

Consideration of eliminating “regions” for election purposes

A discussion paper

A resolution was presented at the OFA Annual General Meeting in November, 2017 and subsequently adopted by the Board, that reads as follows:

OFA Regional Elections

“THAT the present OFA regionally based election system as established in the OFA By-law be discarded, and each individual County nominate their PAC Representatives and delegates from anywhere within their county.”

Background:

The OFA By-laws establish the regionally based election system across the province for the purposes of electing PAC members and delegates on an annual basis. The rationale for the use of regions within counties was, presumably, to ensure geographic representation within counties.

The relevant sections of the By-law are:

6.1 Voting Regions

By no later than July 1, the Board shall approve the boundaries of each Region, having regard to the principle of equitable representation, population and geographic similarities.

Individual Farm Members and Registered Farming Business Members whose membership is valid thirty (30) days prior to the date of the meeting are eligible to attend the Annual Regional meeting in the Region where they reside. Each such Member is entitled to one vote.

Members who do not reside within any Region shall designate on their membership application the Region where they farm or carry on business, or the closest Region thereto, as their voting Region, and they shall be entitled to attend and vote at that Annual Regional meeting.

7.1 Regional Elections

Each Region may at its Annual Regional meeting elect from among the Members in that Region one (1) Councillor and three (3) Delegates to attend the OFA Annual General meeting and any Special meetings as Member Representatives.

If there are no Member nominees from a Region, Members from other Regions within the same County may be nominated for election.

Members who are Directors are not eligible in a year in which they are serving as Directors to be elected as a Councillor or Delegate.

The establishment of the regions by the Board, as required by By-law 6.1, is only for the purposes of the Regional Elections noted in 7.1

The intent of the resolution is to eliminate the requirement to solicit nominees from within a defined region. The preference is to have Regional Elections open for PAC members and delegates to all members across the county (or region, in the case of the north, where region is defined as the whole rather than a geographical subset of the membership area)

Remedies:

Two possible remedies are available to satisfy the intent of the resolution.

1. The simplest remedy would be for the Board of Directors to define the “regions” for the purposes of By-law 6.1 as the current counties / membership areas.
2. Alternatively, the Board could amend the By-law to provide that the election will be from amongst members within the county / member region and provide clarity on the geographic boundaries of “county” and “member region”.

Discussion:

The first option does not require a By-law amendment as it works within the existing By-law by expanding the application of “region” as a matter of policy.

This maybe seen as not respecting the resolution’s intent to “discard” the regionally based election system, as the larger definition of “region” would be a matter of Board policy and could be reinstated by Board motion, per 6.1 in the By-law.

The alternative would be an amended Bylaw to define the electoral “regions” as the counties / member regions. The amended By-law should retain 6.1 and use it to make reference to the Board establishing members regions via the traditional county boundaries and northern regions.

An amended By-law could be as follows:

6.1 Voting Regions

By no later than July 1, the Board shall approve the boundaries of each Member Region, by using the geographical boundaries of Ontario counties and by defining geographical member regions across northern Ontario.

Individual Farm Members and Registered Farming Business Members whose membership is valid thirty (30) days prior to the date of the meeting are eligible to attend the Annual Regional meeting in the Region where they reside. Each such Member is entitled to one vote.

Members who do not reside within any Region shall designate on their membership application the Region where they farm or carry on business, or the closest Region thereto, as their voting Region, and they shall be entitled to attend and vote at that Annual Regional meeting.

7.2 Regional Elections

Each Member Region may at its Annual Regional meeting elect from among the members in that Region one (1) Councillor and three (3) Delegates to attend the OFA Annual General meeting and any Special meetings as Member Representatives.

Second paragraph deleted.

Members who are Directors are not eligible in a year in which they are serving as Directors to be elected as a Councillor or Delegate.

The amendments could be passed by the Board of Directors, and would then be in effect. They do, however, require ratification at the Annual General Meeting. Consequently, if passed by the Board, the changes should not be applied to the immediate election year as elections might be disqualified if the change is not ratified.

However, to avoid complications, the Board could approve the Bylaw changes AND establish the geographic regions, per 6.1 as the counties and northern regions as a matter of policy, bringing the desired change into effect in due course. In the unlikely event the By-law is not ratified the election changes remain valid but would obviously be subject to reconsideration.

Other considerations:

The number of PAC members and therefore number of delegates is determined by the number of members within each region. Specifically, for each 800 members, or part thereof, a region can elect a PAC member and three delegates. The 800 value is a matter of policy and set by the Board.

In the past, if a county's membership numbers dropped below the 800 threshold the number of regions were changed to accommodate the membership change. With the elimination of regions, the process is simplified. Likewise, the regional elections are county wide and the validation of eligible voters is simplified as it requires only validation of county or northern region.

OFA
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