

(Consolidated up to 214/2013)

ALBERTA REGULATION 275/97

Marketing of Agricultural Products Act

SUGAR BEET MARKETING PLAN REGULATION

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Schedule

Definitions

- 1 In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “area” means an area referred to in section 21;
- (b.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (b.2) “auditor” means a person registered under the *Regulated Accounting Profession Act* or a firm or partnership of those persons;
- (c) “Board” means the Board continued under section 7;
- (d) “Council” means the Alberta Agricultural Products Marketing Council;
- (d.01) “investment” means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;
- (d.1) “licensed processor” means a person who holds a processor’s licence under the *Sugar Beet Production and Marketing Regulation (AR 287/97)*;
- (e) “marketing” means
 - (i) buying, selling, offering for sale, storing, grading, packing, transporting or advertising, and
 - (ii) includes any other function or activity designated as marketing by the Lieutenant Governor in Council;
- (f) “person” means a person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*,
 - (ii) any unincorporated organization that is not a partnership referred to in subclause (i), and
 - (iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);
- (g) “Plan” means the Sugar Beet Marketing Plan referred to in section 3;

- (h) “processing” means changing the nature or form of the regulated product;
- (i) “processor” means a person who processes sugar beets;
- (j) “producer” means a person who produces sugar beets;
- (k) “registered producer” means a producer who is registered with the Board and has been allotted a quota;
- (l) “regulated product” means sugar beets produced in Alberta.

AR 275/97 s1;193/2008;28/2011

Designation of agricultural product

2 Sugar beets are hereby designated as an agricultural product for the purposes of the Act.

Part 1 General Operation of Plan

Division 1 Plan

Plan continued

3 The Sugar Beet Marketing Plan referred to in Alberta Regulation 227/90 is hereby amended and continued with the name “Sugar Beet Marketing Plan”.

Termination of Plan

4 This Plan does not terminate at the conclusion of a specific period of time and shall remain in force unless otherwise terminated pursuant to the Act.

Application of Plan

5 This Plan applies

- (a) to all of Alberta;
- (b) to all persons who produce the regulated product within the area described in the Schedule;
- (c) to all persons who market sugar beets through licensed processors;

- (d) for the purposes of section 9(1)(b), (c), (d), (e), (g) and (2)(e), (f), (g), (h), (i), (l), (m) and (n), to licensed processors.

AR 275/97 s5;193/2008

Purpose and intent of Plan

6(1) The purpose and intent of this Plan is to provide for the effective control and regulation, in any and all respects, of the production and marketing of sugar beets in Alberta, to the extent of the powers conferred on the Board.

(2) Without limiting the generality of subsection (1), the purposes of this Plan are

- (a) to establish the negotiating agencies to adopt or settle matters regarding prices and the terms, conditions and form of agreements relating to the marketing of sugar beets;
- (b) to establish a system of quotas for the production or marketing, or both, of sugar beets;
- (c) to provide for the licensing of
 - (i) processors, and
 - (ii) registered producers;
- (d) to establish and maintain a system of marketing whereby sugar beets are marketed through processors in accordance with this Plan and the regulations made in respect of this Plan;
- (e) to initiate and carry out projects or programs to commence, stimulate, increase or improve the production or marketing, or both, of sugar beets or any product resulting from the processing of sugar beets;
- (f) to support and co-operate with other organizations having objectives similar to or compatible with the objectives of the Board;
- (g) to fund, initiate, conduct or carry on research and development and studies with respect to the production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product.

AR 275/97 s6;28/2011

Division 2 Administration of Plan by the Board

Board continued

7 The board known as the “Alberta Sugar Beet Growers’ Marketing Board” is hereby continued with the name “Alberta Sugar Beet Growers”.

