

## COUNCIL DUTIES REVIEW

### Council Review, Part 1:

“A healthy council makes for a healthy fraternity”. Most of us recognize that principle. It is admirable to watch the constructive efforts of local councils to fulfill their calling in support of the whole fraternity. Similarly it is sometimes also observed that the weakness of a council leads to mediocrity or serious malaise in their fraternity – and they wonder why.

Fortunately, it is very encouraging to witness a council which is enthusiastic and convinced of their supportive roles in the fraternity. What a blessing for their fraternity!  
Each council member has multiple responsibilities for the welfare of their fraternity. But with the triennial election process, the resulting frequent turn-over of members in the leadership necessarily creates the demand for all “new” council members to in turn know what they are expected to take part in. How is this regular formation for councils accomplished? What means are available for the council itself to examine its duties as spelled out and identified in the OFS General Constitutions? Too often this understanding of duties is left to chance or just presumed – and the fraternity suffers.

To help with such a council formation, the following reflections titled “**COUNCIL DUTIES REVIEW**” are offered. Hopefully, **in the course of the first 6 months of a new council, the whole council itself will schedule and hold a “study day” devoted specifically for review of this material of their responsibility.**

When a person is elected to a position on the council, they take on new duties for the welfare of their fraternity. But what specifically are they really expected to do? What are their new duties?

These are especially found in eight articles in the OFS General Constitutions: 28-29-30-31 and 49-50-51-52. However, imbedded in the other articles of the OFS Constitutions are many additional specific expectations, such as:  
preparing for elections - required recruitment procedures - assisting the formation director - keeping and securing their fraternity records and files - determining “active” and “excused” members (and “lapsed”) - requesting [triennial] pastoral visitations - requesting [triennial] fraternal visitations - handling member transfers - choosing formation topics - discerning fraternity apostolic projects - Franciscan youth - cooperation with other levels of OFS - council vacancies - jurisdictional bonds.

For council members to neglect the acquaintance with these topics and their practice is to weaken the functioning of the fraternity. These are all listed as COUNCIL duties; they are not just to be the concern of the fraternity minister.

Each councilor should take time to read and reflect on articles 28 to 36 in the General Constitutions. Then, think over the following:

Some significant overall principles are spelled out in article 31, which states:  
Read art.31-1. “**On various levels, each fraternity is animated and guided by a council and minister (or president)**”. These offices are conferred through elections, in accordance with the Rule, the Constitutions, and their own Statutes. Only by way of exception or in the first phase of their establishment may fraternities exist without a regular council. The council of the higher level

will make the arrangements necessary for this inadequate situation only for the specific amount of time it takes to get a fraternity back on sure footing or to establish a new fraternity; to give its leaders the proper formation and to carry out the elections.

art. 31-2. The office of minister or councilor is **a fraternal service, a commitment** to hold oneself available and responsible in relation to each brother and sister and to the fraternity so that each one will realize his or her own vocation and each fraternity will be a true community, ecclesial and Franciscan, actively present in the Church and in society.

Q1. What requirements are identified in article 31, part 1 and 2 (quoted above)?

Read art. 31-3. The leaders of the OFS at every level should be perpetually professed, convinced of the validity of the Franciscan evangelical way of life, attentive to the life of the Church and of society with a broad and encompassing vision, open to dialogue, and ready to give and receive help and collaboration.

Q2. What are the five expectations for leaders (*council members*) described in art.31,3?

Read art. 31-4. The leaders should see to **the spiritual and technical preparation and animation** of the meetings **both of the fraternities and of the councils**. **They should seek to inspire life and soul into the fraternities** by their own witness, suggesting appropriate means for the development of the life of the fraternity **and** of apostolic activities in the light of the fundamental Franciscan options. They should see to it **that the decisions made are carried out** and they should promote collaboration among the brothers and sisters.

Q3. What specific concerns does art. 31,4 identify that the council is supposed to care for?

Make a list? Does this article indicate that the council is going to be making decisions?

Q4. By examining the description by the Catholic Church in Canon 303 of a "Third Order", what are the six requisites? Does our Council encourage fulfillment of and support for these six requirements? Do the members know these requirements?

