



ALBERTA
BEEKEEPERS
COMMISSION

Effective February 23,
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Alberta Beekeepers Commission
Bylaws

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1. Definitions

1(1) Words not defined in these Bylaws have the same meaning as they do in the Act, the Plan and Alberta Beekeepers Commission Regulation (AR 73/2006).

(2) In these Bylaws,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (c) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;
- (d) “bylaws” means the Alberta Beekeepers Commission Bylaws made by the Alberta Beekeepers Commission pursuant to section 26(2.1) of the Act;
- (e) “electronic means”, in respect of attending or holding a meeting, means a method of electronic or telephonic communication that enables all persons attending the meeting to hear and communicate with each other instantaneously, including, without limitation, teleconferencing and computer network-based or internet-based communication platforms;
- (f) “eligible producer” means a producer who qualifies as an eligible producer under section 3 of these bylaws;
- (g) “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;
- (h) “Plan” means the Alberta Beekeepers Plan as referenced in section 4 of the Alberta Beekeepers Plan Regulation;
- (i) “region” means a region established under section 11 of these bylaws;
- (j) “Shadow Director” means a non-voting member of the Board as appointed pursuant to section 8.1 of these bylaws; and
- (k) “Special Commission meeting” means a special general meeting of the directors and the eligible producers.

Section 1 – Rights and Responsibilities

2. Responsibilities of Alberta Beekeepers Commission

2 The Commission

- (a) must open and maintain one or more accounts in a bank, trust company, treasury branch, credit union or other depository;
- (b) may enter into an operating line of credit or other loan agreement with its bank, trust company, treasury branch, credit union or other lending institution;
- (c) must designate such officers, employees and other persons as are necessary to transact the Commission’s business;
- (d) when investing its assets, must make prudent investments in accordance with the requirements of section 33 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) ~~to~~ and (2~~3~~) and 53 of that Act;
- (e) must establish policies respecting the management of its assets as required by the Operation of Boards and Commissions Regulation (AR 26/99);
- (f) must cause such books and records, including financial records, to be maintained

- (g) as from time to time may be required under the Act, the regulations or by virtue of any order of the Council, or
- (h) as may be determined by the Commission;
- (i) must maintain an office, the location of which, at all times, is to be made known to each eligible producer;
- (j) may appoint, or contract with, officers, employees and agents, prescribe their duties and fix their remuneration;
- (k) may, subject to the Act, the regulations and any orders of the Council, issue such general orders governing the Commission's internal operation as it may from time to time determine;
- (l) may become a member of any agricultural organization;
- (m) may contribute funds to any agricultural organization that has objectives similar to those of the Commission;
- (n) subject to section 13 of the Plan, to finance the purposes of the Plan, may retain earnings and revenues from year to year.

3. Eligible producers

- 3** For the purposes of the Plan and these bylaws,
- (a) any producer who has paid a service charge under the Plan in a crop year is an eligible producer for that crop year;
 - (b) the Commission must maintain a list of eligible producers;
 - (c) all producers who can be identified by the Commission as having paid a service charge under the Plan during a crop year are to be included on the list of eligible producers for that crop year;
 - (d) any producer who is not listed on the Commission's list of eligible producers must be added to the list where the producer can provide proof to the Commission that the producer has paid a service charge under the Plan in the crop year for which the application is made;
 - (e) once a producer is listed with the Commission as an eligible producer, the producer continues to be recognized as an eligible producer from crop year to crop year, unless the eligible producer ceases to pay a service charge under the Plan in 2 subsequent crop years, in which case the producer ceases to be an eligible producer;
 - (f) where a producer ceases to be an eligible producer under clause (e), the producer is entitled to again become an eligible producer for any crop year in which the producer pays a service charge under the Plan.

4. General rights of eligible producers

- 4** In accordance with and subject to the Plan and these bylaws, an eligible producer is entitled, as a matter of right,
- (a) to attend annual Commission meetings and special Commission meetings;
 - (b) to make representations on any matter pertaining to the Plan, these bylaws, the Commission and the Board of Directors;
 - (c) to vote on any matter under the Plan;
 - (d) to vote in any election for directors;
 - (e) to be elected and hold office as a director;

(f) to vote in any plebiscites of producers held under the Act.

