RESOLUTION # 27

FARMER MEMBERS ON SADC AND COUNTY AGRICULTURE

DEVELOPMENT BOARDS

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 109th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2024, do hereby strongly urge the Legislature to pass, and the Governor to sign, pending legislation that would provide for alternate farmer members on CADBs and that the legislation be amended to provide, if no alternate farmer members can be found in that initial county that are not conflicted from the case, that CADBs be allowed to engage alternate farmer members from an adjacent county and seat them on the CADB where the case is scheduled to be heard, preserving county-level knowledge.

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

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

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