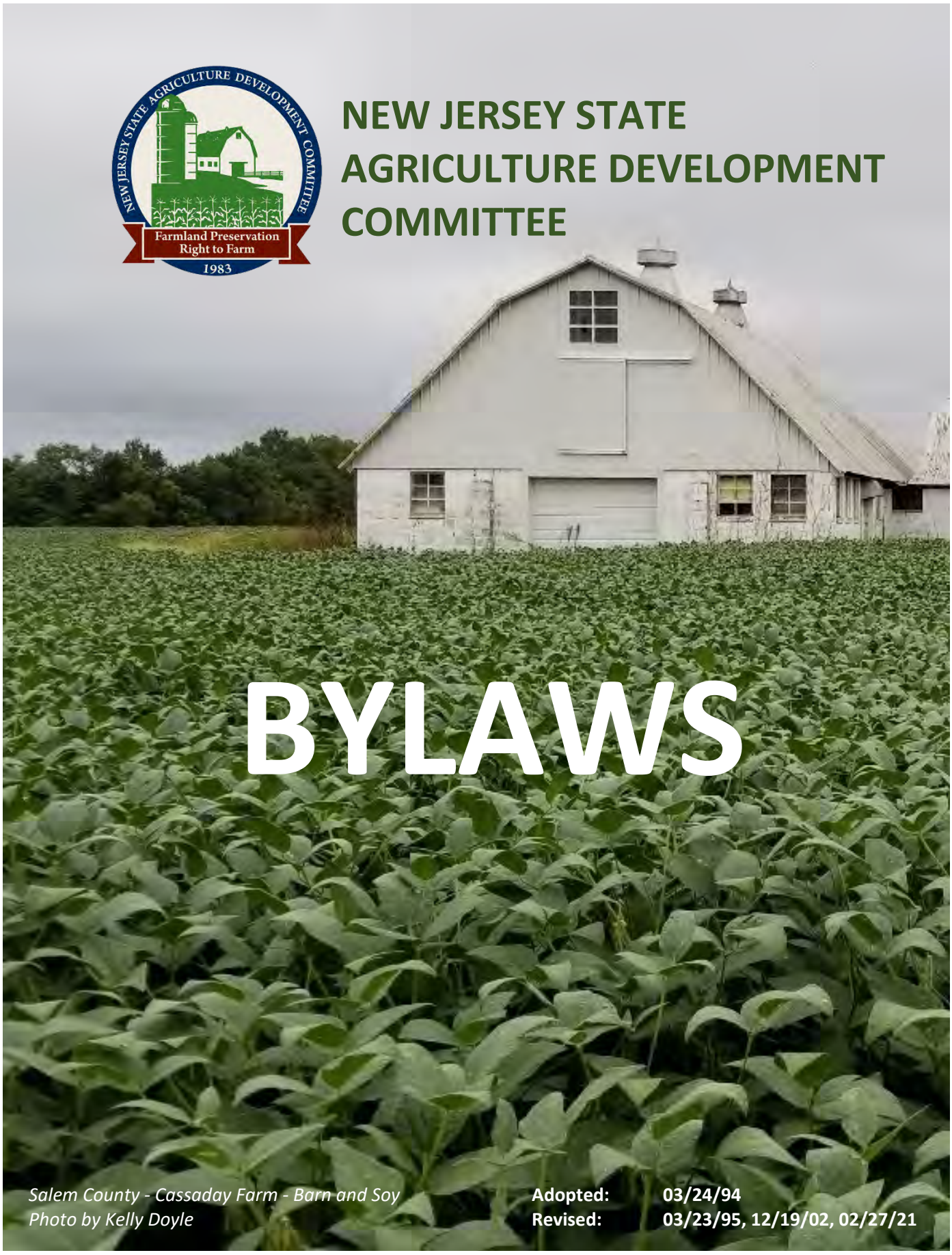
NEW JERSEY STATE AGRICULTURE DEVELOPMENT COMMITTEE



BYLAWS

Salem County - Cassaday Farm - Barn and Soy
Photo by Kelly Doyle

Adopted: 03/24/94
Revised: 03/23/95, 12/19/02, 02/27/21

PREAMBLE

Having been created by the "Right to Farm Act," P.L.1983, c.31, N.J.S.A. 4:1C-1 et seq., and pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32, N.J.S.A. 4:1C-11 et seq., the State Agriculture Development Committee (Committee), is authorized to adopt By-Laws for the regulation of its affairs and the conduct of its business. The By-Laws of the Committee are as follows:

I. THE COMMITTEE

SECTION 1. OFFICES. The principal office of the Committee shall be located at 200 Riverview Plaza, 3rd Floor, City of Trenton, County of Mercer, State of New Jersey. The Committee may have offices at such other places within the State of New Jersey as the business of the Committee may require or make desirable, as determined by the Committee.

