

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION

Background, Information about Commission Member Positions, and Rules and Procedures for the Election of Commission Members

Background Information Pertaining to BC Vegetable Marketing Commission Elections

Overview

The two sections of this document serve as the Election Policy of the BC Vegetable Marketing Commission (Commission). A marketing commission established under the *Natural Products Marketing (BC) Act* and pursuant to the British Columbia Vegetable Scheme (Scheme) serves to inform registered Producers about all facets of elections, including eligibility to vote and stand for office.

The *Information about Commission Member Positions* section describes the composition of the Commission; term of office; and eligibility to vote and stand for election.

The *Rules and Procedures for the Election of Commission Members* section provides information about the nomination process and the casting and counting of ballots. As well, this section sets out how the Commission is to create a list of eligible voters; issue notice calling for nominations; and other matters pertaining to the holding of an election.

Supervision by the BC Farm Industry Review Board

The *Natural Products Marketing (BC) Act* creates a body termed the BC Farm Industry Review Board (BCFIRB). One of its chief purposes is to supervise the marketing boards and commissions in British Columbia. BCFIRB is required under the Scheme to approve the Commission's election rules and procedures.

The Commission's Election Policy is on the Commission's web site, www.bcveg.com, under the button *Policies & Decisions*.

Review of Election Policy

On a three year cycle a review of the Commission's Election Policy is conducted. During each review the Commission undertakes consultation with producers and other industry stakeholders resulting in a revised Election Policy that is submitted to BCFIRB for approval. Upon receipt of that approval the Commission's Election Policy is relied upon for conducting ensuing elections of Commission members.

The Commission will also review its Election Policy upon the passing of a motion at an Annual General Meeting (AGM) requesting one. Any changes to the Election Policy must be approved by BCFIRB prior to implementation.

INFORMATION ABOUT COMMISSION MEMBER POSITIONS

Composition of the Commission

Pursuant to the British Columbia Vegetable Scheme the Commission is comprised of an appointed Chair and up to eight members who are “commercial producers” (as defined in the Scheme) elected by the commercial producers. The Chair is appointed by the provincial government.

The election of Commission members corresponds to the information set out in Table 1 below.

The representation categories displayed in Table 1 correspond to the make-up of the greenhouse, storage and processing vegetable sectors. District definitions are set out in Part I of the Commission General Order. The even and odd reference has regard to the two-year term for elected members and the intention of having an election each year for four positions.

Table 1 – BC Vegetable Marketing Commission Member Positions

<u>Representation Category</u>	<u>District</u>	<u>Election Year</u>
Greenhouse Tomatoes	Districts I II & III	even
Greenhouse Peppers	Districts I II & III	even
Greenhouse Cucumbers	Districts I II & III	odd
Greenhouse Vegetable (any regulated greenhouse crop)	Districts I, II, & III	odd
Storage Crops	District I	even
Storage Crops	Districts II & III	even
Storage Crops	Districts I, II, & III	odd
Processing Crop	District I, II & III	odd

Term of Office, Frequency of Elections, Continuity of Holding Office, Absence of Term Limits and Quorum

Term of Office

The term of office is two years. A term commences May 1.

Frequency of Elections

Four Commission members are to be elected each year. See Table 1 above.

Continuity of Holding Office

A person elected to the Commission continues to hold office during his or her term unless he or she:

- Is convicted of any offence under the *Natural Products Marketing (BC) Act* or the British Columbia Vegetable Scheme; or
- Tenders in writing their resignation; or

- Is no longer a commercial producer (as defined by the Scheme).

Also, unless arrangements satisfactory to the Commission have been made in advance, if any member of the Commission is absent from the Province for three consecutive months or fails to attend to his or her duties for a like period, the other members of the Commission may declare the office vacant.

Absence of Term Limits

There is no limit to the number of terms that a Commission member may serve.

Standing for Election

A commercial producer in good standing with the Commission is able to stand for election.

An incumbent Commission member, who remains an eligible commercial producer, is able to stand for re-election.

Vacancy

If a vacancy occurs in the membership of the Commission for one of the reasons set out under the heading *Continuity of Holding Office*:

1. Where three or more members remain, the remaining members shall constitute the Commission until the vacancy is filled;
2. If constituting a quorum, the remaining members may appoint a commercial producer to fill the vacancy, subject to the appointee being approved by BCFIRB; and
3. If the remaining members do not constitute a quorum, BCFIRB may appoint a commercial producer to fill the vacancy.

If a vacancy occurs because no eligible nomination is received, the Commission may leave the vacancy to the next scheduled election or hold a special election to fill the vacancy.

Rules and Procedures for the Election of Commission Members

General

The *Rules and Procedures for the Election of Commission Members* provide the framework by which commercial producers are elected to serve as Commission members either as a result of an election or by acclamation.

In accordance with the Scheme, a “commercial producer” means a producer whose name has been entered and remains registered in the register of commercial producers. A producer qualifies to be registered as a commercial producer if, during the immediately preceding 12 months, regulated product of at least a gross value to the producer of \$5,000 has been grown on the farm operated by the producer and marketed as ordered or directed by the Commission.

