

**ONTARIO REGULATION 326/17**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: August 9, 2017  
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Amending Reg. 441 of R.R.O. 1990  
(VEGETABLES FOR PROCESSING - PLAN)

**1. Sections 5 and 6 of the Schedule to Regulation 441 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

5. On and after the day a new local board is constituted under section 11, the local board shall be composed of the following nine members:

1. A chair appointed by the Commission.

2. Eight producer members elected or appointed in accordance with section 11 or 12.

6. (1) The Commission shall appoint a person as chair of the local board for an initial term of two years.

(2) A person appointed as chair may be reappointed for such additional terms as the Commission determines, subject to subsection (3).

(3) A person shall not sit as chair for more than 10 years in total.

(4) The chair shall preside at all meetings of the local board that he or she attends.

(5) The Commission may appoint an acting chair who shall act in the place of the chair if the chair is absent or otherwise unable to act or if there is a vacancy in the chair.

(6) Subsections (1), (2) and (5) apply with respect to the appointment of the chair despite anything to the contrary in section 5 of Regulation 400 of the Revised Regulations of Ontario, 1990.

6.1 Despite section 6 of Regulation 400 of the Revised Regulations of Ontario, 1990 (By-laws for Local Boards) made under the Act, a majority of the members of the local board shall constitute a quorum at a meeting of the local board but only if either the chair or acting chair is present at the meeting.

**2. Section 11 of the Schedule to the Regulation is revoked and the following substituted:**

11. (1) A new local board shall be constituted in 2017 in accordance with this section.

(2) On or before December 31, 2017,

(a) the Commission shall appoint four producers to be members of the local board; and

(b) the producers from every district shall hold one or more meetings, either jointly or separately for each district, to elect four producers to the local board from among themselves.

(3) In appointing four producers to the local board under clause (2) (a), the Commission shall use its best efforts to ensure that the number of producers appointed from each district is the same as the number that is required to be elected from each districts under subsection (4).

(4) The four board members referred to in clause (2) (b) shall be elected as follows:

1. The producers from District 1 shall elect two board members from among themselves.

2. The producers from District 2 shall elect a board member from among themselves.

3. The producers from District 3 shall elect a board member from among themselves.

(5) The election of board members under this section shall be by secret ballot.

(6) The term of a board member appointed or elected under this section shall begin at the beginning of the first meeting of the local board held after the appointment and election of the board members, at which time the appointment of the trustee of the local board ends in accordance with subsection 3 (1) of Ontario Regulation 58/17 (Vegetables for Processing - Appointment of Trustee) made under the Act.

(7) The four board members appointed by the Commission in 2017 shall hold office until the beginning of the first meeting of the local board after the 2018 elections are held under subsection 12 (2), at which meeting their successors take office.

(8) The four board members elected by producers in 2017 shall hold office until the beginning of the first meeting of the local board after the 2019 elections are held under subsection 12 (4), at which meeting their successors take office.

**3. Section 12 of the Schedule to the Regulation is revoked and the following substituted:**

12. (1) On or after November 1 but before December 31 of each year starting in 2018, the producers from every district shall hold one or more meetings, either jointly or separately for each district, for the purpose of electing producers from among themselves to the local board.

(2) At a meeting held under subsection (1) in 2018, the producers shall elect four producers to the local board to replace the four members of the local board who were appointed by the Commission under clause 11 (2) (a).

(3) At a meeting held under subsection (1) in 2020 and every second year thereafter, the producers shall elect four producers to the local board to replace the four members of the local board who were elected under subsection (2) or who were elected two years previously, as the case may be.

(4) At a meeting held under subsection (1) in 2019 and every second year thereafter, the producers shall elect four producers to the local board to replace the four members who were elected under subsection 11 (4) or who were elected two years previously, as the case may be.