SECTION 2. SEAL. Reserved.

II. COMMITTEE MEETINGS

SECTION 1. GENERAL POWERS. The property, affairs, and business of the Committee shall be managed by the Committee to the extent of power and authority allocated to the Committee by the "Right to Farm Act" and the "Agriculture Retention and Development Act."

SECTION 2. REGULAR MEETINGS. Meetings of the Committee shall be held at a time and place to be designated by the Committee. Adequate notice, as defined under the "Open Public Meetings Act," P.L.1975, c.231 (N.J.S.A. 10:4-6 et seq.), shall be given by the Chairperson.

SECTION 3. ANNUAL MEETINGS. An annual reorganization meeting shall be held in July of each year at which the Committee shall take the following actions:

1. adopt the annual notice of meetings required by the "Open Public Meetings Act."
2. elect a Vice Chairperson pursuant to Article III, Section 2 of these By-Laws.

SECTION 4. SPECIAL MEETINGS. Special meetings of the Committee may be called at any time by the Chairperson. The Chairperson may set any time and place to hold special meetings. The Executive Director shall be informed of the call of such special meetings sufficiently in advance to permit the Executive Director to give adequate notice as defined under the "Open Public Meetings Act."

SECTION 5. EMERGENCY MEETINGS. Emergency meetings may be called by the Chairperson at any time in accordance with the "Open Public Meetings Act."

SECTION 6. QUORUM. Six members shall constitute a quorum. If a quorum shall not be present at any meeting of the Committee, a majority of the Committee members present may agree to meet at another time and place. Notice of any such adjourned meeting shall be given in accordance with the requirements of the "Open Public Meetings Act."

SECTION 7. MANNER OF ACTING. On any question presented, the number of members present shall be recorded by the Executive Director. Actions may be taken, and motions and resolutions adopted by the Committee upon the affirmative vote of a plurality of those present.

Voting on all matters, including resolutions, may be by voice vote unless a request is made for a roll call vote, which roll call vote will then be taken. The roll call vote will be called in alphabetical order, first, among the appointed members, except that the mover and seconder will vote first and second, respectively, and the Chairperson will vote last. The "yeas" and "nays" will be recorded upon the resolutions and placed in the minutes of the Committee meetings.

SECTION 8. MINUTES OF MEETINGS. The minutes of each meeting shall reflect the presence of each member in attendance. A true copy of the minutes of every meeting of the Committee shall be prepared and forthwith delivered by and under the certification of the Executive Director thereof to the Governor. No action taken at such meeting by the Committee shall have force or effect until 15 days, exclusive of Saturdays, Sundays and public holidays, after the copy of the minutes has been so delivered. If, in this 15-day period, the Governor returns the copy of the minutes with a veto of any action taken by the Committee at that meeting, the action shall be null and void and of no force and effect.

SECTION 9. ORDER OF BUSINESS. Except when otherwise directed by the Chairperson, the order of business at regular meetings shall be:

a. Reading of the "Open Public Meetings Act" statement
b. Roll call
c. Approval of minutes of previous meeting(s)
d. Resolution for closed session (if appropriate)
e. Report of the Chairperson
f. Report of the Executive Director
g. Public Comment
h. Communications
i. Resolutions and Applications for Approvals or Certification
j. Unfinished Business
k. New Business
l. Public Comment
m. Time and Place of Next Meeting(s)
n. Resolution for closed session (if appropriate)
o. Actions to be taken as a result of closed session
p. Adjourn

SECTION 10. SUBCOMMITTEES. The membership and Chairperson of each Subcommittee shall be appointed by and serve at the pleasure of the Chairperson of the Committee. The recommendations of a Subcommittee shall not be binding upon the Committee. The following Subcommittees will be stablished:

(a) Acquisition Subcommittee. The Acquisition Subcommittee shall advise the Committee on fee simple purchases and sales.

(b) Finance Subcommittee. The Finance Subcommittee shall advise the Committee on financial matters including but not limited to proposed budgets and financial policies.

(c) Legislation and Policy Subcommittee. The Legislation and Policy Subcommittee shall advise the Committee on legislative, regulatory and policy issues.

(d) Personnel Subcommittee. The Personnel Subcommittee shall advise the Committee on issues related to organization structure, memoranda of understanding with other agencies affecting personnel and salaries under direct control of the Committee.

(e) Right To Farm Subcommittee. The Right To Farm Subcommittee may advise the Committee on recommended agricultural management practices and other matters dealing with the implementation of the "Right To Farm Act."

