



Statutes of Presbyteral Council of the Diocese of Las Cruces

INTRODUCTION

“Priests, prudent cooperators with the episcopal order as well as its aids and instruments, are called to serve the People of God. They constitute one priesthood with their bishop, although that priesthood is comprised of different functions. Associated with their bishop in a spirit of trust and generosity, priests make him present in a certain sense in the individual local congregations of the faithful, and take upon themselves, as far as they are able, his duties and concerns, discharging them with daily care. As they sanctify and govern under the bishop’s authority that part of the Lord’s flock entrusted to them, they make the universal Church visible in their own locality and lend powerful assistance to the upbuilding of the whole body of Christ (cf. Eph. 4:12). Intent always upon the welfare of God’s children, they must strive to lend their effort to the pastoral work of the whole diocese, and even of the entire Church.

On account of this sharing in his priesthood and mission, let priests sincerely look upon the bishop as their father and reverently obey him. And let the bishop regard his priests, who are his co-workers, as sons and friends, just as Christ called his disciples no longer servants but friends (cf. Jn. 15:15). All priests, both diocesan and religious, by reason of orders and ministry, are associated with this body of bishops, and serve the good of the whole Church, according to their vocation and the grace given to them.” (*Lumen Gentium*, 28)

To better foster the collaboration the Ecumenical Council contemplated between a bishop and his presbyterate, the *Code of Canon Law* calls for the establishment of a Presbyteral Council in each diocese and sets out universal norms governing its structure and activity. At the same time, the Code anticipated that each council, with the approval of its diocesan bishop, would establish diocesan statutes to apply the universal norms to the circumstances of the particular Church and to govern the procedures by which it will conduct its activity. With these aims in mind, the Presbyteral Council of the Diocese of Las Cruces enacts these statutes.

I. PURPOSE

The council is a consultative body which aids the bishop in the governance of the diocese according to the norm of law in order that the pastoral welfare of the portion of the people of God committed to him may be carried forward as effectively as possible (Canon 495). The Presbyteral Council will be a place for



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mutual, open reflection and fraternal dialogue between the bishop and the priests serving the diocese.

The council shall study those various aspects of the apostolic and pastoral work of the Church and priestly life of the diocese as the bishop shall direct to its attention, notifying him in writing of the result of these studies and attaching thereto appropriate recommendations.

II. CONSULTATION BY THE BISHOP

- A. The Presbyteral Council performs the functions described in the Code of Canon Law and any other duties committed to it by the diocesan bishop, especially matters of significance to the pastoral welfare of the diocese.
- B. Among its chief duties are consultations regarding the following:
 - 1. modification of parishes (canon 515, §2)
 - 2. permission to build a church (canon 1215, §2)
 - 3. permission for a church to be converted to secular purposes for reasons other than its poor condition (canon 1222, §2)
 - 4. advisability of a diocesan synod (canon 461, §1)
 - 5. determination of the use of offerings of the faithful made on the occasion of parish services and placed in a general parish fund (canon 531)
 - 6. appropriateness of parish councils (canon 536, §1)
 - 7. imposition of a tax for the needs of the diocese on public juridic persons subject to the bishop; also the imposition of an extraordinary and moderate tax for very grave needs on other juridic persons and on physical persons (canon 1263).
 - 8. approval of the standing committee of pastors to serve as advisor to the bishop whenever a pastor is administratively removed from office or transferred against his will (canon 1742, §1).
- C. Other than the required consultations outlined above or any future requirements of law, it is the decision of the bishop when to seek consultation with the Presbyteral Council. However, in the spirit of collaboration, discussion with the Presbyteral Council is encouraged especially on topics that impact the life of the priests and parish life.

III. ELIGIBILITY FOR MEMBERSHIP AND VOTING

- A. The following shall be eligible for membership of the Presbyteral Council and to vote in elections held to select members for the council:
 - 1. All incardinated priests of the Diocese of Las Cruces in good standing
 - 2. Extern and religious priests having canonical assignment for service in the Diocese of Las Cruces



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3. Other priests living in the diocese may be extended eligibility by a specific vote of the council
- B. Any doubts concerning the eligibility of a priest shall be decided by the election committee of the Presbyteral Council.

IV. MEMBERSHIP

- A. Insofar as it is possible, the priests of the diocese should be represented on the council, taking into account especially the diversity of ministries and the various regions of the diocese. Eligible priests shall become members of the Presbyteral Council by any of the following:
1. Election according to the norms set forth in these statutes.
 2. Free appointment by the diocesan bishop.
 3. Appointment to an office these statutes establish as having *ex officio* membership.
- B. At least one-half of the members of the council must be freely elected.

V. ELECTION

- A. There will be one general election by written ballot per calendar year and any and all vacancies on the council will be filled by this election.
- B. The elected members of the Presbyteral Council shall consist of
1. two (2) priests from each vicariate assigned in ministry by the Bishop and
 2. two (2) at-large members elected from within the group of all incardinated priests of the diocese and all religious and extern priests assigned by the Bishop in ministry in the Diocese.
- C. Vacancies created by the transfer to a different vicariate of a duly elected member before the conclusion of his five-year term shall be filled by a vote of all priests eligible to vote in the effected vicariate in the next general election (V, A)
- D. Elections shall be conducted by a committee of the council that shall consist of at least three priests, in a manner approved by resolution of the council. This method of election shall insure that all eligible members of the presbyterate are given the opportunity to vote in every election for a member of the council. The PRESBYTERAL COUNCIL PROCESS FOR ELECTIONS is an addendum to these Statutes.



