

2024
FLORIDA ELKS
OFFICER TRAINING

WELCOME
DUTIES and RESPONSIBILITIES of
Board of Directors/Trustees
and
House Committee/Governing Body

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CHAIR, BUSINESS PRACTICES COMMITTEE

The duties and responsibilities are located in the following areas of the Grand Lodge Statutes and manuals:

<http://www.elks.org/grandlodge/manuals/>

BOD/TRUSTEES – Section 12.070
GUIDE FOR BOARD OF DIRECTORS
- Section 16.020 -

HOUSE COMMITTEE/GOVERNING BODY
- Section 16.040 and Section 16.041-

HOUSE COMMITTEE HANDBOOK

AUDITING AND ACCOUNTING MANUAL, CHAPTER 2

In accordance with Section 12.070 of the Statutes, the Board/Trustees will meet first thing after each annual installation and shall organize by electing a Chairman and Secretary.

In accordance with House Committee Handbook, the first order of business of a new House Committee/Governing Body is to elect a Chairman and Secretary

Section 16.020 states:

All incorporated Lodges shall be composed of Board of Directors of the Lodge, which will be four Chair Officers, the Secretary, the Treasurer, and the Trustees.

The Board of Directors will operate under Section 16.020 and Section 12.070 of the Statutes.

Also, refer to Grand Lodge manual, **GUIDE for BOARD of DIRECTORS – Section 16.020 -**

All unincorporated Lodges continue with the Board of Trustees and operate under Section 12.070 of the Statutes.

Incorporated – Unincorporated

What is the difference???

Incorporated

Individual liability is limited and risk for each member is reduced

Unincorporated

Members are liable for the group's action, may have to meet debts and any legal action against the group will, in reality, be against members themselves.

LIABILITY AND RISK

To reduce the liability and risk on the Lodge members, the Lodge must be Incorporated.

DIRECTORS & OFFICERS LIABILITY (D & O)

To reduce the liability and risk on Lodge officers, the Lodge should purchase D&O Insurance.

<http://www.elks.insurance.program@aon.com>

Phone number: (800) 421-3557

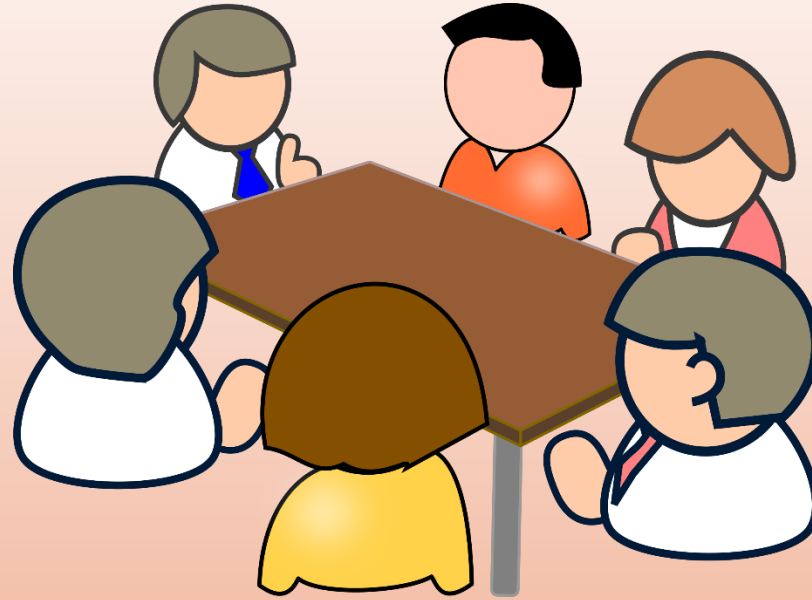


BOARD OF DIRECTORS/TRUSTEES

Section 12.070 in part states:

“The Board, subject to control by the Lodge, shall have the following powers:”

- (a)** control of the funds, investments and real and personal property of the Lodge not otherwise provided by law, and shall receive and collect the income and rents therefrom.
- (b)** execute all leases, contracts or other papers when ordered by the Lodge.



