

**MENDOCINO WINEGRAPE AND WINE COMMISSION
NOMINATION AND ELECTION PROCEDURES**

Pursuant to California Food and Agricultural Code 78908, the Mendocino Winegrape and Wine Commission (hereinafter "Commission") establishes the following Nomination and Election Procedures.

1. Voter Eligibility

a. Each individual or legal entity, whether a sole proprietorship, partnership, LLC, corporation, or other legal entity that qualifies as a "producer" pursuant to Section 78836 of the California Food and Agricultural Code (hereinafter "Commission law"), or as a "vintner" pursuant to Section 78839 of Commission law, and who complies with all other requirements of these procedures, shall be entitled to participate in the nomination and election of Commission members. Producers and vintners exempt from the payment of assessments shall not be eligible to vote in a Commission election.

b. Only producers who are not also vintners may vote for producer members, and only vintners may vote for vintner members (Commission law, Section 78907).

c. The right to vote is retained by the individual or legal entity that is liable for the payment of assessments to the Commission.

d. Only an individual owner or a management level employee or representative may vote on behalf of a producer or vintner that is a sole proprietorship or family operation.

e. Any one designated general partner or management level employee or representative may vote on behalf of a producer or vintner that is a partnership.

f. Any one designated member or manager, or management level employee or representative may vote on behalf of a producer or vintner that is a limited liability company.

g. Any one designated director, officer or management level employee or representative may vote on behalf of a producer or vintner that is a corporation.

h. Only a designated trustee may vote on behalf of a producer or vintner that is a trust entity.

i. No parcel of property, or multiple parcels of property owned, leased or operated by the same legal entity may be the basis for more than one vote in any election.

j. Except as provided in k. below, nothing herein shall prevent an individual who owns all or part of more than one separate legal entity from acting as the designated voter on behalf of each of the entities eligible to vote.

k. A producer or vintner that has “aggregated” its tonnage for purposes of paying assessments as allowed by Section 1 of the Commission’s Assessment Collection Procedures shall be entitled to only one vote on behalf of all aggregated entities.

l. Any person seeking eligibility to vote shall, upon request, provide the Commission with copies of documents as needed to assist the Commission in determining eligibility.

2. General Qualifications for Nomination and Election

a. Good Standing. Any person elected to the Commission shall be in compliance with all requirements of Commission law, bylaws, conflict of interest code, and procedures, including, but not limited to the prompt and timely submittal of assessment reports and payment of assessments. Failure to meet good standing requirements will result in removal from the Commission board.

b. Conflict of Interest Code Requirements. The Commission will adopt a Conflict of Interest Code as required by law. All members and alternates serving on the Commission will be required to file a Form 700 Disclosure of Economic Interests as required by the Fair Political Practices Act. The Form 700 is a public document filed with the Fair Political Practices Commission in Sacramento.

c. Documentation. Nominees for election shall submit all necessary documents in order to establish qualifications in the manner and time required by the Commission.

3. Nomination Procedures

a. Between March 1 and March 15 of each election year, the Commission shall notify each producer and vintner of record of the number of Commission member positions which are available. The Commission shall also provide a calendar or schedule of deadlines for that election year, as well as meeting dates for the next marketing year.

b. Any qualified individuals, including incumbents, who seek nomination shall submit to the Commission not later than April 1 of each election year written notice of his or her intent to seek election. An eligible producer or vintner may also nominate another eligible person in their own category (producer or vintner) subject to the nominee's acceptance of the nomination on or before a date specified by the Commission.

The written notice of nomination shall include the following information on a nomination form provided by the Commission:

- 1) Nominee’s name
- 2) Name of producer or vintner (if an entity) the nominee represents
- 3) Address, telephone, fax (if any), and email address (if any)
- 4) Whether the nomination is a self-nomination or the nomination of another eligible person

c. Any individual serving as a producer member and his or her alternate member shall be a producer who is not also a vintner, or a management-level employee or representative of a producer who is not also a vintner, who has a financial interest in producing, or causing to be produced, winegrapes for market. The qualifications of producer members and alternate members shall be maintained during the entire term of office. No more than one member and his or her alternate member shall be employed by, represent, or be connected in a proprietary capacity with the same producer. However, producer membership in an agricultural nonprofit cooperative association or trade organization shall not be considered employment or being in a proprietary capacity. The Commission shall determine whether the proposed nominees are qualified and in good standing with the Commission (Commission law, Section 78857).

d. Any individual serving as a vintner member and his or her alternate member shall be a vintner, or a management-level employee or representative of a vintner, who has a financial interest in producing winegrapes for market. The qualifications of vintner members and alternate members shall be maintained during the entire term of office. No more than one member and his or her alternate member shall be employed by, represent, or be connected in a proprietary capacity with the same vintner. However, vintner membership in an agricultural nonprofit cooperative association or trade organization shall not be considered employment or being in a proprietary capacity (Commission law, Section 78858).

e. The proposed nominees shall be eligible for election to the Commission if they meet the qualifications for election, submit a Candidate Statement, disclosures of affiliations, and any other documents required by the Commission.

f. Eligible producer nominees shall be listed on a ballot which shall be sent to all eligible producers, and eligible vintner nominees shall be listed on a ballot which shall be sent to all eligible vintners, not later than May 1 of each election year.

g. Write-in candidates will be permitted on the ballot. If a write-in candidate wins the election, he or she will not be seated until all eligibility requirements and qualifications under these procedures have been verified to the satisfaction of the Commission.

