

WAC 16-573-020 The oilseeds board. (1) **Administration.** The provisions of this order and the applicable provisions of the act is administered and enforced by the oilseeds board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of seven members as follows:

Position 1 is appointed by the director and must be a producer.

Position 2 is appointed by the director and must be a producer.

Position 3 is elected by the producers and must be a producer.

Position 4 is elected by the producers and must be a producer.

Position 5 is elected by the producers and must be a producer.

Position 6 is appointed by the director and must be a handler.

Position 7 is appointed by the director to represent the department and the public and must be neither a producer nor a handler.

(b) Transition to amended marketing order: The position numbers under the prior marketing order correspond to the positions under the amended marketing order as follow:

Prior Marketing Order Position	Amended Marketing Order Position
1	1
2	2
3	3
4	Eliminated
5	4
6	5
7	6
8	7

(c) Board members elected or appointed under the prior marketing order shall continue to serve their respective terms, provided that thirty days from the effective date of this amended marketing order, the board shall forward to the director the names of the board members elected or appointed to position 1, 2, and 6 under this amended marketing order, whereupon the director will appoint the members to serve their respective terms. The qualifications required for each position under this amended marketing order become effective upon expiration of any terms starting under the prior marketing order. Any vacancies on the effective date of this amended marketing order must be filled in conformance with this amended marketing order.

(3) **Board membership qualifications.**

(a) At the time of election or appointment to the board, the producer members of the board must be actually engaged in producing oilseeds in the state of Washington; citizens and residents of the state; over the age of eighteen years; and not handlers or dealers of oilseeds. Further, the producer members must have derived a substantial portion of income from actually producing oilseeds in Washington during the preceding five-year period.

(b) At the time of appointment to the board, the handler member of the board must be actually engaged in handling oilseeds in the state of Washington, either individually or as an officer or an employee of a corporation, firm, partnership, association or cooperative; a citizen and resident of this state; and over the age of eighteen years. Further, the handler member must have derived a substantial

portion of income from actually handling oilseeds in Washington during the preceding five-year period.

(c) Board members must meet the qualifications of board members throughout their term of office.

(4) **Term of office.** The term of office for members of the board is three years beginning under this amended marketing order as follows:

Positions 1 and 3: First term expires May 31, 2014;

Positions 2 and 4: First term expires May 31, 2015;

Positions 5 and 6: First term expires May 31, 2016.

(5) **Nomination of board members.**

(a) Each year the director shall call for nomination meetings for board position terms that are about to expire, regardless of whether the position is elected or director appointed. The meeting(s) must be held at least thirty days in advance of the date set by the director for the election or advisory vote.

(b) Notice of a nomination meeting must be published in newspapers of general circulation within the affected area at least ten days in advance of the date of the meeting and in addition, written notice of every meeting must be given to all affected producers according to the list maintained by the board pursuant to RCW 15.65.295.

(c) A finding that an interested person did not receive notice will not invalidate the proceedings at the nomination meeting.

(d) Any producer may nominate a qualified producer orally for membership on the board at the nomination meeting. Nominations may also be by written petition signed by at least five producers and filed with the director within five days after the nomination meeting.

(e) If the board moves and the director approves that the nomination meeting procedure be waived, the director shall give notice of the vacancy by mail to all producers. Nominating petitions for producers or handlers must be signed by at least five affected producers or handlers, as applicable. The final date for filing nominations must be at least twenty days after the notice was mailed.

(f) When only one nominee is nominated for any position, RCW 15.65.250 applies and the director shall determine whether the nominee meets the qualifications for the position and, if so, declare the nominee elected or appoint the nominee to the position.

(6) **Election or advisory vote of board members.**

(a) Elections and advisory votes must be conducted by secret mail ballot within the month of April under the supervision of the director. Elected producer members of the board must be elected by a majority of the votes cast by the producers. Each producer is entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election must be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

(c) If more than two candidates are nominated for any director-appointed producer or handler board member position, an advisory vote must be conducted under RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. If only two candidates are nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership must be published in a newspaper of general circulation within the affected area at least ten days in advance of the date of the election or advisory vote. At least ten days before every election for board membership, the director shall mail a ballot of the candidates to each producer entitled to vote whose name appears upon the list of the producers maintained by the board pursuant to RCW 15.65.295. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing their qualifications.

(e) A finding that a producer did not receive a ballot will not invalidate the election or advisory vote of any board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the first or second board meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the remaining board members will recommend to the director a qualified person for appointment to the vacant position. The director will appoint the person recommended by the board unless the person fails to meet the qualifications of board members under RCW 15.65 and this order.

(8) **Quorum.** A majority of the members is a quorum for the transaction of all business and to execute the duties of the board.

(9) **Board compensation.** No board member will receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board may adopt by resolution a provision for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chair and other officers as the board deems advisable.

(c) To employ and discharge at its discretion the personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to execute the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. The expenses and costs may be paid by check, draft or voucher in the form and the manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director to defray the costs of formulating the order.

(f) To establish an "oilseed board marketing revolving fund" and to deposit the fund in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done under this order. The records, books and accounts must be audited subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts must be closed as of the last day of each fiscal year of the commission. A copy of the audit shall be delivered within thirty days after completion to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board may deem necessary. The premium for the bond or bonds must be paid by the board from assessments collected. The bond may not be necessary if any board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution a headquarters which shall continue unless changed by the board. All records, books and minutes of board meetings must be kept at the headquarters.

(k) To adopt rules of a technical or administrative nature, under chapter 34.05 RCW (Administrative Procedure Act).

(l) To execute RCW 15.65.510 covering the obtaining of information necessary to effectuate the order and the act, along with the necessary authority and procedure for obtaining the information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(p) To enter into contracts and interagency agreements with any private or public agency, whether federal, state, or local. Purchasing and contracting must comply with chapter 39.26 RCW.

(q) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(r) To enter into contracts of agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of oilseeds.

(s) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(t) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of oilseeds including activities authorized under RCW 42.17A.635, including the reporting of those activities to the public disclosure commission.

(u) To maintain a list of names and addresses of producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each pro-

ducer's production for a minimum three-year period pursuant to RCW 15.65.280.

(v) To maintain a list of names and addresses of all persons who produce oilseeds and the amount, by unit of oilseeds produced during the past three years pursuant to RCW 15.65.295.

(w) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(x) To execute any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and held in accordance with chapter 42.30 RCW (Open Public Meetings Act). The board shall file notice of the time and place of regular meetings with the code reviser on or before January of each year for publication in the state register. The board shall publish notice of any change from such meeting schedule in the state register for distribution at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget must be presented for discussion at the meeting. The board must give notice of the annual meeting at least ten days prior to the meeting by written notice to each producer.

(c) The board shall establish by resolution the time, place, and manner of calling special meetings of the board with reasonable notice to the members. Any board member may waive, in writing, notice of any special meeting. Notice of special meetings must comply with chapter 42.30 RCW.

[Statutory Authority: Chapters 15.65 and 34.05 RCW. WSR 14-06-050, § 16-573-020, filed 2/27/14, effective 3/30/14. Statutory Authority: Chapter 15.65 RCW. WSR 98-04-093, § 16-573-020, filed 2/4/98, effective 6/1/98.]