MANAGED FOREST COUNCIL BYLAW #3 / 04

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Part 1 – Interpretation

1.0 Definitions

In these bylaws, unless the context otherwise requires,

'Act' means the *Private Managed Forest Land Act*;

'Bylaws' means the bylaws of the Private Managed Forest Land Council unless otherwise specified;

'Chair' means the Chair of the Private Managed Forest Land Council;

'Coast' means an area of British Columbia that is contained in the South Coast Forest Region, West Coast Forest Region, or Coast Mountains Forest District, as defined in the Forest Planning and Practices Regulation, B.C. Reg 14/2004, and includes the following forest districts: Campbell River, Chilliwack, Coast Mountains, Haida Gwaii, North Island Central Coast, Sea to Sky, South Island, and Sunshine Coast;

'Council' and **'Private Managed Forest Land Council'** means the governing Council constituted under Section 4 or 46 of the *Act,* and includes any person or authority designated under the *Act*;

'Governance Policy' means the Governance Policy of the Private Managed Forest Land Council;

'Government member' means a member appointed to the Council under Section 6 (1) of the *Act*;

'Interior' means an area of British Columbia, other than the Coast;

'Legislation' means the *Private Managed Forest Land Act*;

'Managed Forest' means land classified as Managed Forest Land by BC Assessment;

'Management commitment' means a commitment by an owner that meets the applicable requirements of Section 17 of the Act, as determined by the Council, and includes any amendments;

'Member' means a member appointed to the Council under the *Act*;

'Membership' means all the members appointed to the Council under the *Act*;

'Minister' means the minister responsible for the *Private Managed Forest Land Act,* unless otherwise specified;

'Owner' means the person registered in the land registry records under the *Land Title Act* as owner of the land that is classified as Managed Forest and for which there is a current management commitment;

'Owner in Good Standing' means an owner who:

(a) holds a current management commitment for Managed Forest land,

(b) has been a Managed Forest landowner for a minimum of three years, and

(c) does not have any outstanding fees or penalties under the Act or Regulation;

'Owner member' means a member appointed to the Council under Section 6 (2) of the *Act.*

Part 2 – Council Membership

2.0 Nomination and Election Procedure for Owner Members

(1) Elections for owner members of Council shall take place every third year, or earlier upon resignation or removal of an owner member.

(2) Except in circumstances where an owner member does not serve a full three-year term, Council will avoid holding multiple elections in the same calendar year.

(3) Council must include one owner member from the Interior and one owner member from the Coast.

(4) The Council shall establish the date for the election of owner members to the Council.

(5) The Council shall call for nominations for the position of owner member from the list of Managed Forest landowners provided by BC Assessment for the current assessment year, as follows:

- (a) Nominees must be owners in good standing or their employees or designated representatives;
- (b) Persons making nominations must be owners in good standing or their employees or designated representatives;
- (c) Nomination forms must be signed by at least two owners other than the nominee and must include one owner from the Interior and one from the Coast for the nominee to qualify as a candidate for election;
- (d) A call for nominations issued by ordinary mail or electronic transmission to the owners, shall be made not less than 60 days before the election date, and
- (e) Nominations must be received at the office of the Council not less than 40 days before the election date.

(6) Council shall forward to all owners, by ordinary mail or electronic transmission, not less than 30 days before the election date, a ballot containing the names of the candidates and indicating the total number of votes the owner is entitled to under subsections (8) and (9).

(7) In addition to the election ballot, the mail-out may contain directions for the completion and return of ballots by owners and a brief biography of each candidate for election.

(8) Each owner in good standing is entitled to a minimum of two votes for each managed forest, regardless of the assessed value of the managed forest.

(9) In addition to the minimum number of votes established under subsection (8), owners in good standing, with more than $3 million of assessed value of a managed forest, are entitled to one additional vote for the assessed value of $3 million or more, and one further vote for each $1 million increment in assessed value above the $3 million threshold, without rounding of values.

(10) Owners in good standing may cast their votes for one or more candidates for election as they see fit.

(11) Completed ballots may be returned by ordinary mail or electronic transmission and must be in the possession of the Council not less than three days before the election date.

(12) On or before the election date, Council shall appoint two scrutineers to count the ballots, tally the results and report the name of the successful candidate to Council.

(13) The results of the vote, except for the name of the successful candidate for an owner member position, shall not be disclosed by the scrutineers.

(14) Subject to subsection (15) the candidate that receives the highest number of votes shall be deemed to be appointed to Council as owner member for the following three years.

(15) In the case of an equality of votes for two or more members, the scrutineers shall place one ballot for each of the candidates, whose votes are equal, in a ballot box, so that the election shall be decided by drawing one ballot from the box, and the person named on the ballot withdrawn shall be deemed to be elected to the position of owner member.

(16) Following completion of the ballot count and receipt of the results from the scrutineers, the Council or designate shall communicate the name of the owner member to the owners and the responsible minister by ordinary mail or electronic transmission within 7 days of the election.

(17) If there is only one nominee that meets all the requirements as candidate for election, the nominee is deemed elected by acclamation and is appointed to the Council as owner member for the following three years.

2.1 Chair/Vice Chair selection

(1) The chair, who is the fifth member of Council, shall be selected by vote of the four members of Council, and the vote shall be effective after the chair's appointment term has expired or the chair has resigned or been removed from Council.

