



**PASTORAL OFFICE
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BEND, OREGON**



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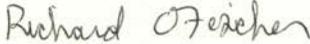
Decree of Promulgation

Having fulfilled all that is required by law regarding the amendment of the Constitution and By-Laws of the Presbyteral Council of the Diocese of Baker; and certain that the proposed amendments would be beneficial to the aforesaid council in exercising its pastoral duty of assisting me in the pastoral governance of the Diocese of Baker, I hereby promulgate the Constitution and By-Laws of the Presbyteral Council of Baker as particular law.

So that all concerned may become conversant with the aforementioned Constitution and By-Laws, I further decree they come into effect on 29 November 2015, the First Sunday of Advent. I especially encourage all concerned to study, understand, and utilize these diocesan documents according to the letter and spirit of the laws and norms regulating them.

Given at the Pastoral Offices of the Diocese of Baker, this ninth day of October, the year of the Lord two thousand and fifteen.


Most Reverend Liam Cary
Bishop of Baker


Very Reverend Richard Fischer, VG
Notary *ad hoc*



THE CONSTITUTION OF THE PRESBYTERAL COUNCIL OF THE DIOCESE OF BAKER

Preamble

“All priests, in union with bishops, so share in one and the same priesthood and ministry of Christ that the very unity of their consecration and mission requires their hierarchical communion with the order of bishops. At times in an excellent manner they manifest this communion in liturgical concelebration as joined with the bishop when they celebrate the Eucharistic Sacrifice. Therefore, by reason of the gift of the Holy Spirit which is given to priests in Holy Orders, bishops regard them as necessary helpers and counselors in the ministry and in their role of teaching, sanctifying and nourishing the People of God.” (Vatican II: *Presbyterorum ordinis* no 7; *Lumen gentium* no 28, and *Christus Dominus* no 28)

“In each diocese a presbyteral council is to be established, that is, a group of priests which, representing the presbyterium, is to be like a senate of the bishop and which assists the bishop in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the people of God entrusted to him.” (1983 *CIC* c. 495 §1; cf. Instruction *Ecclesia de mysterio*, art. 5, no 1; John Paul II, exhortation *Pastores gregis*, no 44; and Directory *Apostolorum successors*, no 182)

Article I: Name

This body shall be called The Presbyteral Council of the Diocese of Baker.

Article II: Purpose

Section 1: To assist the Bishop in the pastoral governance of the Diocese through consultation and the full and free discussion of matters of pastoral concern in the Diocese, in accord with applicable laws (cf. 1983 *CIC* c. 495 §1). Mainly, the Presbyteral Council is to be consulted by the Bishop:

- i) before convoking a diocesan synod (1983 *CIC* c. 461 §1)
- ii) before modifying parishes (1983 *CIC* cc. 515 §2 and 813)
- iii) before determining the use of offerings by the faithful on the occasion of parish services (1983 *CIC* c. 531)
- iv) before issuing norms for parish pastoral councils (1983 *CIC* c. 536 §1)
- v) before the construction of a church or the reduction of a church to profane but non-sordid use (1983 *CIC* cc. 1215 §2 and 1222 §2)
- vi) before imposing diocesan taxes (1983 *CIC* c. 1263)
- vii) approves the list of pastors established either stably or on an *ad hoc* basis for the purpose of making decisions concerning the pastoral assignments of priest personnel [decision] (1983 *CIC* c. 1742 §1)

In principle, the bishop can hear the Presbyteral Council regarding the same matters for which he is required to hear the College of Consultors. However, he must also hear the College of Consultors, especially when the law expressly states the College is to be heard, either to give consent or counsel.

Section 2: To seek and prepare ways and means for effective pastoral ministry.

Section 3: To be representative of the body of priests in the Diocese.

Article III: Membership

Section 1: Membership in the Presbyteral Council is personal not collegial. The only time such membership is collegially affected is when the episcopal see is impeded or vacant, in which case, the whole council automatically ceases to exist and its functions devolve on the College of Consultors (cf. 1983 *CIC* c. 501§1).

Section 2: The membership shall consist of the Bishop, five members elected at large from the body of priests serving in the Diocese, three priests from the same body of priests appointed by the Bishop, and clerics who by law are ex-officio members (cf. 1983 *CIC* c. 497).

Section 3: The body of priests mentioned in Article III, Section 2, shall include all incardinated and non-incardinated diocesan priests, as well as priests who are members of religious institutes and societies of apostolic life, who exercise active pastoral ministry in the Diocese of Baker. These priests are eligible to vote and be elected as members of the Presbyteral Council (cf. 1983 *CIC* c. 498 §1).

Section 4: Election into the Council shall be conducted by secret ballot, at the fall of the year in which the position of an elected member (s) is vacant. An absolute majority of votes cast shall elect. Vacancies, when they occur, shall be filled by the aforesaid manner of election for the un-expired portion of the term during the fall Presbyteral Assembly (cf. 1983 *CIC* cc. 119, 164-178, and 499).

Section 5: The elected members shall serve for three years and shall commence immediately upon election. Elected members may serve no more than two consecutive terms.

Sections 6: The appointed members shall serve for three years. When there is a vacancy for an appointed member, his position shall be filled by the appointment of another priest to serve the un-expired portion of the term.

Section 7: The ex-officio members shall be the vicar general, episcopal vicar, chancellor, and vicar for canonical affairs.

Section 8: The number of members of the Presbyteral Council shall neither be less than six nor more than thirteen at any given time.

Article IV: Officers

Section 1: The officers of the Presbyteral Council shall be the President, Chairman, Vice-Chairman, and Secretary.