4. Disclosure of Affiliations

Any person nominated for a member position shall submit, on a form provided by the Commission, a declaration disclosing all affiliations the nominee has within the winegrape industry. The purpose of the disclosure is to insure that voters are fully informed of any such affiliations prior to the election of members to the Commission.

Persons elected to the Commission as members must submit an updated disclosure form to the Commission each time that person has a change of circumstances regarding their affiliations within the winegrape industry. The updated disclosure must be submitted within 30 days of the change of circumstances.

For purposes of these Nomination and Election Procedures, "affiliation" means any involvement with a producer or vintner of winegrapes as an owner, director, officer, member,

manager, employee, representative, consultant, independent contractor, or other interest holder.

For purposes of these Nomination and Election Procedures, a “change of circumstances” means any added or terminated affiliation, and any expanded or reduced affiliation.

5. Voter Access

Candidates may request that the Commission conduct an informational mailing to producers or vintners eligible to vote pursuant to the Voter Access Procedures adopted by the Commission.

6. Balloting

a. There shall be a thirty (30) day balloting period which shall not extend beyond June 1 of each election year unless the Commission finds that extraordinary circumstances exist and the balloting period should be extended. Only ballots received on or before the last day of the balloting period at the address listed on the ballot shall be counted.

b. Ballots shall be returned to a third party accounting or auditing firm. Valid ballots submitted by eligible voters shall be counted by the receiving party and verified no later than 20 days after the close of the balloting period.

c. Once all votes have been counted, the nominee(s) in each category (producer or vintner) receiving the highest number of votes will be elected to the available member seat(s).

d. In the event of a tie for a member position, there shall be a drawing of lots or some other random method to determine the outcome.

e. The term of office shall begin on July 1 unless due to extraordinary circumstances the votes have not been counted and verified by that date. In such event, the term of office shall begin as soon after July 1 as possible. Commission members shall continue to serve until their successors are elected and qualified.

7. Alternate Members. Each member, except the ex officio members, shall have an alternate member selected by the member, subject to approval by the Commission. An alternate shall, in the absence of the member for whom he or she is an alternate, serve in place of the member and shall have and be able to exercise all the rights, privileges, and powers of the member when serving on the Commission (Commission law, Section 78856). Alternate members shall continue to serve until their successors are appointed and qualified.

8. Filling Vacant Seats on the Commission. In the event of a change in status making a member ineligible to serve, or due to death, removal, resignation, or disqualification, of a member, the alternate shall act as a member of the Commission until a qualified successor is

elected or appointed. In the event of death, removal, resignation, or disqualification of an alternate member, or if the alternate member fills a vacant member position, the alternate vacancy shall be filled by another eligible person for the unexpired portion of the term by a majority vote of the Commission. All candidates to fill a vacant member or alternate seat must meet the qualifications for election contained in these procedures.

9. Procedure for Removal of Members and Alternates

a. The Commission shall have the authority to remove, by majority vote, any member or alternate member of the Commission who becomes ineligible to serve or who is not otherwise in good standing as defined in these procedures.

b. Any person the Commission seeks to remove due to ineligibility or lack of good standing shall be notified in writing and shall have fifteen (15) days in which to make a written request for an informal hearing before the Executive Committee of the Commission.

If the person does not request an informal hearing within the 15 day period, he or she shall be removed as a member or alternate member of the Commission at the next regularly scheduled Commission meeting and shall be notified in writing within 15 days after the meeting that the removal has occurred.

If the person requests an informal hearing, the Executive Committee shall hold the hearing within forty-five (45) days of the date of the request. The Committee shall make a recommendation to the Commission within thirty (30) days after the hearing, and the Committee's recommendation shall be approved or denied by the Commission at the next regularly scheduled meeting of the Commission. If the Commission's decision is to remove the member or alternate from his/her position, the person shall be notified in writing that the removal has occurred within 15 days after the Commission's decision.

c. Any person removed from the Commission may appeal, within 90 days after the decision, to the Secretary of the California Department of Food and Agriculture. The determination of the Secretary shall be final.

MENDOCINO WINEGRAPE AND WINE COMMISSION

CANDIDATE STATEMENT

I, _____, am a candidate for election to the Commission. I am a producer ____ of winegrapes, or a vintner ____ (*please check one*), representing _____ (*name of producer or vintner entity*).

Please use space below to briefly summarize your experience in the industry and why you would like to serve on the Commission.

If elected, I am willing to dedicate the time and effort necessary to serve as a member of the Commission and any committees of the Commission to which I am appointed.

Dated: _____

Signature

Print name and name of company

Address _____

City _____ ST _____ Zip _____

Tel: _____ Fax _____ Email _____