(2) The council shall designate one of its members, other than the chair, as the vice chair by a vote of the members**.**

(3) Unless otherwise agreed by a vote of Council, the term for the chair shall be three years and for the vice chair, two years.

2.2 Suspension and removal of members

(1) "Potential violation" means any allegation of a potential breach by a member of the Act, the regulations, the bylaws or the governance policy of Council including, but not limited to, "conflict of interest guidelines" and "standards of conduct."

(2) If a potential violation by a member is identified, the Chair, in consultation with other members of Council and the Deputy Minister to the minister responsible for the Act, shall investigate the allegation following the procedure outlined in the governance policy.

(3) As part of the investigation, the Chair shall interview the member who is the subject of the potential violation and shall afford the member the opportunity to respond to the allegation, with legal counsel present if the member so chooses.

(4) Once the Chair has determined the circumstances of the potential violation, the Chair may refer the matter to another authority under another enactment.

(5) The Chair, with the advice of legal counsel, shall refer to the appropriate law enforcement authorities any matter that may involve alleged criminal activity of a member during the performance of his or her duties and obligations as a member of Council.

(6) If the remedy recommended by the Chair is the removal of an owner member from Council, Council shall take a vote to remove the member, and the member who is the subject of the potential violation may not vote.

(7) If the remedy recommended by the Chair is the removal of a government member from Council, the Chair shall refer the matter and his or her recommendation on the matter to the minister responsible for the Act to take action.

Part 3 – Council Operations

3.0 Voting Procedures

(1) For items for which approval is sought, a show of hands vote or other suitable polling procedure shall be taken following a motion duly made and seconded by any member.

(2) The chair or vice chair may move or second a motion.

(3) The chair may vote or not vote on a motion, at his or her discretion.

(4) In the case of an equality of votes, for and against, the motion shall be deemed to be lost.

(5) All votes pass by a simple majority except for the adoption of a Council Regulation, an amendment to a Council Regulation, or an amendment to section 3.0 (5) of the Bylaws where at least one government member and one owner member must vote in favour of the regulation or amendment in order for it to pass.

(6) A simple majority of members present at a meeting constitutes a quorum.

Part 4 – Administration Fees and Levies

4.0 Calculation of Fees and Levies

(1) Pursuant to section 9 of the Act and the regulation, an owner must pay an annual administration fee to Council by March 15 of the calendar year to which the administration fee relates.

(2) The rate for the administration fee is set at $300 + (managed forest bare land assessed value/1000 x a mill rate that is set annually).

(3) The rate for the administration fee may be set or adjusted annually.

(4) Owners shall be notified in writing of a new rate at least 30 days before the fees are due.

(5) If the Council finds it has insufficient revenue to fund the Council's operations at any time during the fiscal year, Council may, subject to written notification, establish a levy to pay for the insufficiency and the levy shall be set as a percentage of the bare land assessed value of private managed forest land and collected proportionally from all of the owners as required.

(6) The fiscal year of the Council is April 1 to March 31.

Part 5 - Remuneration

5.0 General

(1) A person who is appointed to Council is not an employee of the public service by virtue of the appointment.

(2) The appointment to Council of a person who is a member of the public service does not affect the person's membership in the public service.

5.1 Establishing rates of remuneration

(1) The per diem rates for members of Council are as follows:

(a) Chair - $900;

(b) Vice-Chair - $800;

(c) Member (other than the Chair or Vice-Chair) - $700.

(2) The per diem rates apply to a seven-hour workday.

(3) A review of Council remuneration will take place every four years. The next scheduled review will be completed prior to the start of Council 2031 calendar year.

5.2 Entitlement to remuneration

(1) Members of Council will be remunerated for one and one-half days per month to prepare for and attend regularly scheduled monthly Council meetings. Council meetings may be conducted through in-person meetings, online meetings, or by conference call at the discretion of the Chair.

(2) A member who, at the request of the Chair, undertakes duties on behalf of the Council in addition to that specified in (1) above, is entitled to further remuneration for the period of carrying out the duties in accordance with section 5.1. Such additional duties could include attending hearings, or participating in training, field tours or inspections, or attending other meetings with Council staff, government officials, landowners, stakeholders, etc.

(3) If a member travels to attend meetings or other duties referred to in subsections (1) or (2), the period during which the member travels may be added to the period of the performance of the duty or the attendance at a meeting.

5.3 Canada Customs and Revenue Agency considerations

(1) Council members or management are considered to be a director or an employee of council.

(2) Remuneration paid or payable under this Part are to be treated as a “Fee” or “Income” and are subject to Canada Revenue Agency taxation guidelines on Directors Fees or Employment Income.

(3) For each calendar year, the Council will report to Canada Customs and Revenue Agency, using a T4 Slip, any remuneration that was earned by Council or management.

5.4 Expenses

(1) A member who incurs expenses while:

(a) carrying out a duty at the request of the Chair,

(b) carrying out a function authorized by the Chair,

(c) attending a meeting or a hearing, or

(d) travelling for the purposes of paragraphs (a) to (c)

is entitled to recover expenses of a type and in an amount that are applicable to a Group II employee under Directive 4.6 of the BC Public Service Agency’s Policies and Procedures Manual, as amended from time to time.

(2) A member who incurs expenses other than as set out in subsection (1) may recover the expenses only if the recovery of the expenses has been authorized by the Chair.

(3) Professional fees and membership dues for members will not be reimbursed.

Adopted this 20th day of October 2026 at Parksville, British Columbia

Trevor Swan, Chair, Managed Forest Council