**HOUSE COMMITTEE/GOVERNING BODY
SECTION 16.040 and SECTION 16.041
GRAND LODGE STATUTES**

The club, social parlor or other facility established in connection with the Lodge, whether the Lodge is incorporated under the provisions of Section 16.020 or is unincorporated, shall be managed, supervised and controlled by one of following methods:

Note: For the club, it does not matter if the Lodge is incorporated or unincorporated.

The group of members who are charged with supervision or management of the club is known as “House Committee” when appointed by Exalted Ruler or as the “Governing Body”.

- (a)** By the Board of Directors of a corporation formed under Section 16.020 or the Exalted Ruler, Leading Knight, Loyal Knight, Lecturing Knight, and Trustees of the Lodge, or
- (b)** By the Trustees of the Lodge, or
- (c)** By a House Committee, appointed by Exalted Ruler of the Lodge, or
- (d)** By Board of Directors under 16.030.

SUPERVISION OF THE CLUB

The method of supervision of the Club must be specified in the Lodge By-Laws which expressly provide that the actions of the House Committee/Governing Body shall always be subject to the control and direction of the Lodge, except those actions and decisions pertaining to an employment relationship and the fixing of prices for goods and services.

The House Committee which is appointed by the Exalted Ruler oversees the operation and management of the Club areas of the Lodge. Club areas include the Bar, Kitchen, RV Park, Swimming Pool, Shooting Range, etc.

When the Board of Directors under Section 16.020 or the Trustees of the Lodge or the Board of Directors under Section 16.030 are sitting as the House Committee, they are known as the Governing Body. Their duties and responsibilities are the same as the House Committee and cannot be combined with any of the Boards. Their duties are separate and distinct and should not be confused.

Many duties and responsibilities of the Board of Directors and House Committee/Governing Body are very similar such as the following:

**BOARD OF DIRECTORS/
TRUSTEES**

Meet and organize by electing Chairman and Secretary.

The Board shall hold at least one regular meeting each month.

**HOUSE COMMITTEE/
GOVERNING BODY**

Meet and organize by electing Chairman and Secretary.

Establish a time to hold at least one regular meeting each month.

Duties and Responsibilities continue:

**BOARD OF DIRECTORS/
TRUSTEES**

Secretary shall keep minutes of each meeting and present a copy to Lodge Secretary.

The Board shall present a segregated budget not later than the final regular meeting of the Lodge in April.

**HOUSE COMMITTEE/
GOVERNING BODY**

Secretary shall keep minutes of each meeting and present a copy to Lodge Secretary.

Present a separate and comprehensive budget to Lodge for approval at the final regular meeting of the Lodge in April.

Duties and Responsibilities continue:

BOARD OF DIRECTORS/ TRUSTEES

Shall present a monthly written report of its transactions at the first regular meeting each month to include financial condition of the Lodge with comparison to each budget item.

HOUSE COMMITTEE/ GOVERNING BODY

Shall present a monthly written report to the Lodge with its review of its financials, showing the financial condition of the club, with a comparison to each budget item.

Duties and Responsibilities continue:

BOARD OF DIRECTORS/ TRUSTEES

After the budget has been adopted, all expenditures during the Lodge year must be kept within the limits of the appropriations made.

HOUSE COMMITTEE/ GOVERNING BODY

After the budget has been adopted, all expenditures during the Lodge year must be kept within the limits of the appropriations made.

Continue with Board of Directors/
Trustees duties and responsibilities:

- * Shall keep records of investments made under direction of the Lodge
- * Shall establish an Accident Prevention Program with one member designated as Accident Prevention Manager

SECTION 12.070, DECISION 02

- * A Local Lodge has supreme authority to determine how its funds shall be disbursed, and may, at a subsequent meeting, rescind previous authority to disburse such funds.
- * Section 12.070 contains 27 items under Opinions and 4 under Decisions. It is of the utmost importance that all Lodge officers know everything in Section 12.070.