[Canon 303: "Associations whose members lead an apostolic life and strive for Christian perfection while living in the world and who share the spirit of some religious institute under the higher direction of that same institute are called third orders or some other appropriate name."]

### **Council Review, Part 2:**

**Note well: It is necessary that each member of the council have a copy of the OFS Rule and Constitutions and the NAFRA Statutes.**

Read and examine the contents of article 49.

Q1. What is the makeup of a council?

Q2. What council offices are required?

Q3. Can other offices be added?

Next, you need to read and study article 50,1.

Q4. What two general areas of fraternal life are defined in this article for the council to focus on?

Q5. What is your understanding of the word "duties"? Are "duties" the same as "suggestions"?

Now follows 22 duties for councils contained in these OFS Constitutions.

Take time now to read article 50,2 with its eight (8) specific duties of a COUNCIL.

**1. -**

The *first* listed duty: – vote on acceptance & admission

“to decide on the acceptance and admission to profession of new brothers and sisters”

In addition, you also need now to read through articles 39, 40, 41.

Q6. What are the specific requirements for this voting procedure to be carried out? (see art.41,1)

Is this to be done in writing?

Q7. How do the council members get appropriate information beforehand on this matter in order to make a prudential judgment for voting?

Q8. Has the formation team assured the council that each candidate fulfills the requirements expressed in NAFRA Statutes, art. 19, parts 2 and 3?

Q9. How well does our fraternity handle its initial formation program? Should it be strengthened and improved? What options do we have?

Q10. How is the council preserving the fraternity records, such as those of admission to candidacy, and professions?

**2. -**

The *second* listed duty: – member in difficulties –

“to establish a fraternal dialogue with members in particular difficulties and to adopt consequent measures”

For this matter you need to now read article 56. The OFS Constitutions distinguish between “temporary provisions” and “definitive provisions”. These are found in articles 56-57 and in articles 58-59-60. Read both sets of difficulties.

In any case it is the council which “evaluates”, “discusses”, “dialogues”, and “decides” the appropriate action. Appropriate records should be kept in the fraternity’s permanent files and council minutes of the progress of the resolution.

Q11. Do you know of any situation where this could be applicable?

**3. –**

The *third* listed duty: – member withdrawals –

“to receive the request for withdrawal and to decide on the suspension of a member from the fraternity”

Again, you have to read over articles 56-57-58-59-60.

The first understanding of the problem has to be established by the council whether (as mentioned above) this matter is “temporary” or “definitive”. Accordingly different steps are taken by the council. Appropriate records should be kept in the fraternity’s permanent files and council minutes of the progress of the resolution.

Q12. What is the clear distinction between “withdrawal” and “suspension”?

Q13. Have we kept written records as indicated above if this situation(s) has occurred in our fraternity?

**4. -**

The *fourth* listed duty: – having cells in a fraternity –

“to decide on the establishment of sections or groups in conformity with the Constitutions and the statutes”

Under certain conditions and requirements, a fraternity can form from its membership “cells” or similar groupings of members for special purposes.

You need to read articles 34 and 35, and NAFRA Statutes 18,5.

Q14. What written agreements need to be made?

Q15. Can you think of any circumstances that might recommend the formation of a cell of a fraternity?

Q16. What conditions do these articles specify? Does this need to be worked out beforehand?

Q17. Does the council have the supervisory duty for accountability for cells?

Q18. So far in this "Council Duties Review", how many council duties have we become acquainted with? Make a list of them.

### **Council Review, Part 3:**

#### **5. -**

The *fifth* listed duty: – Finances

"to decide on the destination of available funds and, in general, to deliberate on matters concerning financial management and economic affairs of the fraternity"

Finances in a fraternity not only involve the duties of the Treasurer and his/her regular reporting to the council, but each and all members are called upon to contribute and help with the common expenses and projects of the fraternity.

This is highlighted in article 30,3 which says:

[see Rule, art. 25] "In a family spirit, each brother and sister should make a contribution to the fraternity fund, according to each one's means, to provide the financial means needed for the life of the fraternity and for its religious, apostolic, and charitable works. The brothers and sisters ought to provide the means necessary for supporting the activities and the operations of the fraternities at higher levels, both by their financial assistance and by their contributions in other areas as well."

A written financial report at each monthly council meeting is normative.

