

Appendix 1 BCFIRB Guidelines

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Revised: February 10, 2005

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Guidelines for Approval of Election Rules and Procedures Submitted by Marketing Boards and Commissions

("Election Guidelines")

Introduction

In 2004, the Province of British Columbia changed the marketing schemes establishing each of the marketing boards and commissions. The former election provisions have been repealed, and consequently, the marketing boards and commissions must each establish and publish rules and procedures ("Election Rules") for the election of their members. Each marketing board and commission must obtain prior approval from the British Columbia Farm Industry Review Board (the "Provincial board") for the Election Rules to take effect.

Once the Provincial board has approved the Election Rules, the board or commission must publish its Election Rules on its website. If a website does not exist, the Election Rules are to be provided to growers or producers, as the case may be, and to the public on request.

If the marketing scheme provides discretion for a board or commission to determine the number of its elected members (i.e. "up to" a maximum number of elected members), the board or commission will establish the number of members, as well as classification of membership positions as an electoral model. The electoral model and the procedures to amend it will be set out in the Election Rules. These amendments are subject to the approval of the Provincial board.

It should be noted that the *Natural Products Marketing (BC) Act Regulations* ("NPMA Regulations") contain provisions related to elections. The NPMA Regulations prevail over the provisions contained in the marketing schemes. Boards and commissions must ensure that the Election Rules are consistent with the NPMA Regulations. A relevant extract from the NPMA Regulations is attached to these Election Guidelines.

Criteria for Election Rules:

The Provincial board will use the following criteria to assess Election Rules submitted to it for approval:

1. Are the Election Rules consistent with the NPMA Regulations and the marketing scheme?
2. Does the electoral process reflect the values of democracy and integrity? For example:
 - Has the board or commission consulted with growers/producers in developing the electoral model and the Election Rules?
 - Has the board or commission contracted with a person or firm who is independent of the board or commission and its staff, to carry out the election?

- Has the board or commission made provision to carry out its duty to maintain and update the voting register before the election, and are producers or growers given the opportunity to review and correct information which affects their standing in the register?
 - Is there provision for review of Election Rules with the growers/producers on a regular basis, i.e. every two to three years, or on request of the growers/producers?
3. Are the Election Rules practical? Are there procedures to address the following?
- frequency of elections, (i.e. staggered membership), terms of office, and the electoral model (i.e. representation by region, class of production, specialty production, etc.);
 - notice to growers or producers setting out the election timetable.
 - who is eligible to nominate, stand for election, and vote, as defined in the scheme.
 - the status of registered growers/producers as a firm, partnership or corporation.
 - voting procedures:
 - how the vote will be conducted (at general meeting, by mail-in ballot or combination);
 - submitting ballots, including voting by proxy, advance polls, etc.;
 - who will count the ballots and how they will be counted; resolving tied votes; and determining who is elected.
 - to declare a position vacant in circumstances outlined in the Regulations.
 - to fill a vacancy in the membership as determined in the Regulations, or as determined by the board or commission providing there is no conflict with the provisions in the Regulations.
 - review the offices and directorships held by an elected member, and where other offices may create conflict with the duties of an elected member, (i.e. producer associations, designated agencies) to divest themselves of such offices or directorships.
4. Are there special circumstances particular to the board or commission that must be taken into account?
5. Do the Election Rules provide notice that any changes to the Election Rules need prior approval by the Provincial board?

Submitting Rules for Approval:

Each board and commission must submit draft Election Rules for review by the Provincial board, together with a report on the results of consultations with growers/producers and the level of grower/producer support for the electoral model.

The Provincial board cannot guarantee that Election Rules will be approved before a specific date selected by a board or commission. To ensure that the Election Rules are approved in sufficient time to be published before the election process must begin, the Provincial Board suggests that a boards or commission allow a minimum of six weeks for the Provincial board's review.

The Provincial board may require additional information or consultation, before approval is granted.