5. Eligible producers who are individuals

5 Where an eligible producer is an individual, that individual may, subject to the Plan and these bylaws, exercise the rights of an eligible producer referred to in section 4.

6. Producers that are not individuals

6(1) Where an eligible producer is not an individual, that producer may, only in accordance with this section, exercise the rights of an eligible producer referred to in section 4 of this bylaw.

(2) An eligible producer to which this section applies must appoint an individual to be the representative of the producer.

(3) A representative appointed by an eligible producer under this section is, subject to these bylaws, to exercise on behalf of the eligible producer the rights of an eligible producer referred to in section 4.

(4) If an eligible 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, other than a corporation or a partnership, it must appoint an individual who is a member, officer or employee of the organization as its representative.

(5) An appointment of a representative under this section must be

- (a) in writing, and
- (b) in the case where a vote is to be taken at a meeting, filed with the returning officer prior to the calling to order of the meeting at which a vote is to take place.

(6) An individual who is the representative of an eligible producer shall not cast a vote under these bylaws unless

- (a) the individual presents a document signed by the eligible producer indicating the name of the person who may vote for the eligible producer, or
- (b) the individual makes a statutory declaration in writing stating that
 - (i) the individual is a representative of the eligible producer, and
 - (ii) the individual has not previously voted in the election or on the matter in respect of which the individual wishes to cast a vote.

(7) A statutory declaration made under subsection (6)(b) must be made in writing before the returning officer or the deputy returning officer prior to the vote being cast.

(8) An individual cannot at any one time be a representative under this section for more than one eligible producer.

- (9) A representative shall not vote or hold office before the representative's appointment is filed in accordance with subsection (5).

7. Eligibility to serve as Director

7 To be eligible to be a director a person must be an eligible producer or a representative of an eligible producer.

Section 2 – Election of Directors

8. Terms of office for directors

- 8(1)** The directors may hold office for a term of 2 years.
- (2)** The term of office of a director
- (a) commences on the conclusion of the annual Commission meeting that takes place following the director's election, and
 - (b) expires on the conclusion of the annual Commission meeting that takes place in the year that the director's term of office is to expire.
- (3)** An eligible producer is not eligible to serve as a director for more than 3 consecutive terms of office.
- (4)** If an eligible producer serves for 3 consecutive terms as a director, that eligible producer is not eligible to serve again as a director until one year has elapsed since that eligible producer's last term as a director has concluded.
- (5)** If an election is declared void under section 18(4)(c) of the Plan Regulation, the term of office is deemed to have commenced on the day that the election that was declared void was held.

8.1 Shadow director

- 8.1(1) The Board may appoint an eligible producer to serve as a shadow director in accordance with Board policy.
- (2) The term of office of a person who has been appointed as a shadow director shall align with Board policy.

9. Removal from office

- 9 (1)** An individual ceases to be a director, including the shadow director, if that individual
- (a) resigns from the position of director;
 - (b) ceases to be an eligible producer;
 - (c) in the case of the individual being the representative of an eligible producer under section 6, ceases to be the representative of the eligible producer;
 - (d) is absent from 3 consecutive meetings of the Board of Directors without reasons that the Board of Directors considers adequate;
 - (e) is removed by a majority vote of the eligible producers attending an annual Commission meeting or a special Commission meeting.

- (2)** The Commission may, on a motion passed by $\frac{3}{4}$ of the directors currently in

office at a special or regular meeting of the board, remove a director, including the shadow director, from office if the director fails to abide by the Commission's Code of Conduct.

- (3) Where a vacancy occurs on the Board of Directors under this section, the Board of Directors may, with the approval of the Council, appoint an individual to fill the position in accordance with section 19 of the Plan Regulation.

Section 3 – Organization

10. Board executive

10(1) At the first Board meeting following an annual Commission meeting, the directors must elect from among themselves

- (a) a chair of the Commission;
- (b) a vice-chair of the Commission;
- (c) a treasurer of the Commission; and
- (d) at least one person to represent the Commission at the Canadian Honey Council.

(2) The chair may be referred to as the president of the Commission and the vice-chair may be referred to as the vice-president of the Commission.

11. Quorum at Board meetings

11 A quorum at any meeting of the Board of Directors is a majority of the directors holding office at the time. In determining quorum, vacant positions on the Board of Directors shall not be considered.

