclesiarum Orientalium Auctoritate Ioannis Pauli PP. II Promulgatus* (1990 Code of Canons of the Eastern Churches).

COMMUTATION

The change or moderation of a pious will.

CONSANGUINITY

Being related to another person by blood, father-daughter, aunt-nephew, cousins.

DIOCESAN BISHOP

The bishop to whom the care of the diocese has been entrusted (c.376).

DIOCESAN NORMS

Church laws enacted for the diocese by the Diocesan Bishop or the Holy See (see cc. 7; 8 §2; 12 §§2-3; 13; 135 §§1-2; 331; 333 §1; 381 §1; 391). These laws are promulgated with a general decree (cc. 29-30).

DIOCESAN TAX

A tax imposed by the Diocesan Bishop in his diocese. The Bishop's Appeal is a tax because when a parish fails to achieve its goal, the parish is assessed the difference between its goal and the amount collected.

ECCLESIASTICAL GOODS

A translation of the Latin term *bona ecclesiastica*. Ecclesiastical goods are the property belonging to the Catholic Church. They are the property owned by the parish, parish school, and other parish institutions.

ECCLESIASTICAL LAWS

The legislation, norms, or ordinances of the Catholic Church. Ecclesiastical laws include the universal law of the Catholic Church, the particular law of Churches sui iuris, the particular law of groupings of Latin dioceses (approved by the United States of Conference of Catholic Bishops or

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plenary councils for national groupings of dioceses and reviewed by the Holy See; approved by provincial councils and reviewed by the Holy See), the particular law of a diocese, the proper law of institutes of consecrated life and societies of apostolic life, and liturgical law. Sometimes referred to as Canon Law.

ECCLESIASTICAL OFFENSE

An act which violates a precept of canon law.

JUDICIAL VICAR

The priest who is appointed by the Diocese Bishop to administer the Tribunal of the Diocese of Cheyenne and to judge cases not reserved by the Bishop to himself.

LOCAL ORDINARY

Local ordinary is understood to mean, in addition to the Roman Pontiff and the diocesan bishop, others who, even if only on an interim basis, have been placed over the diocesan church, as well as those who possess ordinary general executive power in the diocese, namely, vicars general and episcopal vicars (c. 134 §§1 and 2).

MODERATOR OF THE CURIA

The priest who is appointed by the Diocesan Bishop to coordinate the administrative activity of the diocese and to supervise the activity of other members of the diocesan curia. The Moderator of the Curia is to be a Vicar General.

PATRIMONIAL CONDITION

The overall economic condition as rooted in the stable patrimony.

PIOUS WILL

Property given for a pious cause such as the support of the Church's ministers or works of the sacred apostolate or of charity. A pious will can be a gift *inter vivos*, an annuity, a gift *mortis causa*, a last will and testament.

PUBLIC JURIDIC PERSON

An artificial person, distinct from all natural persons or material goods, constituted by competent ecclesiastical authority for an apostolic purpose, with a capacity for continuous existence, and with canonical rights and duties like those of a natural person conferred upon it by law, or by the authority which constitutes it, and is given a mission by hierarchical authority to act in the name of the

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Church and under the supervision and direction of the hierarchy. The Diocese of Cheyenne is a public juridic person. Each parish is a public juridic person, and so are some other entities in the Diocese. In the United States and the State of Wyoming, public juridic persons are not recognized as legal entities by the secular governments except maybe as nonprofit unincorporated associations. To insure recognition as legal entities by the secular government, public juridic persons are incorporated. When a public juridic person incorporates according to the laws of the State of Wyoming, that public juridic person serves two masters, two sets of laws, namely, the laws of the State of Wyoming and the laws of the Catholic Church. These laws are not always in agreement.

SEDE

Latin term for "See," which literally means "seat" or "chair," but actually refers to the Diocese, the city where the cathedral and bishop's chair is located, or the office of the Diocesan Bishop.

SEDE IMPEDITA

Latin term for "impeded See," which refers to when the Diocesan Bishop is impeded from functioning, such as when he is incapacitated due to illness, he is exiled, or he is imprisoned.

SEE

English translation of the Latin term "sede."

STABLE PATRIMONY

The stable patrimony comprises those ecclesiastical goods which, either by their very nature or by explicit designation, are destined to remain in the possession of the diocese for a long or indefinite period of time in order to provide a secure financial basis for the future. Stable patrimony can be divided into four general categories: (1) real estate (e.g., land and buildings); (2) non-fungible personal property (e.g., tangible moveable property that is not consumed by its use, e.g., automobiles, furniture, books, equipment); (3) long-term investments in securities (e.g., equities, bonds and treasury notes held over two years); (4) restricted funds, such as funds, no matter their composition, set aside for specific purposes, e.g., pension funds, building funds, education endowments. The stable patrimony is to be either explicitly or implicitly

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designated. Implicit designation occurs when property is acquired with the intention of retaining it for a long or indefinite time. Traditionally, such implicit designation includes real property such as land, churches, and other buildings, and personal property like books, furniture, and art. Explicit designation occurs when property is designated to be stable patrimony by the administrator or other legitimate authority of the public juridic person. The stable patrimony does not include the general operating funds of the diocese. Goods constituting the stable patrimony are to be inventoried in the diocesan archives (cc. 486; 1283, 2° and 3°).

VICAR GENERAL

A priest appointed by the Diocesan Bishop to assist him in the governance of the entire diocese. The Vicar General has ordinary power and is a Local Ordinary. He is, thereby empowered by office to perform certain actions specified in canon law, and may be delegated by the Diocesan Bishop to exercise certain powers normally reserved to the Diocesan Bishop.