

## RESOLUTION # 16

### FARMER MEMBERS ON SADC AND COUNTY AGRICULTURE DEVELOPMENT BOARDS

1           **WHEREAS**, the State Agriculture Development Committee (SADC) oversees the  
2 Farmland Preservation and Right to Farm programs in New Jersey under the Agriculture  
3 Retention and Development Act (ARDA); and

4           **WHEREAS**, the SADC includes among its members, by law, four people “actively  
5 engaged in farming” in New Jersey, who provide invaluable knowledge and expertise on  
6 farming to the SADC’s deliberations on various issues; and

7           **WHEREAS**, county agriculture development boards (CADBs), which review many of  
8 the same kinds of cases heard by the SADC (and in fact can have their decisions appealed  
9 to the SADC), also have farmer members for the same reasons as does the SADC; and

10          **WHEREAS**, the small percentage of the state’s total population involved in farming,  
11 and the interaction of farmers involved in business transactions together (such as a horse  
12 breeder buying hay from a grain farmer) means fewer farmer members on CADBs can  
13 always avoid a conflict of interest or appearance of a conflict when hearing cases involving  
14 another farmer in the same county; and

15          **WHEREAS**, the importance of the contributions of the SADC’s farmer members to  
16 discussions of the Committee regarding agricultural issues has been recognized previously  
17 by legislation that allows “alternate” farmer members to take the place of farmer members  
18 who cannot attend a particular meeting, or which have a conflict based on the applicant to the  
19 Committee, so that the input of farming expertise to the conversation is not lost; and

20          **WHEREAS**, with the exception of a few counties that are “grandfathered in” for  
21 alternate farmer members, CADBs also are finding it harder to include their farmer members  
22 in discussions due to conflicts of interest and the resulting lack of any farmer voice in those  
23 discussions at the CADB level could lead to the agricultural industry’s viewpoint on the matter  
24 being greatly diluted; and

25           **WHEREAS**, pending legislation to address this concern at the CADB levels speaks  
26 not only to allowing alternate farmer members on CADBs (some counties already are  
27 “grandfathered” in to allowing this practice) but also to moving a case before a given CADB  
28 to an adjoining county to be heard to avoid a conflict; and

29           **WHEREAS**, the State Board of Agriculture has weighed in on that proposed  
30 legislation, saying it would prefer to see any case that, due to conflicts, cannot be heard by a  
31 CADB that includes farmer members, stay in the county in which it was to be heard initially,  
32 with CADB farmer members from an adjacent county brought into the initial county for the  
33 hearing, in order not to lose the county-level familiarity of non-conflicted members (farmer or  
34 otherwise); and

35           **WHEREAS**, the delegates to this Convention have in the past asked the SADC to  
36 revisit its ethics code to ensure that there is clear guidance as to when SADC farmer  
37 members should or should not recuse themselves, with the suggested guiding principle  
38 being that those members should only recuse themselves from hearing a farmer’s  
39 application when the SADC members in question have a direct, personal, and/or financial  
40 stake in the outcome of that case, not simply because they are involved in the agriculture  
41 industry.

42           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 108<sup>th</sup> State  
43 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9, 2023, do  
44 hereby strongly urge the Legislature to pass, and the Governor to sign, pending legislation  
45 that would provide for alternate farmer members on CADBs and that the legislation be  
46 amended to provide, if no alternate farmer members can be found in that initial county that  
47 are not conflicted from the case, that CADBs be allowed to engage alternate farmer  
48 members from an adjacent county and seat them on the CADB where the case is scheduled  
49 to be heard, preserving county-level knowledge.-

50           **BE IT FURTHER RESOLVED**, that we urge the pending legislation on alternate  
51 farmer members for CADBs be amended to also provide that the venue for the hearing can

52 be moved from the initial county in which the case was scheduled to be heard to an adjacent  
53 county, if alternate farmer members in an adjacent county cannot be seated as alternates in  
54 the initial county due to logistical or other reasons.

55 **BE IT FURTHER RESOLVED**, that we urge the SADC, if it has not done so already,  
56 to revisit its ethics code with an eye toward clearer guidance on when and why farmer  
57 members of the SADC should recuse themselves from hearing an application based on  
58 conflicts of interest.