Continue with the House Committee/
Governing Body duties and
responsibilities:

* “No member of the supervising or
managing body shall be employed in
any capacity by the supervising or
managing body, nor shall any Exalted
Ruler be employed by a House
Committee appointed by him”.

Section 16.040 contains 22 Opinions and 2 Decisions. All are directives to be followed. Two examples follow:

- * “02 A governing body of the club facility can expend funds only with the approval of the Lodge, and only when same is included in the budget”.

* “06 The appointed House Committee, not the Trustees (or Board of Directors as may be applicable), operates the club facility. The Trustees (or Board of Directors as may be applicable) under budgeted items, keep up and maintain the physical plant, building, plumbing, repairs, insurance, decorating, etc. Both groups are subject to Lodge direction and control.”

The House Committee/Governing Body of the Club also has responsibilities and duties under Section 16.041.

The first paragraph of section 16.041 states in part: The managing body shall have power to suspend a Member from the club for a period not exceeding one (1) year (Exhibit J) for violation of rules duly adopted by the Lodge and approved by the Committee on Judiciary for such club.

Set procedures must be followed as identified in this section. There are 13 Opinions and 13 Decisions in Section 16.041.

Appendix II, House Committee Suspension – Hearing Procedures must be used along with Forms in Exhibit “G” through Exhibit “K-2”

Section 16.041 cannot be taken lightly.
It is a big RESPONSIBILITY.

Examples of Opinion and Decision follow:

Opinion 02: The Governing Body cannot delegate its authority to suspend a member from club privileges.

Decision 02: Vile, obscene and insulting language used in an Elks Lodge or club is an offence against the Laws of the Order.

Decision 03: In suspending a Member for a violation of club rules, the governing body of the club is not acting as a judicial body but is performing only an administrative function, and to that extent is subject to the control of the Lodge.

LODGE ACCIDENT PREVENTION MANAGER

In accordance with the Grand Lodge Accident/Claim Prevention Manual, the Lodge Accident Prevention Manager, not only responsible for monthly inspection of the entire Lodge, they are required to ensure the club manager is fulfilling their responsibilities, for example, all bar tenders are properly trained, the bar tenders are not over serving their customers, ensuring only members and their guests are being served.

Remember GL Section 17.052 ?

“Section 17.052. Each Lodge shall enact and have in force a House Rule prohibiting the over service of alcohol as defined by local law or ordinance.”

Accident/Claim Prevention Manual



Seventh Edition

**Benevolent and Protective
ORDER OF ELKS
United States of America
A Fraternal Organization**



In order for the Lodge Accident Prevention Manager to perform their responsibilities, they must have in their hands, an entire copy of the Accident/Claim Prevention Manual

The Disclaimer page of the Accident/
Claim Prevention Manual in part states:

“This manual is provided to make Local
Lodges aware of a broad area of
possible concerns and to provide
suggested means to implement
procedures that will help to avoid
accidents and potential claims.”

The Disclaimer page goes on and states in part:

The establishment and implementation of accident prevention activities and other procedural policies of each Local Lodge are the responsibility of the management of the Local Lodge.”

An outline for the Accident Prevention Manger to follow concerning Accident Prevention Program for Local Lodges are:

- I. Establishing an Accident Prevention Program for Local Lodge
- II. Implementing the Local Lodge Plan
- III. Responsibilities
- IV. Recommended Training Policies/
Procedures
- V. Responsible Management/Business Review

(SUGGESTED)

**ACCIDENT PREVENTION MANAGER
JOB DESCRIPTION**

(Required of all Elks Lodges)

(see pages 46 and 47)

ACCIDENT PREVENTION/INSURANCE RISK NEWSLETTER

On the Grand Lodge website at:

www.elks.org/resources/accident/

Highly recommend this quarterly newsletter be down loaded in order to obtain up to date information from the Grand Lodge Risk Manager.

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THANK YOU

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