Functions of Board

8 The Board

- (a) is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of this Plan;
- (b) without limiting the generality of clause (a),
 - (i) may appoint a Executive Director and may prescribe the duties and fix and provide for the remuneration of the Executive Director;
 - (ii) may allow the Executive Director to retain other employees or contractors, other than an auditor, and may allow the Executive Director to prescribe the duties and remuneration payable to those employees and contractors;
 - (iii) shall open one or more deposit accounts with one or more financial institutions and may designate the officers and employees permitted to
 - (A) sign cheques and other negotiable instruments,
 - (B) transact the business of the Board with its financial institutions, and
 - (C) generally do all things incidental to or in connection with the transaction of the business of the Board with its financial institutions;
 - (iii.1) when investing its assets must make prudent investments in accordance with the requirements of section 3 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) to (3) of that Act;
 - (iii.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99);

- (iv) shall maintain or cause to be maintained accounting books and records that from time to time may be required under the Act or that may be required by the Council;
- (v) shall maintain an office in Alberta and notify each registered producer, licensed processor and the Council of the location of the office of the Board;
- (vi) subject to the Act, may issue directions governing the internal operations of the Board;
- (vii) shall establish and implement policy for the operation of the Board and the implementation and operation of this Plan;
- (viii) may become a member of or contribute funds to, or become a member of and contribute funds to, organizations having objectives similar to or compatible with the objectives of the Board;
- (ix) may retain earnings and revenues from year to year to finance the purposes of the Plan.

AR 275/97 s8;28/2011;214/2013

Regulations to operate Plan

9(1) For the purpose of enabling the Board to operate this Plan, the Board may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of sugar beets to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes sugar beets to furnish to the Board any information or record relating to the production, marketing or processing of sugar beets that the Board considers necessary;
- (c) requiring persons to be licensed under this Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of sugar beets;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of sugar beets except under the authority of a licence issued under this Plan;

- (e) governing the issuance, suspension or cancellation of a licence issued under this Plan;
 - (f) providing for
 - (i) the assessment, charging and collection of service charges, licence fees, levies or other money, as the case may be, from producers from time to time for the purposes of this Plan, and
 - (ii) the taking of legal action to enforce payment of the service charges, licence fees, levies or other money, as the case may be;
 - (g) requiring any processor who receives sugar beets from a producer
 - (i) to deduct from the money payable to the producer any service charges, licence fees, levies or other money, as the case may be, payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
 - (h) providing for the use of any class of service charges, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering this Plan and the regulations made by the Board;
 - (i) permitting the Board to exercise any one or more of the powers that are vested in a co-operative association under the *Co-operative Associations Act*.
- (2) For the purposes of enabling the Board to operate this Plan, the Board may be empowered by the Council, pursuant to section 27(1) of the Act, to make regulations
- (a) requiring that the production or marketing, or both, of sugar beets be conducted pursuant to a quota;
 - (b) governing
 - (i) the fixing and allotting of quotas,
 - (ii) the increase or reduction of quotas,
 - (iii) the cancelling of quotas, and
 - (iv) the refusal to fix and allot quotas,

to producers for the production or marketing, or both, of sugar beets on any basis that the Board considers appropriate;

(c) governing the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas, if any, that the Board considers appropriate;

(d) establishing

(i) a formula for determining the amount of sugar beets deemed to have been produced or marketed by a producer, and

(ii) the period of time in respect of which the formula is to be applied,

for the purposes of determining the amount of sugar beets produced or marketed by a producer during a period of time;

(e) providing for

(i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of sugar beets is in excess of the quota that has been fixed and allotted to that producer, and

(ii) the taking of legal action to enforce payment of the levy;

(f) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of sugar beets or any class, variety, size, grade or kind of sugar beets in such manner as the Board considers appropriate;

(g) regulating and controlling the production or marketing, or both, of sugar beets, including the times and places at which sugar beets may be produced or marketed;

(h) providing

(i) for the operation of one or more pools for the distribution of all money payable to the producers from the sale of sugar beets, and

(ii) for the deduction of reasonable and proper disbursements and expenses with respect to the operation of the pool;

- (i) providing for the collection from any person by legal action of money owing to a producer for sugar beets;
- (j) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of sugar beets from producing or marketing, as the case may be, any sugar beets;
- (k) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of sugar beets from producing or marketing, as the case may be, any sugar beets in excess of that quota;
- (l) prohibiting any person from purchasing or otherwise acquiring any sugar beets from a producer that are in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of sugar beets;
- (m) prohibiting any person from purchasing or otherwise acquiring any sugar beets from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of sugar beets;
- (n) prohibiting any person from marketing or processing any sugar beets that have not been sold by or through the Board.

