

## Agricultural Marketing Service, USDA

## § 967.31

existing groups with respect to celery production and shipments; (2) changes in the numbers of producers and handlers in each group; and (3) other relevant factors. A change in the establishment of groups or in apportionment of members among groups can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

[30 FR 14266, Nov. 13, 1965, as amended at 33 FR 17846, Nov. 30, 1968; 42 FR 32763, June 28, 1977; 48 FR 10806, Mar. 15, 1983]

### § 967.28 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

### § 967.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person, and a simple majority of committee members (including alternates acting for absent members) shall constitute a quorum. Decisions of the committee shall require the concurring vote of a majority of the members and alternates in attendance and entitled to vote.

(b) If both a member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate present from the same group to serve in the place of the member.

(c) The committee may provide for meeting by telephone, telegraph, or any other means of communication. All votes shall be recorded in the minutes of each meeting so as to reflect how each member or alternate voted.

[30 FR 14266, Nov. 13, 1965, as amended at 48 FR 10806, Mar. 15, 1983]

### § 967.30 Powers.

The committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this subpart.

### § 967.31 Duties.

The committees shall have, among others, the following duties:

(a) To select from among its members and alternates such officers and subcommittees, and to adopt such rules or bylaws for the conduct of its business as it deems necessary;

(b) To employ necessary personnel, including professional and technical services, fix their compensation and terms of employment;

(c) To keep minutes, books and records which will reflect all the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(d) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the offices of the committee;

(e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request; to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(f) To act as intermediary between the Secretary and any producer or handler;

(g) To investigate and assemble data on the growing, handling, and marketing conditions with respect to celery;

(h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(j) To give the Secretary the same notice of meetings of the committee

and its subcommittees as is given to its members;

(k) To investigate compliance and use means available to prevent violations of the provisions of this part; and

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

(m) To secure suitable candidates for the public member and alternate positions, and to nominate persons for such positions on the committee.

[30 FR 14266, Nov. 13, 1965, as amended at 42 FR 32763, June 28, 1977]

**§ 967.32 Selection and term of office.**

(a) *Selection.* The committee shall be selected by the Secretary from nominees submitted by the committee, or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of each committee member and alternate shall be for a period of one year beginning August 1 and ending the following July 31. Committee members and alternates shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

**§ 967.33 Vacancy.**

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee member or alternate shall be recognized by the committee by certifying to the Secretary a successor for the unexpired term unless a selection is deemed unnecessary by the Secretary.

**§ 967.34 Expenses.**

Members and alternates of the committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in attending committee and subcommittee meetings and in the performance of their duties under this part.

VOLUME LIMITATIONS

**§ 967.35 Marketing policy.**

(a) The committee shall meet, consider and adopt a marketing policy for each season. Committee considerations shall include probable celery production within the production area and in competing areas, the grade, size, quality, and quantity of celery which should be made available to market during such season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations the committee shall adopt a marketing policy for such season as follows:

(1) Annual Marketable Quantity—A meeting to adopt a policy regarding the annual Marketable Quantity of celery to be marketed shall be held not later than June 15 of each year. Prior to November 1 of each year, the committee shall review such marketing policy and as changes are indicated, the committee may adopt appropriate revision.

(2) Other regulations—Prior to or at the same time initial recommendations in any season are made pursuant to § 967.40(a) the committee shall prepare a marketing policy statement concerning the necessity for such regulations.

(b) Notice of and recommendations from, the initial marketing policy for a marketing season or any later changes shall be submitted promptly to the Secretary and notice of such marketing policy shall be given to handlers, producers and other interested parties by bulletins or other appropriate media.

[33 FR 17846, Nov. 30, 1968]

**§ 967.36 Marketable Quantity.**

(a) Whenever the committee recommends and the Secretary finds on the basis of such recommendations or other information, that limiting the total quantity of celery to be handled during a marketing season, or revising a Marketable Quantity previously established, would tend to effectuate the declared policy of the act, he shall establish the Marketable Quantity which handlers may handle as first handlers for such season, or revise a previously established Marketable Quantity.