12. Regions

12(1) For the purposes of the Plan and these bylaws, Alberta is divided into 4 regions.

(2) The area in each region is as set out in the Schedule to these bylaws.

Section 4 – Meetings

13. Annual Commission meetings

13(1) An annual Commission meeting must be held by means determined appropriate by the Board for the purposes of providing to the eligible producers

- (a) information with respect to the Commission, and
- (b) an opportunity to provide to the Board of Directors direction, suggestions and recommendations.

(2) An annual Commission meeting must be held

- (a) once in each crop year, and
- (b) within 15 months following the date of the commencement of the last annual Commission meeting.

14. Special Commission meetings

14 Special Commission meetings

- (a) may be called by the Board at any time,
- (b) must be called by the Board on the written request of the Council, or
- (c) must be called at the written request of not less than 20% of the eligible producers.

15. Calling of meetings

- 15(1)** The Commission must set the time, place and date of any annual Commission meeting and of any special Commission meeting.
- (2)** The Commission must,
- (a) in the case of an annual Commission meeting, notify the eligible producers of the annual Commission meeting at least 21 days before that meeting is to be held, and
 - (b) in the case of a special Commission meeting, notify the eligible producers of the special Commission meeting at least 21 days before that meeting is to be held.
- (3)** Any notice of a meeting must set forth the time, place, date and purpose of the meeting.
- (4)** Where the Commission provides a notice under this section, the Commission may do so in any form or manner that the Commission considers appropriate in the circumstances.

16. Quorum at annual and special commission meetings

16 At an annual Commission meeting or special Commission meeting, the quorum necessary for the conduct of business is 20% of the eligible producers.

Section 5 – Voting

17. Voting

- 17(1)** A person shall not vote under the Plan or these bylaws except in accordance with these bylaws.
- (2)** An eligible producer is entitled to cast a vote under this Plan only if that producer's name appears on the current list of eligible producers.
- (3)** An eligible producer is eligible
- (a) to vote on any question put to a vote at an annual Commission meeting or a special Commission meeting if the eligible producer is present at the meeting at which the vote is held;
 - (b) to vote in any election for a director that is conducted at an annual Commission meeting if the eligible producer is present at the meeting at which the election is conducted;
 - (c) to vote in any election for a director that is conducted by means of a mail ballot;
 - (d) to vote in any election for a director that is conducted by electronic means.
- (4)** An eligible producer, irrespective as to whether the eligible producer is or is not an individual, may vote once only on each matter put to a vote.

- (5) An eligible producer may only vote once on each matter put to a vote, notwithstanding that the eligible producer may manage or operate or own, lease or hold equity in 2 or more operations.

18. Election of Director by Mail Ballot

18(1) The Commission may direct that the election of a director be carried out by means of a mail ballot, in accordance with section 17 of the Plan.

- (2) Where an election is to be carried out by means of a mail ballot,
- (a) Nominations may not be made from the floor at the annual Commission meeting that the election is held in conjunction with;
 - (b) the mail ballot must be designed for a secret vote;
 - (c) the election must be conducted in such a manner so as to ensure a secret vote;
 - (d) a mail ballot must be made available to each eligible producer by being mailed to each eligible producer at least 30 days prior to the ballot closing date;
 - (e) the ballot closing date
 - (i) is to be fixed by the Commission, and
 - (ii) must be a date that is within 42 days immediately preceding the annual Commission meeting.

(3) If the eligible producers fail to elect a director by means of a mail ballot, the vacant position may be filled in accordance with section 19 of the Plan.

19. Election of Director by Electronic Vote

19(1) The Commission may direct that the election of a director be carried out by an electronic vote, in accordance with section 17 of the Plan.

- (2) Where an election is to be carried out by an electronic vote,
- (a) Nominations may not be made from the floor at the annual Commission meeting that the election is held in conjunction with;
 - (b) the electronic vote must be designed for a secret vote and the election must be conducted in such a manner so as to ensure a secret vote;
 - (c) voting instructions must be made available to each eligible producer, by such means as determined appropriate by the Commission, at least 30 days prior to the ballot closing date;
 - (d) the ballot closing date
 - (i) is to be fixed by the Commission, and
 - (ii) must be a date that is within 42 days immediately preceding the annual Commission meeting.