(3) Repealed AR 214/2013 s3.

AR 275/97 s9;214/2013

Auditor

10(1) The auditor for the Board is the person so appointed at the annual general meeting of the Board.

(2) If the auditor's position becomes vacant after the appointment is made at the annual general meeting, the Board shall appoint an auditor for the Board.

Financing of Plan

11(1) This Plan shall be financed by the charging and collection of service charges, licence fees and levies from producers and by any other money payable to or received or accrued by the Board.

(2) In accordance with the regulations,

- (a) the amount of a service charge and the method by which it will be assessed shall be prescribed by the Board from time to time;

- (b) the licensed processor shall deduct the service charge from the first payment due to the registered producer from the licensed processor and shall forward the service charge to the Board;
- (b.1) the Board may invoice a producer for service charges owing for a crop year where the producer has been granted a leave of absence from producing sugar beets for that crop year;
- (c) the amount of a licence fee and the method by which it will be assessed and collected shall be prescribed by the Board from time to time.

AR 275/97 s11;193/2008;214/2013

Indemnification funds

- 12(1)** The Board may establish one or more funds under section 34 of the Act.
- (2)** A fund shall not be established under section 35 of the Act.
- (3)** In order to finance the funds, the Board may raise amounts in accordance with section 34 of the Act.

Authority from Governor in Council

13 In accordance with section 50 of the Act, the Board may, with respect to the production or marketing, or both, of the regulated product, be authorized by the Council to perform any function or duty and exercise any power imposed or conferred on the Board by or under the *Agricultural Products Marketing Act* (Canada) or the *Farm Products Agencies Act* (Canada), or both of them.

Part 2 Governance of Plan

Division 1 Board

Composition of Board

- 14** The Board shall consist of 9 registered producers as follows:
 - (a) one individual to represent each area, elected by the registered producers in each area;
 - (b) one individual as chair, elected in accordance with this Plan.

AR 275/97 s14;240/99;193/2008

Chair, etc.

15(1) At the annual general meeting of the Board, the area delegates and members of the Board shall elect, from the nominees nominated under subsection (2), a chair of the Board.

(2) Nominations for the position of chair of the Board must be filed with the Board office, on a form satisfactory to the Board, no later than 14 days before the annual general meeting of the Board.

(3) If the person elected as chair is a member of the Board representing an area, that person shall be relieved of all duties in that role as the representative of an area, and the Board shall, with the approval of the Marketing Council, appoint another person from that area as a member of the Board for the purposes of section 14(a).

(4) The members of the Board shall, at the first meeting of the Board held after the annual general meeting, elect a registered producer from among themselves to be the vice-chair of the Board.

(5) Notwithstanding section 19(1)(b), the term of office of the chair of the Board commences on the conclusion of the annual general meeting at which the person is elected as chair and expires on the conclusion of the annual general meeting held in the 2nd year following the year in which the term commenced.

(6) The term of office of vice-chair of the Board commences on the conclusion of the meeting at which the person is elected as vice-chair and expires on the conclusion of the first meeting of the Board held after the annual general meeting of the Board held in the year following the year in which the term commenced.