Nominations

1. Commission members are to be nominated and elected on the basis of representation category and district (see Table 1 on page 2).
2. A commercial producer may seek and obtain nomination to serve as a Commission member provided their farming operation representation category and district coincides with the representation category and one of the districts for the category for which they seek election. A commercial producer may stand for election in only one representation category and district. A commercial producer cannot seek or obtain nomination for coexisting term positions.
3. To nominate another commercial producer as a Commission member a commercial producer’s farming operation representation category and district must coincide with the representation category and one of the districts for the representation category for which the nominee is seeking election.
4. In the event that an election is held a commercial producer may cast a ballot for a nominee whose name appears on a ballot so long as the commercial producer’s farming operation representation category and district coincides with the election representation category and one of the districts for the representation category for which the nominee is seeking election.
5. If a commercial producer is a member of any of the other British Columbia agricultural marketing boards or commissions this will not disqualify that commercial producer from standing for Commission election.

Independent Election Officer (IEO)

6. The Commission shall appoint an Independent Election Officer (IEO) to oversee all election procedures and to certify election results.

Election Schedule

7. Elections shall be completed by March 31st of each year.

8. On an annual basis and at least 60 days before the date when cast ballots are to be counted the Commission shall establish and circulate a schedule of election events, including all necessary deadline dates.

Voters List and Eligibility to Vote

9. Each year the Commission shall prepare a preliminary list of eligible voters for each representation category and the corresponding district(s) for which there is an election. This preliminary voters list is to include all commercial producers of a representation category and the corresponding district (see Table 1, above). All persons on a preliminary list shall receive information concerning the forthcoming election for that representation category and district(s), including nomination papers and all applicable deadline dates. At all reasonable times, any person may inspect the lists of voters at the Commission office.
10. To remain on the final list of eligible voters for a representation category and district(s) the Commission must confirm that the commercial producer is growing the specified regulated product in the district(s) for that representation category as set out in Table 1 on page 2. This may be done by:
 - An agency confirming growers' eligibility to be included in the list of eligible voters for a representation category and district(s); or
 - By a grower who does not market through an agency providing a signed declaration confirming the grower's crop type grown and district(s) where the crop is grown
11. Every commercial producer that is structured as a partnership or corporation and qualified to vote shall, in writing, appoint an individual to vote on its behalf. This appointment shall be filed with the Commission with said appointment occurring when the annual producer license application, either for first license issuance or annual renewal, is received by the Commission with the voter's name set out on it. The voting appointment is valid for one-year and may be changed by submitting notice in writing to the Commission.
12. During any period that a producer has been exempted from all of the provisions of the Commission's General Orders that person shall not be entitled to be on a list of eligible voters.
13. Any commercial producer who was eligible to vote in the previous election for a representation category and a district(s), but who no longer appears eligible to vote must be notified that the Commission intends to strike them from the list of eligible voters. This is to occur at least seven calendar days before the date ballots are to be issued for any contested Commission member position. A person receiving such notification will be given the opportunity to appeal being struck from the voter list. The Independent Election Officer's recommendation as to whether or not the producer is to be struck from the list of eligible voters will be considered by the Commission in determining eligibility to vote.

Nomination Procedure

14. Nomination forms must be signed by at least three commercial producers (other than the nominee) who are eligible to act as nominees as provided in rule 3 in the section headed

General. The nominee must sign the nomination form to indicate acceptance of the nomination. All nominations must be confirmed for compliance with these rules before the nominee is declared by the Independent Election Officer as an eligible candidate. To be eligible to stand for office a nominee must satisfy the conditions set out in the section headed *General* and be in good standing with the Commission.

Elected by Acclamation

15. If for any member position only one (1) eligible nomination is received by the nomination deadline date the nominee shall be informed by the Independent Election Officer that this is the case and an election by ballot is not required. Members elected by acclamation will be so notified by the Independent Election Officer.

Vote by Ballot

16. All voting shall be conducted by ballot using mail for delivery and return of voting materials. Ballots, with the names of the candidates for the representation category and district, shall be sent to each eligible voter for the respective representation category and district. Ballots shall be structured in such a way so that when completed they allow voter anonymity to be maintained and protected.
17. Completed ballots shall be directed to, opened by, and counted by the Independent Election Officer.
18. Candidates shall be informed of the date, time and location for counting the ballots and be given the opportunity to be present, or to have a representative present to observe the ballot counting.
19. The candidate with the most votes in each representation category will be declared elected. In the event of a tie vote the Chair of the Commission shall cast the deciding vote.

Effective Date

BCVMC Final Approval: December 17, 2013

BCFIRB Approval: December 18, 2013



Diane Fillmore
Member, BCFIRB

These Election Rules and Procedures come into effect on December 18, 2013, the date of approval by BCFIRB and replace all previous rules and procedures for the election of members.