20. Nominations

20(1) For the purpose of conducting elections, the Commission is to solicit nominations for the positions of director

- (a) by publishing a notice in the Commission's newsletter, or

- (b) by such means, other than that referred to in clause (a), as the Commission may determine.
- (2)** Nominations for the position of director must be
 - (a) in writing and filed at the Commission's office by a date fixed by the Commission,
 - (b) signed by at least 5 eligible producers, and
 - (c) accompanied by the written consent of the eligible producer who is being nominated as a director.
- (3)** Notwithstanding subsection (2), and subject to sections 18(2)(a) and 19(2)(a), a nomination for the position of director may be made on the floor at the meeting at which the election for the position is to be conducted if
 - (a) the nomination is seconded by at least 5 eligible producers present at that meeting, and
 - (b) the eligible producer being nominated gives their oral consent to being nominated.

21. Tie votes

- 21(1)** If there are more than 2 nominations for the position and a tie vote occurs between 2 or more candidates who received the largest number of votes, the candidates with the smallest number of votes are eliminated and another election for the position must be immediately held among the tied candidates.
- (2)** If there are only 2 nominations for the position and a tie vote occurs, the returning officer must immediately select, by draw, one of the two tied candidates for the position and that person is deemed to have been elected to the position.

22. Election by Acclamation

22 If at the time that an election is to be conducted the number of nominations received by the returning officer is equal to or is less than the number of positions on the Board that are to be filled by that election, those persons nominated must be declared to be elected by acclamation.

23. Appointment and duties of returning officer

- 23(1)** The Board shall appoint a returning officer for elections and votes taken under the Plan and these bylaws.
- (2)** The returning officer may appoint persons as deputy returning officers to assist in the conduct of elections and votes taken under the Plan and these bylaws.
- (3)** The returning officer shall
 - (a) compile and maintain a voters list of eligible producers who are entitled to vote under the Plan and these bylaws,

- (b) ensure that a person does not cast a vote, except in accordance with the Plan and these bylaws, and
 - (c) permit scrutiny of the actions of the returning officer and the deputy returning officers by a scrutineer in respect of the conduct of a vote taken under the Plan or these bylaws.
- (4) Unless otherwise directed by the Council, neither the returning officer nor any other person shall destroy any records or ballots in respect of a vote or election held under the Plan and these bylaws until 90 days have elapsed from the day on which the vote was taken.

Section 6 – Administrative Matters

24. Remuneration

24 The remuneration to be paid to the directors and officers of the Commission, including the shadow director, may be fixed from time to time by the Board of Directors.

25. Appointment of an auditor

25 The auditor for the Board must be appointed by the eligible producers at the annual Commission meeting or at any special Commission meeting.

26. Honorary memberships

26 The Commission may establish non-voting associate, industry, affiliate or honorary memberships under the Plan to provide interested individuals or organizations with the opportunity to contribute to the efforts of the Commission.

Section 7 – Bylaw Amendments

27. Bylaw amendment, repeal or replacement

27 The repeal or amendment of these bylaws or a new bylaw relating to the requirements of the Act may be initiated by:

- (a) a motion of the Board, or
- (b) upon the request of Council.

(2) Subject to the requirements of the Act, these bylaws may be amended or repealed by the Board upon a 2/3 majority vote of producers during an annual Commission meeting or special Commission meeting or through whatever means determined appropriate by the Board.

(3) A bylaw, including an amendment or repeal, is not effective until it is approved by Council.

(4) *The Regulations Act* does not apply to these bylaws.

(5) Notwithstanding subsection (2), a bylaw can be changed by the Board, without materially affecting the bylaw in principle or substance, under the following conditions:

- (a) to correct clerical, technical, grammatical or typographical errors in a bylaw,
- (b) to bring out more clearly what is considered to be the meaning of a bylaw, or
- (c) to improve the expressing of the law under the Act or associated regulations,

without requiring approval from producers or Council.

(6) As soon as the bylaws have been approved by Council, the Board must provide a copy of these bylaws, including any amendments to these bylaws, to producers, processors, and any person regulated by the Board, in any matter the Board considers appropriate.