AR 275/97 s15;193/2008;163/2012

Removal from office

16 The Board may remove the chair or the vice-chair of the Board if in the opinion of the Board, the individual is no longer representing the interests of the sugar beet industry and,

- (a) in the case of the removal of the chair, at least 6 of the 8 members of the Board, other than the chair, vote to do so,
- (b) in the case of the removal of the vice-chair, at least 5 of the 7 members of the Board, other than the chair and vice-chair, vote to do so, and
- (c) the Board may, on a motion passed by 2/3 of the directors currently in office at a Board meeting, remove a director from office if the director fails to abide by any of the Board's policies, administrative directives or orders.

AR 275/97 s16;240/99;193/2008;214/2013

Meetings of the Board

17 The Board shall, at the call of the chair or 3 other members of the Board, conduct meetings of the members of the Board.

Quorum

18 A quorum for a meeting of the members of the Board is a majority of the members of the Board holding office at the time that the meeting is conducted.

Term of office

19(1) The term of office of a person elected as a member of the Board

- (a) commences on the conclusion of the annual general meeting at which that person is elected, and
- (b) expires on the conclusion of the annual general meeting held in the year following the year in which the term commenced.

(2) A member of the Board may serve not more than 9 consecutive years.

(3) If an individual serves for 9 consecutive years as a member of the Board, that individual is not eligible to serve again as a member of the Board until one year has expired following the expiry of that individual's last term.

AR 275/97 s19;14/2011

Vacancy

20(1) If a member's position on the Board other than that of chair becomes vacant during that member's term of office the executive committee of the area affected shall with the approval of Council

- (a) conduct, within the time set by the Board, a special election to fill the vacant position, or
- (b) appoint, within the time set by the Board, from among individuals who are eligible to be elected to the position, an individual to fill the vacant position.

(2) A person elected under subsection (1)(a) or appointed under subsection (1)(b) shall serve as a member of the Board for the unexpired portion of the term.

(3) If a member's position as chair of the Board becomes vacant during the chair's term of office, the vice-chair of the Board shall

assume the position and the responsibilities of the chair for the unexpired portion of the term.

(4) If a member's position as vice-chair of the Board becomes vacant during the vice-chair's term of office, the Board shall elect from among its members a vice-chair to serve for the unexpired portion of the term.

Division 2 Areas

Areas

21 For the purposes of this Plan, that portion of Alberta in which the production of sugar beets occurs is divided into 8 areas as set out in the Schedule.

AR 275/97 s21;240/99

Executive committee

22 Each area shall have an executive committee consisting of registered producers elected by the registered producers within the area.

AR 275/97 s22;193/2008

By-laws

23 The executive committee for an area may, subject to this Plan, make by-laws governing

- (a) the election of persons as executive committee members;
- (b) the meetings of the executive committee;
- (c) the conduct of business.

AR 275/97 s23;214/2013

Quorum

24 A quorum for a meeting of an executive committee is a majority of the members of the executive committee holding office at the time that the meeting is conducted.

Delegates for an area

25(1) The registered producers within an area shall at an annual general meeting or special general meeting for the area elect delegates to represent those registered producers at the annual general meeting and any special general meeting of the Board.

(2) Each area is entitled to have

- (a) one delegate for every 12 registered producers within the area, and
- (b) one delegate for every 1500 acres to which a quota is allotted within the same area.

AR 275/97 s25;230/2006;193/2008

Division 3 General Meetings

Area general meetings

26 The executive committee for an area

- (a) shall hold an annual meeting of the registered producers in the area at least 30 days before the annual general meeting of the Board;
- (b) shall hold a special area meeting of the registered producers in the area
 - (i) on the written request of not fewer than 15% of registered producers in the area,
 - (ii) on the written request of the Board, or
 - (iii) on the written request of the Council;
- (c) shall hold a special area meeting of the registered producers in the area when the executive committee of the area is of the opinion that circumstances warrant the holding of a special area meeting.

AR 275/97 s26;193/2008;163/2012

Notice re area general meeting

27(1) The executive committee of an area shall, not less than 7 days prior to the date of an area meeting, forward notice of the area meeting to each registered producer in the area.