Further insightful particulars are offered by NAFRA Statutes in articles 18,7 and 18,8. Please look these two articles up and read them.

Q1. Do you know if your fraternity council has been faithful to both of these NAFRA Statutes?

#### **6. -**

The *sixth* listed council duty: – making assignments –

"To assign duties to the councilors and to the other professed members"

A cooperative effort must be developed in the fraternity, both on the level of the council and that of all the members of the fraternity, aware of the abilities and talents of the respective members. For example, how the fraternity handles its ongoing formation, its initial formation, the social aspects of the meeting, the collating and publishing and mailing of the fraternity newsletter, etc. Some councils do not notice the cooperation expected in article 52,3,a when it describes the role of the "master of formation": "to co-ordinate, with the help of the other members of the council..."

Q2. In practice, how do our council members work together on formation matters?

Q3. In practice, are these many fraternity needs simply carried out by the minister, or do they flow from discussions among the councilors and the decisions they make?

Q4. What kinds of "news" should be included in your monthly newsletter?

Q5. How often are these assignments reviewed by the council? How often does the council evaluate their effectiveness or need for modifications and changes?

#### **7. -**

The *seventh* listed council duty: – requesting a Spiritual Assistant.

“to request from the competent superiors of the First Order and the TOR suitable and prepared religious as assistants”

We now need to read over articles 85 to 91.

Q6. What are the specific roles expected of a spiritual assistant?

Q7. Does our fraternity supply to the appointed spiritual assistant the materials to help him/her to be “suitable and prepared”, namely the Handbook for Spiritual Assistance to the OFS (2005) and the Franciscan Family Connections (2007)?

Q8. How is it possible for the spiritual assistant to “guarantee” fidelity to the Franciscan charism, etc. (see art. 85,2)?

Q9. Do we know the expected time-limit for the same friar to serve a fraternity as the spiritual assistant?

Q10. Are we aware that the Friar General Ministers (2002) and CNSA have called for these spiritual assistant appointments “to be in writing and for a specified time”?

Q11. Does the council appoint its own spiritual assistant?

## 8. -

The *eighth* listed council duty: – Other assignments as needed.

“to perform such other duties as are required by the Constitutions or which are necessary to carry out its proper purposes.”

This statement tends to be a “grab-bag” approach to cover many other items not listed above. Sometimes special instructions are issued from NAFRA or requests for further information and cooperation in a particular region. Besides these eight duties the OFS General Constitutions also identify the following fourteen (14) itemized duties of a council.

## 9. -

A *ninth* council duty - preparing for elections -

Quite a number of articles are devoted to the issue of elections. The Order has a very defined procedure that is to be followed. This expectation is identified in articles 49,2 & 51,2,a, which we should now read.

The election procedures themselves are found in articles & 76-77-78-79-80-81-82.

These seven articles also have to be reviewed beforehand.

Article 77,a states: “In the local fraternity the perpetually professed of the same fraternity have active voice, that is can elect, and [have] passive voice, that is can be elected. The temporarily professed have only active voice.”

Several months before the scheduled and planned elections, it is recommended that the council appoint one or two members to serve as a “**nominating committee**” to develop a slate of candidates from among the professed members for each of the offices to be filled by this election. After a general discussion on elections in the fraternity, this nominating committee does this by contacting, calling and inviting individual member to consider such a commitment to this needed service for the welfare of the fraternity.

Q1. How is this scheduled? Who gets contacted? Who does the contacting? When?

Q2. Has our fraternity encouraged use of a nominating committee?

Q3. How often are elections to be held?

## 10. -

A *tenth* council duty - required recruitment procedures –

The recruitment efforts by a fraternity give great witness to their convictions about the richness and treasure of their OFS vocation. The promotion of OFS vocations “is a duty of all brothers and sisters”. The Constitutions further state that promotion of OFS vocations “is a sign of the vitality of the fraternities themselves.” (see art.45,1).

And, to quote art. 45,2:

“Although nothing can substitute for the witness of each member and of the fraternity, **the council must adopt appropriate means to promote the secular Franciscan vocation.**”

This quote makes this duty for recruitment very clear. Not only do they use the word “MUST”, but they speak of “APPROPRIATE MEANS”. Appropriate means involves that the council decides to make serious efforts beyond general advertising procedures. A procedure of planning for contacting individuals, setting up information meeting(s), “orientation” formation teams leading to “inquiry” phase of formation, etc. Unfortunately, a number of fraternities simply choose not to make the effort to carry out this article 45,2.

