

# **BC CRANBERRY MARKETING COMMISSION ELECTION AND APPOINTMENT RULES AND PROCEDURES**

## **1. Commission Composition**

Section 3.02 of the British Columbia Cranberry Marketing Scheme states that the BC Cranberry Marketing Commission consists of

- A Chair appointed by the Lieutenant Governor in Council,
- Up to 4 members who are registered growers, elected by the registered growers, and
- One member who is not a grower, appointed by the Commission.

Effective with the approval of these rules and procedures, in addition to the Chair, the Commission will be comprised of three elected members who are registered growers (elected members) and one appointed member who is not a grower (independent member), which positions will be filled by the processes described below.

## **2. Definition**

**"Registered grower"** is defined in the Scheme as any person owning, leasing or licensing and operating a cranberry bog of 2 acres or more fully planted in cranberries in BC.

The term Registered Grower as used in these Election Rules and Procedures shall have the same meaning as in the Scheme and includes both registered growers and producer vendors as defined in the General Orders provided such persons meet the Scheme definition of owning, leasing or licensing and operating a cranberry bog of 2 acres or more fully planted in cranberries in BC.

## **3. Terms of Office**

Except for temporary appointments or members elected to fill vacancies, terms of office for Commission members shall be 3 years.

A Commission member whose term is expiring is eligible for re-election or reappointment, as the case may be.

Terms of office of elected members shall expire or commence as required at the close of the Annual General Meeting (AGM).

Terms of elected members shall be sequenced so that normally one member is elected each year.

A person elected or appointed to the Commission continues to hold office during his term until:

- The person is convicted of an offence under the **NPMA** or Scheme; or
- The person resigns in writing; or
- The member is absent from the province for three consecutive months or fails to attend to his or her duties for three consecutive months and the position is declared vacant by the remaining commission members.

#### **4. Vacancies**

##### ***Elected Member Vacancy***

- If a vacancy occurs by death or any of the reasons above, the remaining members of the Commission, if constituting a quorum, may make an appointment of a new member to the Commission.
- A person appointed to replace an elected member who vacated office before his term expired, shall only serve until the next AGM when an election shall be held for that position.

##### ***Appointed Member Vacancy***

- Temporary appointments to replace an appointed independent member shall be made in accordance with section 5.
- A member appointed to replace an independent member who vacated office before his term expired, shall be appointed for a term of up to, but not more than, three years, as determined by the Commission.

#### **5. Appointment of Independent Member**

Upon the request of the Commission, the Cranberry Industry Advisory Committee ("CIAC") will recommend one or more candidates for the position of independent member.

The criteria to be considered by the CIAC in the candidate selection process will include, but not be limited to:

- **A candidate's qualifications, interest and willingness to devote time to the work of the Commission**
- **A candidate's familiarity with agricultural issues; and**
- **A candidate's understanding of board governance and ability to develop policies consistent with the Orders and rules of the Commission.**

Upon receiving the names of recommended candidates from the CIAC, the Commission will make the appointment from the recommended candidates or request that the CIAC make additional recommendations.

Once the successful candidate has accepted the position, BCFIRB will be notified and an announcement made in the next published Cranberry Newsletter.

#### **6. Independent Elections Officer (IEO)**

Prior to the AGM, the Commission will appoint an Independent Elections Officer (IEO) to oversee the election procedures and to certify the results. The IEO shall be a person who is independent of the cranberry industry and of the Commission.

#### **7. Nominations**

A valid nomination requires:

To be nominated and stand for election, a candidate must be a Registered Grower supported by a minimum of five Registered Growers who shall each sign the nomination form.

**The signature of the nominee on the Nomination Form and the nominee's** confirmation of the absence of any enduring conflicts of interest that could substantially impair his or her ability to fulfill the obligations of a member.

The deadline for nominations will be 7 calendar days before the Annual General Meeting.

### **8. Eligibility to vote**

All Registered Growers may vote in Commission elections.

As required in Section 3(p) of the Regulations to the *Natural Products Marketing (BC) Act*, every partnership or corporation that is a Registered Grower shall in writing appoint an individual to vote on its behalf and shall file the appointment with the Commission.

A partnership or corporation may change its voting appointee by filing with the Commission a written appointment of a different individual by December 1.

To vote at an AGM, the appointment must be confirmed by the IEO referencing the **Commission's current list** of Registered Growers.

The Commission will maintain a register of individuals eligible to vote in an election (the Election Register) and the register is open to inspection by any Registered Grower.

An individual whose name does not appear on the Election Register and who believes that they are eligible to vote shall be given the opportunity to appeal their eligibility to vote to the IEO. The deadline for appeal is January 31. If the IEO determines the **individual is eligible to vote, the Commission's** Election Register will be amended accordingly.

### **9. Election Procedures**

The objective of the procedures is to ensure that all eligible voters are advised of the forthcoming election and of the processes to be followed.

At least 5 weeks prior to any Election, all Registered Growers shall be informed by regular or electronic mail, of the Election, the vacancy or vacancies to be filled, and of the procedures to nominate candidates.

Voting for Commission members shall be conducted by secret ballot at a duly convened AGM of the Commission. The IEO will confirm the eligibility of voters. There shall be no proxy voting.

If there is only one valid nomination the candidate will be elected by acclamation.

If there is more than one nomination the candidate receiving the most votes is elected.

Vote counting shall be conducted, or supervised, by the IEO at the AGM and shall be scrutinized by a person determined by a vote of attendees at the general meeting.

In the event of a tie between two or more nominees for the highest number of votes, all ballots will be recounted.

If after a recount, a tie vote count remains, as provided in Section 3 (i) of the Regulations to the *Natural Products Marketing (BC) Act*, the Chairman of the Commission shall cast a vote.

### **10. Officers**

The Commission shall elect a Vice Chair and a Secretary at its first meeting following the AGM.

### **11. Review**

These procedures shall be reviewed upon the request of the BC Cranberry Growers Association, or by a motion passed at any Commission AGM, and in any case not later than 2018. Any changes, to the Election Rules and Procedures take effect when approved by the BC Farm Industry Review Board.

### **12. Effective Date**

Approved by the BC Cranberry Marketing Commission on: November 17, 2015

Approved by the BCFIRB on: November 17, 2015



Diane Fillmore  
Member, BCFIRB

These Election Rules and Procedures come into effect on approval of the BCFIRB and replace all previous rules and procedures for the election and appointment of members.