(2) The notice given under subsection (1) shall be forwarded

- (a) by mail sent to the last address filed with the Board by the registered producer,
- (b) by electronic means sent to the last electronic address or access number filed with the Board by the registered producer, or
- (c) by personal service.

AR 275/97 s27;193/2008

Quorum re area general meeting

28 A quorum for an annual general meeting or a special general meeting for an area is not less than 20% of the registered producers within the area.

AR 275/97 s28;193/2008

Board general meetings

29 The Board shall hold

- (a) an annual general meeting of area delegates;
- (b) special general meetings of area delegates on the written request of not less than 15% of area delegates;
- (c) special general meetings of area delegates or registered producers when the Board is of the opinion that circumstances warrant the holding of a special general meeting;
- (d) special general meetings of area delegates or registered producers on the written request of the Council.

Notice re Board general meeting

30(1) The Board shall, not less than 30 days prior to the date of a general meeting, notify each area delegate in writing of the general meeting.

(2) The notice given under subsection (1) shall be forwarded

- (a) by mail sent to the last address that the area delegate, as a registered producer, filed with the Board,
- (b) by electronic means sent to the last electronic address or access number that the area delegate, as a registered producer, filed with the Board, or
- (c) by personal service.

AR 275/97 s30;163/2012

Quorum re Board general meeting

31(1) A quorum for an annual general meeting or a special general meeting of the Board that is to be attended by the area delegates is 70% of the total number of area delegates and members of the Board.

(2) A quorum for a special general meeting of the Board that is to be attended by the registered producers is 20% of the registered producers.

AR 275/97 s31;214/2013

Business re Board annual general meeting

32 At the annual general meeting, the area delegates and members of the Board shall

- (a) receive, consider and discuss the annual reports of the Board and the operation of the Board since the previous annual general meeting,
- (b) receive, consider and discuss the annual reports of any committees appointed by the Board,
- (c) receive, consider and discuss the auditor's annual financial statement and report,
- (d) appoint an auditor for the Board for the coming year, and
- (e) discuss and formulate the policies to be adopted or continued by the Board in carrying out its general duties under the Plan and in carrying out the powers and duties vested in the Board.

Division 4 Eligibility, Voting and Elections

Producers who are individuals

33(1) A registered producer who is an individual may, subject to this Plan,

- (a) make representations on any matter pertaining to this Plan or the operation of the Board,
- (b) attend meetings held under this Plan,
- (c) vote on any matter under this Plan,
- (d) vote at an election under this Plan, and
- (e) hold office under this Plan.

(2) An individual who is a registered producer shall not in that individual's capacity as a registered producer vote in an election or on any matter under this Plan unless

- (a) the individual's name appears on the current voters list, or

- (b) the individual makes a declaration in writing stating that the individual
 - (i) is a registered producer, and
 - (ii) has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.

(3) Notwithstanding subsection (1), if a individual is both

- (a) a producer in that individual's own capacity, and
- (b) appointed under section 34 as a representative of a producer that is not an individual,

that individual, during the time that the individual is a representative of a producer under section 34, shall not

- (c) vote on any matter under this Plan,
- (d) vote at an election under this Plan, or
- (e) hold office under this Plan,

in that individual's own capacity as a producer and may only carry out those functions as the representative of the producer appointed under section 34.

(4) An individual who is eligible to vote may appoint any person as a proxy to vote on the individual's behalf if the individual appointing the proxy deposits with the returning officer before the vote is to be held the document under which the proxy is appointed.

(5) A person may not act as a proxy for more than one individual in respect of the same vote.

AR 275/97 s33;193/2008;214/2013

Registered producers that are not individuals

34(1) This section only applies in respect of a registered producer that is not an individual.

(2) If a registered producer is not an individual and

- (a) makes representations on any matter pertaining to this Plan or the operation of the Board,
- (b) attends meetings held under this Plan,
- (c) votes on any matter under this Plan,

(d) votes at an election under this Plan, or

(e) holds office under this Plan,

the registered producer shall do so in accordance with this section.