Q4. How seriously has our council taken this call?

Q5. Have the efforts we have tried truly been “appropriate means”?

### 11. -

An *eleventh* council duty - give help to formation director

This topic was already mentioned above under “*the sixth duty*” but deserves being repeated.

Some councils do not notice the cooperation expected in article 52,3,a when it describes the role of the “master of formation”: “to co-ordinate, with the help of the other members of the council...”

The one elected to be “director of formation” is not isolated in that duty. As you have read, the council members are expected to work together with the director of formation in carrying out their duties as chosen by the council – such as, the programs they approve to carry out, topics for ongoing formation, etc. In turn the council can invite other members in the fraternity to also help with presenting some of the ongoing formation and participate in the initial formation program.

Q6. In practice, how do our council members work together on formation matters?

Q7. How often are formation issues reviewed by the council? How often does the council evaluate their effectiveness or need for modifications and changes?

### 12. -

A *twelfth* duty - Keeping and securing their fraternity records and files

Since the OFS is an Order in the Catholic Church, appropriate records are to be complete and properly preserved. All council members should know where these are kept during the month. Such records of concern are identified in such articles as 52,2,b & 52,4. Each book should be properly identified as “Property of the Secular Franciscan Order” with a slip of paper containing at least two members and their telephone numbers for contact in case of emergency.

Q8. What books should our council be caring for? How is this handled? Where are they being kept?

### 13. -

A *thirteenth* duty - Determining “active” and “excused” members (and “lapsed”)

Twice a year the council should wisely make a systematic review of its membership, classifying their members according to these three categories identified by the NAFRA Statutes in article 18,7.

“**active**” - NAFRA Statute art. 18,7,a – “an active fraternity member is one who participates both by attending fraternity meetings and by providing financial support to the community, or whom the fraternity has excused from such obligations.

**“excused”**- a fraternity member whom the council has decided for valid reasons to excuse from one or more of the obligations mentioned above in art. 18,7,a.

**“lapsed”** – NAFRA Statute art. 18,7,b – “Those brothers and sisters who neither attend meetings, support the community financially, nor have valid reasons due to health, family, work or distance, and who, after personal invitations to return to fraternity, consciously and deliberately reject or ignore the invitation, will be termed “lapsed” and will not be carried on the fraternity membership roll nor be reported as a member to higher fraternity Councils [cf. *General Constitutions*, article #53,3].

Q9. Does our council follow these procedures?

#### **Council Review, Part 4:**

##### **14. -**

A *fourteenth* duty - requesting [triennial] fraternal visitations

Article 51,2,d tells us: “The minister also has the following duties:....

**d.** to request, with the consent of the council, the pastoral and fraternal visits, at least once every three years.”

The Regional Minister is to be contacted for scheduling the **fraternal visitation** every three years. The Regional Spiritual Assistant is contacted for scheduling the **pastoral visitation** every three years.

Should a fraternity fail to fulfill this duty, the respective Regional Minister or Assistant are directed to implement this duty, as seen mentioned in article 92, 3 “...in case of failure on the part of the minister or the council to request it, the fraternal and pastoral visit may be carried out upon the initiative of the respectively competent council or conference of spiritual assistants.” (See also article 62,2,h on this matter.)

A description of what is expected to transpire in the fraternal visitation time and its purposes are explained in the section of articles 92-93-94. These articles should be examined by the council BEFORE the scheduled fraternal visitation together with a review of the previous fraternal visitation report with its recommendations.

##### **15. -**

A *fifteenth* council duty - requesting [triennial] pastoral visitations

Article 51,2,d tells us: “The minister also has the following duties:....

**d.** to request, with the consent of the council, the pastoral and fraternal visits, at least once every three years.”

The purposes for the pastoral visitation differ from fraternal visitation carried out by the regional minister (or their delegate).

Read OFS Rule art. 26,b and General Constitutions, art. 90,92,93,95.

The pastoral visitation also serves to keep the friars and the respective friar province informed of the life of a particular fraternity.

