



BC Farm Industry Review Board

January 6, 2023

File: 1680-04/EMB

DELIVERED BY EMAIL

Gunta Vitins, Chair
BC Egg Marketing Board
250 - 32160 South Fraser Way
Abbotsford, BC V2T 1W5

Dear Chair Vitins,

BRITISH COLUMBIA EGG MARKETING BOARD ELECTION RULES AND PROCEDURES – APPROVAL

The BC Egg Marketing Board (Egg Board) seeks approval under s. 18.1(2) of the British Columbia Egg Marketing Scheme of its “Election Rules and Procedures” following its regularly scheduled review.

I am appointed by the Chair of the BC Farm Industry Review Board (BCFIRB) as a one-person panel to consider, and if appropriate, approve the “Election Rules and Procedures”.

On November 14, 2021, the Egg Board submitted the following proposed changes to the BC Farm Industry Review Board (BCFIRB):

- Update all “his/her” designations to “their”;
- Increase the length of term for Board members from three years to four years; and,
- Remove the option to vote using mail in paper ballots (on-line voting only).

Analysis

Process

The Egg Board fulfilled BCFIRB’s SAFETI¹-based process expectations, including consultation with producers. The submission included all requested items including a rationale for the changes, a description of the consultative process, a copy of the motion to approve the rules, a clean copy of the revised rules, and a track-changes copy of the revised rules.

¹ Strategic Accountable Fair Effective Transparent Inclusive

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Proposed changes

Replacing “his/her” with “their” reflects changes made to provincial regulations through the “Better Regulations for British Columbia Process” to ensure all people see themselves reflected. The change does not change the election process.

Extending member terms to 4 years from 3 years does allow for more effective staggering of member terms (one position elected per year). I agree it also allows additional time for developing members. I accept the Egg Board’s transition plan where 4 year terms start with the 2023 election. I accept, with one modification, the transition plan for 2025 where 2 member positions are scheduled for election. The Egg Board recommends that the 2 members, by mutual consent, determine whose term will be extended to 4 years, with one remaining at 3 years. If a mutual agreement cannot be reached, a random draw will be held by the Chair with all members present. Given members are elected by producers under clear terms and conditions, the one position extended to 4 years should be determined by random draw, not mutual consent. Determination by “mutual consent” incents politicking and lacks transparency.

The final substantive change is moving voting to on-line only, with no option to vote by paper ballot. The critical consideration is whether this change will result in an undue barrier to voting. I am prepared to approve this change on the basis of the Egg Board’s assurance that all producers have current and active email accounts and these accounts are regularly used to communicate with the Egg Board. No producers objected to the change.

I am concerned that a future producer right to vote may be impacted should they not use email or have reliable internet access. I am generally satisfied the Egg Board has taken this into consideration as part of its decision-making. However, going forward the Egg Board is to ensure there is adequate notification ahead of the election (by phone or post if necessary) for producers who do not use email or have reliable internet access so the producer can make voting arrangements. If a paper ballot is required, the Egg Board and BCFIRB will need to determine if an amendment to the election rules is required at the time.

Several producers asked the Egg Board to consider setting term limits. The Egg Board submission does not reflect that the Egg Board considered this input. That said, setting term limits for elected producer members is a broader question for all regulated marketing boards and is something BCFIRB would consider jointly with all boards, and as a separate matter.

Decision

I hereby approve the attached "Election Rules and Procedures".

The Egg Board Chair is to determine by random draw, in the presence of the Egg Board, which of the 2 positions due for election in 2025 will be extended by a year.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:

A handwritten signature in black ink, appearing to read 'P. Joshi', written in a cursive style.

Pawan Joshi
Presiding Member

cc: Katie Lowe
Executive Director
BC Egg Marketing Board

BCFIRB Website