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- E. Vacancies that occur between elections will be filled by an election of the Presbyteral Council in which a simple majority of those present at a meeting is necessary for election.

VI. EX OFFICIO MEMBERS

Eligible priests holding the following offices will be considered *ex officio*, voting members of the Presbyteral Council for the period they hold their office:

- The Vicar General
- The Moderator of the Curia
- The Chancellor (*provided that the one holding the office is a priest*)
- The Vicars Forane
- The Judicial Vicar
- The Chair of the Priests' Personnel Board

VII. FREE APPOINTMENT BY THE DIOCESAN BISHOP

Eligible priests may be appointed to the Presbyteral Council by the diocesan bishop for a specific term.

VIII. TENURE

- A. The term of membership in the council shall be five (5) years except for the provision of elections in 2019 (VIII, B).
- B. In order to ensure continuity and for the purpose of establishing staggered dates for terms of council members, the council assembled as a result of the first election to be held in 2019, shall divide itself into the following groups:
- Serving a four-year term: The younger (in years ordained) of the two priests elected in each vicariate
 - Serving a five-year term: The older (in years ordained) of the two priests elected in each vicariate
 - Subsequent to the 1st election in 2019, all terms shall be five (5) year terms.
- C. In the event of death, or three consecutive unexcused absences from the meetings of the council or the removal or resignation of any elected member of the council, the vacancy shall be filled according to the norms given above (V, A).
- D. A member may resign by filing a written resignation with the secretary to be effective when officially accepted by the council.



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IX. OFFICERS

A. The officers of the Presbyteral Council shall be the Diocesan Bishop as President, Vicar General as Vice-President, a Chairman and a Secretary elected by the Presbyteral Council.

B. PRESIDENT

The diocesan bishop, as head of the Presbyterate, shall:

- invoke the Presbyteral Council,
- preside at it,
- determine the questions to be treated by it or receive proposals from its members (Canon 500.1) and
- act as official spokesman for the council.

C. VICE-PRESIDENT

The vice-president shall take the place of the diocesan bishop at meetings of the council upon the bishop's specific request.

D. CHAIRMAN

The chairman shall chair the meetings of the council and serve as the chairman of the Executive Committee. He will appoint all committees and designate the chairman thereof. In his absence, he will appoint the secretary or someone from the membership to chair the meeting.

E. SECRETARY

At the direction of the diocesan bishop the secretary shall:

- notify the council and all priests of each meeting of the council by notice in the official diocesan publication and by e-mail.
- The secretary shall send copies of the minutes to the diocesan bishop and, subsequent to his approval, to all priests within two weeks after each meeting.
- The secretary shall receive from the members those items which they wish to have considered for inclusion in the agenda. The secretary shall also receive from the vicars forane the items which the priests of their vicariates wish to have considered for inclusion in the agenda.
- The secretary shall keep the records of the council and the minutes of all meetings.
- The secretary shall manage any financial affairs of the council.



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X. EXECUTIVE COMMITTEE

The officers, plus two additional members elected by the council, shall constitute the Executive Committee of the council and shall confer to determine the agenda to be submitted to the diocesan bishop for each meeting.

XI. ELECTIONS OF OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

- A. Elections for officers and members of the Executive Committee shall take place at the first meeting after a newly constituted council or after a vacancy occurs. All members of the Presbyteral Council are eligible to vote and to be elected. Nominations and elections shall be conducted by secret ballot.
- B. These officers and executive committee members shall serve for five years or until their successors shall be elected. All officers are eligible for re-election.

XII. MEETINGS

- A. The Presbyterate of the Diocese of Cruces shall meet in their local vicariate groups at least four (4) times from September to May. The vicars forane shall report at said meetings on the issues discussed at the Presbyteral Council meeting to facilitate communication between the council and the vicariate. Topics for discussion at the vicariate may be formulated by the Presbyteral Council seeking input from the presbyterate, with the Vicar reporting back to the full Presbyteral Council membership at its next meeting.
- B. The Presbyteral Council shall meet at least five (5) times a year on the third Tuesday of September, November, January, March and May.
- C. Executive Committee meetings, executive session of the council or full council meetings may be called at the discretion of the diocesan bishop.
- D. Any matter to be considered for inclusion in the agenda must be submitted to the Executive Committee by the vicar forane, individual council members, committee or constituent one (1) week in advance of the Executive Committee meeting. The Executive Committee must submit all proposals to the diocesan bishop, who has the right to accept or reject proposals to be placed on the agenda.
- E. A quorum of the council shall consist of a simple majority (one vote more than 50%).



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F. The right of non-members to address the council shall be limited to those whose petition and topic have been received by the Executive Committee and approved by them. Non-members may present items for consideration by the council but normally will not be present for discussion and action upon such items.