Eleven focus points are listed in your Constitutions – such as:

the fraternity's growth; the fraternity's spiritual growth and incorporation of the Franciscan charism,; the relationship with the wider Church; the Fraternity's community life; the Fraternity's community prayer; the apostolic ministry in the fraternity; the council's function and role; the Fraternity's initial formation; the Fraternity's ongoing formation; the literature supplied to the spiritual assistant; the spiritual assistance offered.

Should a fraternity fail to fulfill this duty, the respective Regional Minister or Assistant are directed to implement this duty, as seen mentioned in article 92, 3 "...in case of failure on the part of the minister or the council to request it, the fraternal and pastoral visit may be carried out upon the initiative of the respectively competent council or conference of spiritual assistants." (See also article 62,2,h on this matter.)

A description of what is expected to transpire in the pastoral visitation time and its purposes are explained in the section of articles 92-93-94-95. These articles should be examined by the council BEFORE the scheduled pastoral visitation together with a review of the previous pastoral visitation report with its recommendations.

**16. -**

A *sixteenth* duty - member transfers

– see article 55.

Q1. Do you have a transfer form on file? Who gets informed? Who issues it?

Q2. Does our OFS Region have guidelines for accepting transferring OFS members? What are they?

**17. -**

A *seventeenth* duty - choosing formation topics

– see articles 31,4 and 40,2 and 44.

The recommended procedure for initial and ongoing formation is given in art. 40,4.

Obviously, all the topics listed for ongoing formation in article 44 cannot be done within one year, but have our council been developing some organized type of rotation of topics to help our members grow in these areas of Franciscan spirituality?

Q3. Make a list of the many topics that should be covered in ongoing formation as listed in article 44. How many categories of formation are listed there? How many have we covered in the past three years? Are some being neglected?

Q4. Is our fraternity honestly allotting sufficient time for implementing the contents of article 44 at our regular meetings?

Q5. Are there some activities that our fraternity chooses to do that cut into our monthly ongoing formation time allotment? How often does this happen?

Q6. Should this deficiency be remedied by the council?

**18. -**

A *eighteenth* duty - discerning fraternity apostolic projects

– see article 50,1 & 12, 13-to-27 & 33,1.

Q7. How does our fraternity handle this duty on a monthly basis?

Q8. Do we share reports from the members as part of our meeting?

Q9. How do we make these project plans and encourage them and carry them out?

**19.-**

A *nineteenth* duty – Franciscan Youth

- see articles 96 & 97.

Q10. What procedure is our fraternity following to fulfill this expectation?

Q11. Does our region give us guidance to implement these articles? Do we need help?

**20. -**

An *twentieth* duty - Cooperation with other levels of OFS



– see article 33,2.

Q12. Do we encourage a spirit of participation by all the members in regional activities?

**21. -**

A *twenty-first* duty - Council Vacancies

– see articles 81 to 84.

**22. -**

A *twenty-second* duty - jurisdictional bonds (*altius moderamen*)

Each fraternity is bonded to a province of the Friars (either OFM, OFM Capuchin, OFM Conventual, or TOR). This bond is created in the process of the valid establishment of the fraternity.

Article 18,4 in the NAFRA Statutes begins by saying:

A local fraternity may pass to the pastoral care of another friar province of the First Order or Third Order Regular in one of two ways

[Read over the *General Constitutions*, article #47,2; also read in the Statutes for Spiritual and Pastoral Assistance (to the OFS), article #6,2.]

This transfer need can readily surface here in the U.S.A. as the friar provinces re-define their locations for presence and ministry in the various states.

As your constitutions say in article 85,2: “The purpose of the *altius moderamen* is to guarantee the fidelity of the OFS to the Franciscan charism, communion with the Church and union with the Franciscan family, values which represent a vital commitment for the secular Franciscans.”

Q13. Since the province is expected to be kept informed of each fraternity’s life, does our council keep our bonded province informed about election results, names and addresses for contacts, current news, etc.?

Q14. Because a particular province is not readily available to our fraternity, would it be advisable for our fraternity to consider transferring to another friar province of jurisdiction?

Q15. Do you have your document of establishment on file? Where? Do you have a copy on a wall display, perhaps?