Section 2: The President of the Council shall be the Bishop, who has the exclusive right to convoke meetings, preside over them, place matters of serious concern on the agenda of the Council Meetings, accept or reject (unless otherwise provided by law) the results

of the Council's deliberations, and officially promulgate or make public the decisions arising from the same deliberations (cf. 1983 *CIC* c. 500 §1).

Section 3: The Chairman shall preside over meetings of the Council not presided over by the President, and shall have such other duties as assigned to him by the Council.

Section 4: The Vice-Chairman and Secretary shall have duties prescribed for their respective offices by the Council.

Section 5: The Officers, other than the President, shall be elected by and from the members of the Council.

Section 6: Apart from the President, each of the other officers of the Council shall serve for one year. Nevertheless, they may be re-elected into the same position as long as they remain members of the Council.

Article V: Meetings

Section 1: The Council shall meet on a quarterly basis, of which the last meeting will occur during the fall Clergy Assembly. Extraordinary meetings may also be convoked by the President when matters of grave importance arise or at the request of at least seven members of the Council with the consent of the President (cf. 1983 *CIC* c. 500 §1).

Section 2: A simple majority of the members of the Council shall constitute a quorum.

Section 3: The Council shall seek to govern through consensus; otherwise, the issue shall be decided by parliamentary procedure (cf. 1983 *CIC* c 500 §2). When, however, a matter before the Council has received two equal votes, the President can break the tie by his vote. (cf. 1983 *CIC* c. 119, 2^o)

Article VI: Committees

When demanded by necessity, the Council may establish standing committees to address specific pastoral matters, whether on permanent or *ad hoc* basis.

Article VII: Amendments to the Constitution

This Constitution may be amended by a simple majority of Council members when demanded by necessity. However, the said amendments must be consonant with the law and come into effect after they have been legitimately promulgated by the Bishop.

THE BY-LAWS OF THE PRESBYTERAL COUNCIL OF THE DIOCESE OF BAKER

Article I: Elected Membership

Section 1: The election of the required members to the Presbyteral Council shall take place at the annual fall Presbyteral Assembly in such a manner that the Council is able to meet following the aforesaid election.

Section 2: In conducting the election, the following are to be observed:

- i) the election shall be presided over by the Chairman of the Council and assisted by two tellers, who also are to be drawn from the Council
- ii) the election shall consist of the generation of a slate of candidates and by secret ballot
- iii) each eligible voter may nominate not more than one candidate for membership on the Council
- iv) if necessary, numerous ballots may be held to determine which of the nominated priests shall be elected to the Presbyteral Council
- v) at the conclusion of the election, the Chairman of the Council, assisted by the tellers, shall announce the name (s) of the priest (s) elected to the Council
- vi) the elected priest (s) has (have) eight useful days to accept his election into the Council, failure of which renders the election ineffective

Section 3: A slate of candidates shall be prepared and distributed by the Chairman or posted in a manner visible to all voting. Each ballot shall make note of the votes a candidate has received. The two designated tellers appointed from the Council shall collect all votes cast and scrutinize them to make sure they are valid.

Section 4: Votes shall be counted by the two tellers mentioned in Section 2 (i) above. The votes shall be verified by the Chairman or another Council member whom he has designated for only that purpose. An absolute majority of votes shall constitute a win. Tie votes shall be broken by a run-off election. Two consecutive tie votes shall be resolved by voting a third time on the two candidates with the most votes. Or, if there are several, votes shall be cast on the two candidate's senior in priestly ordination with the most votes. If a tie, the candidate most senior in priestly ordination is elected. The election results shall be recorded and certified by the Secretary of the Council and, thereafter, published by the Chairman of the Council (cf. 1983 *CIC* c. 119, 1°; *CCEO* cc. 924, 3° and 956 §1),

Section 5: Elections to fill vacancies on the Presbyteral Council shall follow the same voting procedure described in this by-law.

Article II: Appointed Membership

The three members of the Presbyteral Council appointed by the Bishop shall be designated as the first, second, and third appointed positions. Their terms shall be staggered so that they are not appointed the same year.

Article III: Election of Council Officers

Section 1: The Council Chairman, Vice-Chairman, and Secretary shall be elected at the first Council meeting, following the annual election of members, at which at least two-thirds of the Council membership is present.

Section 2: The candidates for Council office shall be nominated by and from the membership of the Council.

Section 3: The Officers shall be elected by an absolute majority of the Council members present.

Article IV: Duties of Council Officers

Section 1: The Chairman shall:

- i) Preside at all meetings of the Council at which the President is not able to preside
- ii) Propose the agenda for Council meetings under the direction of the Bishop. Other Council members, however, may propose items of business to be brought before the Council
- iii) Appoint Committees as needed

Section 2: The Vice-Chairman shall:

- i) Preside at Council meetings when the President is not able to preside and the Chairman is absent
- ii) Undertake any other tasks pertaining to the business of each Council meeting at the discretion of the President or Chairman

Section 3: The Secretary shall:

- i) Record the minutes of Council meetings and of the proceedings of the fall Presbyteral Assembly
- ii) Distribute the aforesaid recorded minutes to Council members after each meeting and preserve them after they have been duly amended
- iii) Prepare and distribute ballots for the election of Council members, assisted by the two tellers mentioned in this by-law

Article V: Committee Membership

The Chairman of the Presbyteral Council shall appoint Chairpersons for Committees, when Committees are needed. The Committee members shall be selected by the Chairperson and approved by the Council.

Article VI: Changes and Amendments of Bylaws

The members of the Presbyteral Council, with the approval of the Bishop, may propose additions, amend or repeal any or all of these Bylaws by an absolute majority vote of the members at any licitly convened meeting of the Council, provided all members have been

informed of the proposed change, in writing or any other suitable media, at least two weeks prior to the meeting at which the proposal will be considered.