

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 Registered 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 or four elected members who are Registered Growers (elected members) and one appointed member who is not a Registered Grower (independent member), which positions will be filled by the processes described below.

In the event there are insufficient nominations to fill the fourth elected producer member position, the Commission shall operate with three elected producer members.

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.

“Registered Voter” is defined for the purposes of this document as either a Registered Grower or an appointed representative of a Registered Grower that is a partnership or corporation.

“Producer Vendor” is defined in the General Orders as a grower authorized and licensed by the Commission to pack, transport, process, store and market, the regulated product grown by him.

The term Registered Grower as used in these Election Rules and Procedures shall include both Registered Growers and Producer Vendors as defined above.

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 elected members shall be sequenced so that normally one member is elected each year, except when the Commission is comprised of four members who are Registered Growers, in which case there could be two members elected in the year that two terms expire.

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.

If no successor has been elected or appointed to replace a member whose term has expired, such member will continue to hold office until the successor is appointed or elected, unless such member has otherwise been removed from office pursuant to this Section 3.

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 their term expired shall only serve until the next election. At that time, the scheduled election will include a vacancy for the balance of the elected member's term.

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 their 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 (other) Registered Growers who shall each sign the nomination form.

The nominee must sign the Nomination Form as 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 a minimum of 6 calendar weeks 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 as Registered Voter to vote on its behalf and shall file the appointment of the Registered Voter with the Commission.

A partnership or corporation may change its Registered Voter by filing with the Commission a written appointment of a different individual by September 1 in order to participate in subsequent elections. Registered Voters can be changed after this date, but would not be in effect for the following first election.

To vote, the appointment of a Registered Voter must be confirmed by the IEO referencing the Commission's current list of Registered Growers.

The Commission will maintain a register of Registered Voters 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 December 31. If the IEO determines the individual is eligible to vote, the Commission's Election Register will be amended accordingly to list the individual as a Registered Voter.

9. Election Procedures

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

At least 10 calendar 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 paper ballot using the postal service. The IEO will confirm the eligibility of voters. There shall be no proxy voting.

If the number of valid nominations received is identical to the number of vacancies in that election process, the candidate(s) will be elected by acclamation.

If there are more valid nominations than vacancies, then the candidate(s) receiving the most votes is/are elected.

If a vote is required, voting packages will be sent out to all registered voters one calendar week

after nominations close.

Each Registered Voter will receive:

- A paper election ballot;
- One small envelope labeled "Ballot Envelope"; and
- One envelope addressed to the IEO.

To Vote, the Registered Voter must:

- Mark clearly on the ballot his or her choice of candidate(s);
- Places the ballot into the small Ballot Envelope and seal the envelope;
- Avoid making any identifying marks on the small Ballot Envelope;
- Insert the small Ballot Envelope (containing the marked ballot) into the envelope addressed to the IEO and seal the envelope; and
- Mail the envelope and contents to the IEO. Ballots cannot be hand delivered to the IEO.

No ballots and envelopes will be available at the AGM.

Ballots must be received by the IEO no later than 1 business day prior to the AGM.

Vote counting shall be conducted, or supervised, by the IEO at the AGM and shall be scrutinized by a person determined by the BC Cranberry Growers Association ("BCCGA") as well as a scrutineer provided by each nominee if they so choose.

In the event of a tie, 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 the deciding 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 2023. 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 1, 2018

Approved by the BCFIRB on: November 20, 2018



Mary O'Callaghan
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.