

order compliance would be useful to the Board.

(3) Whenever committees or subcommittees are deemed necessary or advisable, the Board should appoint members or other industry representatives to serve on such committees or subcommittees. These may be producers, handlers, consultants, or other persons who are not members of the Board but who possess some knowledge or could serve the Board in some unique way. Thus, the provisions authorizing the board to appoint subcommittees should include authority for the Board to appoint persons to serve on special subcommittees or as consultants to regular subcommittees, even though they are not members of the Board. Actions recommended by any subcommittee should be subject to the approval of the Board.

(4) The Board should adopt bylaws and establish other rules, including rules of conduct and administration, which are necessary to carry out its duties and responsibilities. These could include rules relating to parliamentary procedures for the conduct of meetings and rules governing Board member and staff compensation for expenses incurred while performing their normal duties.

(5) Prior to the beginning of each fiscal period, the Board should submit a budget of such fiscal period to the Secretary. Each such budget should be accompanied by a report explaining the items appearing therein, as well as a recommendation for an assessment rate for the forthcoming fiscal period.

(6) The Board should keep minutes, books, and records which clearly reflect all of its meetings, acts and transactions. These minutes, books, and records would be subject to examination at any time by the Secretary or an authorized agent or representative of the Secretary. Minutes of all Board meetings, as well as all subcommittee meetings, should be recorded in a minutes book, or similar record. Minutes would assist in answering questions at a later date, and avoid confusion as to what transpired at a given meeting. In order for the record to be complete, minutes should include motions, whether passing or failing, votes, important points of discussion, and all resolutions. Copies of the minutes should be furnished to the Secretary and to all members and alternate members as early as possible following each meeting.

(7) The Board should prepare periodic statements of its financial operations and ensure that copies of each financial statement are made available to growers and handlers for examination at the

office of the Board. Copies of such statements should also be provided to the Secretary.

(8) The Board should have its books audited by a certified public accountant at least once each fiscal period, and at such other times as the Board may find necessary or as the Secretary may request. This audit would normally follow the conclusion of each marketing year. The audit report should show the receipt and expenditures of funds collected pursuant to this part. A copy of this report should be made available to the Secretary, as well as at the principal office of the Board for inspection by handlers and growers. Confidential or proprietary information should be removed from the audit report before making it available to handlers and growers.

(9) Should it be necessary, the Board should act as an intermediary between the Secretary and any grower or handler. This provides that any problems arising at either level can be dealt with in an efficient and orderly manner.

(10) The Board should have the duty to investigate and assemble data on the growing, handling, and marketing of tart cherries. Such data would provide information necessary for the Board to make proper recommendations and to otherwise perform its duties. During the investigation and assembly of data, the Board should acquire information concerning producing acreage and the estimated production of tart cherries on an ongoing basis. Thorough knowledge of growing and harvesting conditions in each of the districts, including information on weather, problems with pests, and new and innovative cultural practices, would be helpful to the Board when making decisions pertaining to quality and volume regulations. Information should be obtained pertaining to the volume of fresh and processed tart cherries in the possession of producers and handlers. With such growing, harvesting, and supply information and knowledge of past, current and projected demand patterns, the Board would be better equipped to make regulatory recommendations to the Secretary.

(11) Whenever the Board provides notice of meetings to its members, the same notice should be provided to the Secretary. This would apply to all meetings of the Board and any of its designated subcommittees. The Secretary should have ample notice of these meetings in order to exercise the supervisory responsibilities provided by law. With the exception of certain meetings held for personnel or compliance purposes, all such meetings

are open to the public. Therefore, all meeting notices should receive widespread distribution. In order for the Secretary to properly exercise oversight authority over the order and its administration, all information relating to the marketing of cherries and the various activities of the Board must be made available.

(12) The Board should submit such available information as the Secretary may request.

(13) The Board should investigate compliance with the provisions of this part. This would include development of a comprehensive plan, to be reviewed and approved by the Board and the Secretary on an annual basis, that contains sound and effective methods for preventing and detecting violations of the order and assurances that responsible staff are following the prescribed procedures.

(14) The Board should be responsible for developing and submitting an annual marketing policy to the Secretary for approval. The marketing policy should contain the optimum supply of tart cherries for the crop year established pursuant to § 930.50 and recommend any such action necessary to achieve such optimum supply. The marketing policy should include an explanation of the marketing problems expected to exist during the season, as well as an explanation of how the regulations recommended by the Board, if any, would be used in an effort to correct or change marketing conditions.

(15) The Board should implement such quantity regulations as are called for by the marketing policy and approved by the Secretary, including the release of any inventory reserve.

(16) The Board should provide thorough communications to growers and handlers regarding its activities and respond to any industry inquiries about its activities.

(17) The Board should oversee the collection of assessments levied under this part.

(18) For the development and conduct of activities, including research and promotion activities, the Board should have the authority to enter into contracts or agreements. Such contracts or agreements would pertain to the rendering of services required by the order and for the payment of the cost of such services with funds collected under the authority of this part. Any contracts or agreements entered into pursuant to this paragraph should provide that contractors submit to the Board a plan and a budget, that the plan or project be submitted to the Secretary for approval, and that the contractor shall maintain accurate records of all