28. Conflicts

28 These bylaws form a part of the Plan to the extent that they do not conflict with the Act, the Plan and the Alberta Beekeepers Commission Regulation. If there is a conflict between these bylaws, the Act, the Plan or a regulation made under the Act, the Act, the Plan and the regulations prevail.

29. Review

29 In compliance with the ongoing review cycle of regulations, these bylaws must be reviewed on or before May 31, 2033.

Schedule

Regions

1 Region 1 (South) is made up of the area that is included in the following:

- (a) Vulcan County;
- (b) County of Newell No. 4;
- (c) County of Warner No. 5;
- (d) County of Forty Mile No. 8;
- (e) Wheatland County;
- (f) County of Lethbridge;
- (g) Cypress County;
- (h) Cardston County;
- (i) Municipal District of Taber;
- (j) Municipal District of Willow Creek No. 26;

- (k) Municipal District of Foothills No. 31;
- (l) Municipal District of Ranchland No. 66;
- (m) Kananaskis Improvement District;
- (n) Municipal District of Pincher Creek No. 9;
- (o) Municipality of Crowsnest Pass;
- (p) Improvement District No. 4 (Waterton);
- (q) any city, town or village that is encompassed by the area described in clauses (a) to (p).

2 Region 2 (Northeast and Central) is made up of the area that is included in the following:

- (a) Municipal District of Acadia No. 34;
- (b) Ponoka County;
- (c) County of Stettler No. 6;
- (d) Lacombe County;
- (e) Mountain View County;
- (f) County of Paintearth No. 18;
- (g) Red Deer County;
- (h) Municipal District of Bighorn No. 8;
- (i) Rocky View County;
- (j) Starland County;
- (k) Kneehill County;
- (l) Clearwater County;
- (m) Special Area No. 2;
- (n) Special Area No. 3;
- (o) Special Area No. 4;
- (p) Improvement District No. 9 (Banff);
- (q) Municipal District of Opportunity No. 17;
- (r) Beaver County;
- (s) Smoky Lake County;
- (t) County of St. Paul No. 19;
- (u) County of Two Hills No. 21;

- (v) Camrose County;
- (w) County of Vermilion River;
- (x) County of Minburn No. 27;
- (y) Flagstaff County;
- (z) Lamont County;
- (aa) Municipal District of Provost No. 52;
- (bb) Municipal District of Wainwright No. 61;
- (cc) Municipal District of Bonnyville No. 87;
- (dd) Lac La Biche County;
- (ee) Regional Municipality of Wood Buffalo;
- (ff) Improvement District No. 24 (Wood Buffalo);
- (gg) Improvement District No. 13 (Elk Island);
- (hh) any city, town or village that is encompassed by the area described in clauses (a) to (gg).

3 Region 3 (Northwest) is made up of the area that is included in the following:

- (a) County of Wetaskiwin No. 10;
- (b) County of Thorhild No. 7;
- (c) County of Barrhead No. 11;
- (d) Athabasca County;
- (e) Strathcona County;
- (f) Leduc County;
- (g) Lac Ste. Anne County;
- (h) Parkland County;
- (i) Woodlands County;
- (j) Brazeau County;
- (k) Sturgeon County;
- (l) Westlock County;
- (m) Yellowhead County;
- (n) Municipal District of Lesser Slave River No. 124;
- (o) Improvement District No. 12 (Jasper National Park) ;

- (o.1) Municipality of Jasper;
- (p) Improvement District No. 25 (Willmore Wilderness);
- (q) any city, town or village that is encompassed by the area described in clauses (a) to (p).

4 Region 4 (Peace) is made up of the area that is included in the following:

- (a) County of Grande Prairie No. 1;
- (b) Municipal District of Greenview No. 16;
- (c) Birch Hills County;
- (d) Saddle Hills County;
- (e) County of Northern Lights;
- (f) Mackenzie County;
- (g) Municipal District of Big Lakes;
- (h) Municipal District of Smoky River No. 130;
- (i) Northern Sunrise County;
- (j) Municipal District of Spirit River No. 133;
- (k) Municipal District of Peace No. 135;
- (l) Municipal District of Fairview No. 136;
- (m) Clear Hills County;
- (n) any city, town or village that is encompassed by the area described in clauses (a) to (m).