G. Consultants may be invited to any meeting by the diocesan bishop.

XIII. PROCEDURES OF THE COUNCIL

The procedures of the council shall conform to the general norms of Canon Law, the particular statutes set out here and normal parliamentary procedure as governed by the Revised *Robert's Rules of Order*. The diocesan bishop or the unanimous consent of the council may determine procedures necessary for specific matters.

XIV. COMMITTEES

A. Any matter may be referred by the diocesan bishop to committee, either standing or pro tempore, for research and report. Committees shall not make public their reports but submit them to the diocesan bishop.

B. Committees shall report within a time determined by the diocesan bishop. Their reports may not require a resolution or vote.

XV. FINANCES

The diocese funds the necessary expenses for the Presbyteral Council. The Chair of the Presbyteral Council is responsible for submitting the budget as well as account for the finances.

XVI. AMENDING THESE STATUTES

Amendments to these statutes shall require the affirmative vote of two-thirds of the council members after two readings and the approval of the diocesan bishop.

XVII. SEDE VACANTE

This council ceases to exist upon the death or transfer of the bishop. Its duties and obligations shall be fulfilled by the College of Couselors. The newly installed bishop may reconstitute the prior council or proceed with the formation of a new council with Statutes to be determined by him (Canon 501§2).



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The College of Consultors

- A. The members of the college are drawn from the presbyteral council, as stated in the Code of Canon Law.¹
- B. There are to be no more than twelve (12) members, no less than six (6).
- C. The college is constituted for a five-year term. At the end of the five-year term the college continues to exercise its functions until a new college is established (canon 502, §1).
- D. If a priest resigns from the College of Consultors or a vacancy arises for some other reason, the diocesan bishop may appoint another member of the Presbyteral Council to complete that term.²
- E. The duties of the College of Consultors are defined by the Code of Canon Law:³
 1. required consent of Consultors to
 - a. perform acts of extraordinary administration (canon 1277)
 - b. alienate diocesan property (canon 1292, §1)
 - c. authorize alienation within minimal and maximal sums set by the conference of bishops (canon 1292, §1)⁴
 2. required consultation of Consultors: appointment and removal of the diocesan finance officer (canon 494, §§1,2)
 3. special roles of Consultors when the see is impeded⁵ or vacant.⁶

¹ Some priests are to be freely selected by the diocesan bishop from among the members of the presbyteral council to constitute a college of consultors; their number is to be not less than six nor more than twelve...(canon 502, §1).

² E.g., should one's membership on the presbyteral council expire before the College of Consultors expires for its five-year period, he should submit a letter of resignation to the diocesan bishop. Unless he opts to do so, he retains the right to complete his term as a consultor.

³ Unlike the functions of the presbyteral council, which are general in nature, the functions of the college of consultors are defined by universal law. Note that this is a complete (i.e., taxative) list.

⁴ The maximum and minimum sums for alienation of ecclesiastical goods notes that "both the maximum and minimum amounts within the region are linked to the consumer price index as determined annually by the U.S. Bureau of Labor Statistics, and reported by the USCCB to the appropriate offices of the Holy See and to the Conference members." The adjusted maximum and minimum sums for 2019 for the Diocese of Las Cruces are: Maximum: \$3,500,000 and Minimum: \$250,000 (*update the 2011 data here for 2019*)

⁵ When the see is impeded the college is to elect an administrator if not other provision has been made (c. 413, §2).

⁶ When the see is vacant the college has the following functions: (1) the college fulfills the functions of the presbyteral council (c. 501, §2), (2) after the first year of vacancy, administrator must obtain the consent of the college for incardination, excardination or temporary transfer (c. 272), (3) if there is no auxiliary bishop, the college governs the diocese initially should there be no other arrangements made by the Holy See (c. 419), (4) the college elects an administrator within eight days of the vacancy of the see (c. 421, §1), and (5) the college notifies the Holy See of the vacancy if there is no auxiliary bishop (c. 422).



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PRESBYTERAL COUNCIL PROCESS FOR ELECTIONS

There will be one general election by written ballot per calendar year and any and all vacancies on the council will be filled by this election.

Vacancies that occur between elections will be filled by an election of the Presbyteral Council in which a simple majority of those present at a meeting is necessary for election.

The procedure for election shall be:

1. Ballots are sent by mail to all presbyters eligible to vote notifying them of the date on which the completed ballot must be received at the Chancellor's office in the Pastoral Center. Instructions for completing the ballot and mailing it are included with the ballots.
2. Ballots not received by the deadline are not accepted. In extraordinary circumstances the Executive Committee can adjust the deadline and/or make exceptions based on known extraordinary circumstances.
3. Ballots are opened and counted by the Executive Committee. The priest(s) receiving the highest number of votes in each election are elected.
4. Confirmation to accept the election by the individual is confirmed by telephone by the Chancellor.
5. The term begins with the next scheduled Presbyteral Council meeting.
6. Challenges to validity of elections shall be decided by a vote of the Presbyteral Council requiring a 2/3 majority to overturn a vote of the presbyterate or to call for a new election.