(3) A registered producer to which this section applies shall appoint an individual to be the representative of the registered producer.

(4) A representative appointed by a registered producer under this section shall

(a) represent the registered producer in any matter pertaining to the Plan,

(b) attend meetings on behalf of the registered producer, and

(c) vote and hold office, as the case may be, on behalf of the registered producer.

(5) For the purpose of subsection (3), if a registered producer is

(a) a corporation, it must appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,

(b) a partnership, it must appoint an individual who is a partner or employee of the partnership as its representative, or

(c) an organization that is not a corporation or partnership, it must appoint a member, officer or employee of the organization as its representative.

(6) An appointment of a representative under this section must

(a) be in writing and set forth at least the name of the representative of the registered producer, and

(b) be filed with the Board.

(7) A representative of a registered producer shall not cast a vote under this Plan unless

(a) the registered producer's name appears on the current voters list, and

(b) that representative, before the vote is cast, provides in accordance with subsection (11) a copy of the document filed under subsection (6).

(8) If the requirements of subsection (6) or (7)(a) have not been met, an individual who is the representative of the registered producer may nevertheless cast a vote under this Plan if that individual, before the vote is cast, makes a declaration in writing stating that the individual

- (a) is the representative of the registered producer, and
- (b) has not previously voted in the election or on the matter in respect of which the vote is to be taken.

(9) The declaration referred to in subsection (8) must,

- (a) in the case of an election, be provided to or made before the returning officer or deputy returning officer, or
- (b) in the case of a vote other than an election, be provided to or made before a director of the Board.

(10) An individual shall not be a representative under this section for more than one registered producer at any one time.

(11) A representative is not eligible to hold office under this Plan on behalf of the registered producer until the representative's appointment is filed in accordance with subsection (6).

(12) A registered producer that is not an individual shall not carry out the functions referred to in subsection (2) except in accordance with this section.

(13) A representative of a registered producer who is eligible to vote may appoint any person as a proxy to vote on the representative's behalf if the representative appointing the proxy deposits with the returning officer before the vote is to be held the document under which the proxy is appointed.

(14) A person may not act as a proxy for more than one representative in respect of the same vote.

AR 275/97 s34;193/2008;214/2013

One vote only

35 An individual may cast only one vote on any matter put to a vote under this Plan, notwithstanding that the individual meets one or more than one of the following criteria:

- (a) the individual is a registered producer;
- (b) the individual is a representative of a registered producer;
- (c) the individual holds a proxy for another registered producer;

- (d) the individual or the registered producer for whom the individual is a representative manages or operates or owns, leases or holds equity in one or more operations that are registered separately with the Board;
- (e) the individual or the registered producer for whom the individual is a representative produces sugar beets in more than one area.

Eligibility re members of the Board

36 In order to serve as a member of the Board, a person must be a registered producer.

Eligibility re area representative

37 In order to serve as an area executive committee member, area delegate or officer, a person must be a registered producer in the area.

AR 275/97 s37;193/2008

38 Repealed AR 163/2012 s5.

Voting

39(1) A person shall not vote under this Plan except in accordance with this Plan.

(2) A person who is eligible to vote may

- (a) vote once on each matter, and
- (b) in the case of an election held under this Plan, vote for any number of candidates, not exceeding the number of members to be elected at that election,

notwithstanding that the registered producer may produce sugar beets in more than one area.

(3) A person is eligible to vote under this Plan if that person

- (a) meets the requirements under this Plan for voting,
- (b) is a registered producer,
- (c) in the case of a vote that is to take place in respect of an area, produces sugar beets in the area, and
- (d) is present at the meeting at which the vote is to take place.

AR 275/97 s39;193/2008

Returning officer

40(1) The Board shall appoint a returning officer for the purposes of and in connection with any election or vote taken under this Plan.