(5) The board members to be elected as a result of the meeting or meetings held under this section shall be elected as follows:

1. The producers from District 1 shall elect two board members from among themselves.
2. The producers from District 2 shall elect a board member from among themselves.
3. The producers from District 3 shall elect a board member from among themselves.

(6) The election of board members under this section shall be by secret ballot.

(7) A board member elected under this section shall take office at the beginning of the first local board meeting held after the election and shall hold office until the beginning of the first meeting after the election of their successor in the second calendar year after their own election, at which meeting their successor takes office.

13. (1) If the producers in a district fail to elect a board member from the district at a meeting of producers held under subsection 11 (4) or at a meeting of producers held under section 12, the other members of the local board shall appoint an eligible producer from the district to fill the vacancy.

(2) An appointment under subsection (1) shall be made at the first meeting of the local board following the election.

(3) Subject to subsection (6), if a member dies, resigns, ceases to be a producer or otherwise becomes unable to act before the end of his or her term, the other members of the local board shall, within 30 days after the applicable event, appoint an eligible producer from the appropriate district to fill the vacancy for the remainder of the term.

(4) If the board members fail to appoint a producer to fill a vacancy under subsection (1) or (3), the Commission may appoint an eligible producer from the appropriate district to fill the vacancy.

(5) If there are no producers from a district who are eligible and willing to be appointed under this section as a board member, the local board or the Commission, as the case may be, may appoint an eligible producer from another district to fill the vacancy.

(6) If a board member appointed by the Commission under clause 11 (2) (a) dies, resigns, ceases to be a producer or otherwise becomes unable to act before the end of his or her term, the Commission may appoint an individual to fill the vacancy for the remainder of the term.

(7) In this section,

“eligible producer” means a producer who is eligible to be appointed to the local board under section 14.

14. (1) Only a producer who is a producer in a district is eligible to be elected or appointed to the local board from the district, subject to subsection 13 (5).

(2) A producer who is a producer in more than one district is not eligible to be elected or appointed to the local board in respect of more than one district and is not eligible to vote to elect a member to the local board from more than one district.

(3) A producer may be a member of both the local board and a District Vegetable Growers’ Committee.

(4) A producer who has been elected as a member of the local board for four consecutive two-year terms is not eligible to be elected or appointed to the local board until two years after the end of the producer’s fourth term.

(5) Any producer who was elected to the board in three consecutive elections immediately prior to March 3, 2017 is not eligible to be elected or appointed to the local board before the elections held in 2019 under section 12.

(6) A producer is not eligible to be elected or appointed as a member of the local board if the producer has sat as a member of the local board for a total period of more than 12 years, not including any time the producer sat as a member of the local board before the day the members of the newly constituted local board take office in 2017 under subsection 11 (6).

(7) Despite subsection (6), a producer who would be ineligible to be elected or appointed as a member of the local board under that subsection is eligible to be elected or appointed if, before the election or appointment, the Commission approves the candidate's eligibility in writing because of the existence of exceptional circumstances such as,

- (a) a lack of eligible candidates to be elected or appointed; or
- (b) the inability of the local board to constitute a quorum.

15. A producer may designate in writing an individual to,

- (a) be elected or appointed to the local board on the producer's behalf; and
- (b) vote on the producer's behalf in an election under section 11 or 12.

**Commencement**

4. This Regulation comes into force on the day it is filed.

Made by:  
Pris par :

ONTARIO FARM PRODUCTS MARKETING COMMISSION:  
LA COMMISSION DE COMMERCIALISATION DES PRODUITS AGRICOLES DE L'ONTARIO :

JIM CLARK  
*Chair*

MIKE RELF  
*Secretary*

Date made: August 9, 2017  
Pris le : 9 août 2017

I approve this Regulation.  
J'approuve le présent règlement.

*Le ministre de l'Agriculture, de l'Alimentation et des Affaires rurales,*

JEFF LEAL  
*Minister of Agriculture, Food and Rural Affairs*

Date approved: August 9, 2017  
Approuvé le : 9 août 2017

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Back to top