(2) The returning officer may appoint individuals as deputy returning officers to assist in the conduct of elections and votes under this Plan.

(3) The returning officer shall

- (a) compile and maintain a voters list of registered producers who are entitled to vote under this Plan,
- (b) ensure that an individual does not cast a vote under this Plan except in accordance with this Plan, and
- (c) permit scrutiny by a scrutineer of all the actions taken by the returning officer and the deputy returning officers respecting the conduct of a vote taken under this Plan.

(4) Unless otherwise directed by the Council, no person shall destroy any record or ballot in respect of any vote held pursuant to this Plan until not less than 90 days after the day on which the voting was conducted have expired.

Void election

41(1) If an election is held under this Plan and there is not in attendance at the meeting at which the election is held the number of individuals required by this Plan,

- (a) the election is void, and
- (b) the position in respect of which the election was held is vacant.

(2) Notwithstanding that a position is vacant under subsection (1), the term of office of the position that is vacant shall be deemed to have commenced as if an individual had been elected to the position.

(3) When, under this section, a position is vacant, the Board, with the approval of Council, shall appoint an individual to fill that position from among the individuals eligible to be elected to that position.

(4) An individual appointed under subsection (3) shall serve the unexpired portion of the term.

AR 275/97 s41;214/2013

Invalid election

42 If a registered producer questions

- (a) the eligibility of a candidate,
- (b) the eligibility of a voter,
- (c) any matter relating to a ballot or the tabulation of the ballots, or
- (d) any other irregularity with respect to the conduct of an election,

and seeks to have the election declared invalid and the position declared vacant, that registered producer shall, within 15 days of the date of the election, make application in writing to the Council to have the election declared invalid and the position declared vacant.

AR 275/97 s42;193/2008

Decision of Council

43(1) On receiving an application under section 42, the Council shall consider the matter and may do any or all of the following:

- (a) declare the election to be proper and the position filled, if, in the opinion of the Council, the matters referred to in the application are unfounded;
- (b) declare the election to be proper and the position filled, notwithstanding that the matters referred to in the application are well founded, if, in the opinion of the Council,
 - (i) those matters did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with this Plan and the Act;
- (c) declare the election to be void and the position vacant, if, in the opinion of the Council,
 - (i) those matters referred to in the application are well founded, and
 - (ii) those matters referred to in the application were sufficient to or did affect the result of the election.

(2) Notwithstanding that the election is declared void and the position vacant under subsection (1)(c), the term of office of the

position declared vacant shall be deemed to have commenced on the date on which the election that was declared void was held.

(3) If the Council declares an election to be void and the position vacant,

- (a) the Council shall order that, within the time set by the Council, a special election meeting be held and an election conducted to fill the vacant position, or
- (b) the Board, with the approval of Council, shall appoint from among individuals who are eligible to be elected to the position, an individual to fill the vacant position.

(4) A person elected under subsection (3)(a) or appointed under subsection (3)(b) shall serve the unexpired portion of the term.

AR 275/97 s43;214/2013

Part 3 Transitional Provision, Review and Repeal

44 Repealed AR 214/2013 s12.

Review

45 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before November 30, 2018.

AR 275/97 s45;265/2002;214/2007;193/2008;214/2013

Repeal

46 Alberta Regulation 227/90 is repealed.

Schedule

Coaldale Area

1 The Coaldale Area consists of all the land included within the boundary commencing at and proceeding from the north-east corner of section 25, Township 10, Range 20, west along the south side of the Oldman River to its source at the Alberta-British Columbia border, south along the Alberta-British Columbia border to the United States border, east along the Alberta-United States border to the south-east corner of section 1, Township 1, Range 15, north to the north-west corner of section 31, Township 6, Range 14, west to the south-west corner of section 6, Township 7, Range

19, and north to the north-east corner of section 25, Township 10, Range 20.

Tempest Area

2 The Tempest Area consists of all the land included within the boundary commencing at and proceeding from the north-west corner of section 30, Township 10, Range 19, east along the south side of the Oldman River to the north-east corner of the south-east quarter of section 36, Township 10, Range 19, south to the north-east corner of the south-east quarter of section 12, Township 9, Range 19, east along the south side of the Chin Lakes Reservoirs to the north-east corner of section 13, Township 7, Range 15, south to the south-east corner of section 1, Township 7, Range 15, west to the south-west corner of section 6, Township 7, Range 19, and north to the north-west corner of section 30, Township 10, Range 19.

Picture Butte Area

3 The Picture Butte Area consists of all the land included within the boundary commencing at and proceeding from the north-east corner of section 1, Township 11, Range 19, north to the north-east corner of section 36, Township 13, Range 19, west along the division line between Townships 13 and 14 to the north-west corner of section 31, Township 13, Range 24, south to the Oldman River, and east along the north side of the Oldman River to the north-east corner of section 1, Township 11, Range 19.

Taber West Area

4 The Taber West Area consists of all the land included within the boundary commencing at and proceeding from the north-west corner of section 31, Township 11, Range 18, east along the division line between Townships 11 and 12 to the Oldman River, south along the west side of the Oldman River to the south-west corner of section 18, Township 10, Range 16, east to the south-west corner of section 16, Township 10, Range 16, south to the south-west corner of section 33, Township 7, Range 16, west along the north side of the Chin Lakes Reservoirs to the north-west corner of section 7, Township 9, Range 18, north to the intersection point with the north side of the Oldman River, west along the north side of the Oldman River to the north-west corner of section 6, Township 11, Range 18, and north along the division line between Ranges 18 and 19 to the north-west corner of section 31, Township 11, Range 18.

Taber East Area

5 The Taber East Area consists of all the land included within the boundary commencing at and proceeding from the south-west corner of section 18, Township 10, Range 16, east along the south side of the Oldman River to the north-west corner of the north-east quarter of section 35, Township 11, Range 16, east along the division line between Townships 11 and 12 to the Bow River, south along the west side of the Bow/South Saskatchewan River to the north-east corner of the south-east quarter of section 12, Township 11, Range 13, south to the south-east corner of section 1, Township 11, Range 13, east to the north-east corner of section 36, Township 10, Range 13, south to the south-east corner of the north-east quarter of section 1, Township 7, Range 13, west along the north side of the Chin Lakes Reservoirs to the south-west corner of section 33, Township 7, Range 16, north to the south-west corner of section 16, Township 10, Range 16, and west to the south-west corner of section 18, Township 10, Range 16.

Burdett-Bow Island Area

6 The Burdett-Bow Island Area consists of all the land included within the boundary commencing at and proceeding from the north-east corner of the south-east quarter of section 12, Township 11, Range 13, south to the south-east corner of section 1, Township 11, Range 13, east to the north-east corner of section 36, Township 10, Range 13, south to the south-east corner of the north-east quarter of section 1, Township 7, Range 13, west along the south side of the Chin Lakes Reservoirs to the north-west corner of section 18, Township 7, Range 14, south to the Alberta-United States border, east to the Alberta-Saskatchewan border, north along the Alberta-Saskatchewan border to the South Saskatchewan River, west along the south side of the South Saskatchewan River to the north-west corner of section 35, Township 11, Range 11, west along the division line between Townships 11 and 12 to the Bow River and south along the east side of the Bow/South Saskatchewan River to the north-east corner of the south-east quarter of section 12, Township 11, Range 13.

Vauxhall Area

7 The Vauxhall Area consists of all the land east of the division line between Ranges 17 and 18 and north of the division line between Townships 11 and 12, excepting the land included in the Burdett-Bow Island Area.

Enchant Area

8 The Enchant Area consists of all the land west of the division line between Ranges 17 and 18 and north of the division line

between Townships 11 and 12, excepting the land included in the Lethbridge Northern Area and the Coaldale Area.

AR 275/97 Sched.;240/99;214/2013