(f) Ad Hoc Subcommittees. Ad Hoc Subcommittees shall be appointed by the Chairperson as the Committee deems appropriate and shall remain in force as long as determined necessary.

III. OFFICERS, MEMBERS AND ALTERNATE MEMBERS

SECTION 1. NUMBER. The Officers of the Committee shall be a Chairperson, Vice Chairperson and a Secretary. The Committee may also appoint such other officers as it shall deem necessary who shall hold their offices for such terms as shall be determined by the Committee, and who shall exercise such powers and perform such duties as shall be determined from time to time by the Committee.

SECTION 2. SELECTION AND TERMS OF OFFICE. The Chairperson shall be the Secretary of Agriculture pursuant to the provisions of the "Right to Farm Act." The Vice Chairperson shall be elected annually from among the members of the Committee. The Executive Director shall not be a member of the Committee, shall serve as Secretary to the Committee, and shall be designated at any annual, regular or special meeting, and hold office for such term or period of time, and at such salary as the Committee shall determine. Vacancies in any office may be filled by the Committee as appropriate under this section.

SECTION 3. VACANCIES. Any vacancies occurring among the members of the Committee by reason of death, resignation, disqualification, incapacity to serve, removal from office in accordance with the law or otherwise, shall be filled in the manner provided for by the "Right to Farm Act." No vacancy in the membership of the Committee shall impair the right of a quorum as set forth in Article II, Section 6 to exercise all the rights and perform all the duties of the Committee.

SECTION 4. ALTERNATE MEMBERS. Alternate members serve in the place of and participate as an SADC member after notice is provided to the chair or to the SADC Executive Director that the regular member cannot attend a meeting. The alternate takes the place of the regular member without further action by the chair or by the Committee. “Participate as an SADC member” means the alternate has the same rights, privileges, and obligations of a regular member. An alternate member is a “state officer” and is subject to the same ethics and conflict of interest laws and regulations, and financial disclosures, as regular members.

Alternate members who attend a meeting but are not serving in the place of a regular member:

(a) shall be provided with the same meeting materials as a regular member;

(b) shall be seated in the front row of the audience;

(c) are strongly discouraged from speaking on any matter before the Committee;

(d) can attend executive sessions in a “listen-only” capacity;

(e) shall maintain the confidentiality of executive session matters, discussions and materials;

SECTION 5. EXPENSES. Members of the Committee shall receive no compensation but the appointed members may, subject to the limits of funds appropriated or otherwise made available for these purposes, be reimbursed for expenses actually incurred in attending meetings of the Committee and in performance of their duties as members thereof [N.J.S.A. 4:1C-4(d)].

IV. DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Committee and shall have general control over the business and affairs of the Committee, subject to the direction of the Committee.

SECTION 2. VICE CHAIRPERSON. The Vice Chairperson shall perform the duties of the Chairperson in the event that the Chairperson is unable to perform such duties by reason of illness, disability or absence, or when requested to perform such duties by the Chairperson. The Vice Chairperson shall perform such other duties as may from time to time be assigned by the Chairperson of the Committee.

SECTION 3. EXECUTIVE DIRECTOR. The Executive Director shall serve as Chief Administrative Officer and Secretary of the Committee. The Executive Director shall keep the official records of the Committee, minutes of the actions taken at the meetings of the Committee, the seal of the Committee, and shall certify, when required, copies of records and shall from time to time perform such other duties as shall be assigned to him/her by the Committee. Under the direction and approval of the Committee, the Executive Director shall prepare the annual report to be submitted to the Governor and the Legislature pursuant to the "Right to Farm Act." The Executive Director may adopt a facsimile signature to be utilized in the performance of assigned responsibilities.

The Executive Director shall have all the power and authority delegated to him/her in accordance with these By-Laws, actions of the Committee or otherwise pursuant to the "Right to Farm Act" and the "Agriculture Retention and Development Act." The Executive Director shall, subject to the provisions of these By-Laws, be generally in administrative charge of all activities of the Committee.

V. ADDITIONAL STAFF

The Committee shall name and appoint, from time to time, such additional officers, architects, engineers, real estate counselors, appraisers and such other consultants and employees as it may require, and shall by resolution or amendment of the By-Laws, designate their duties and under whose supervision or direction they serve.

VI. ADMINISTRATIVE POWERS

Unless otherwise directed by the Committee and subject to the limitations, if any, of the budget adopted by the Committee, the Executive Director shall have the following administrative powers which shall be in addition to any other powers conferred upon him/her by any other provisions of the By-Laws.

SECTION 1. DELEGATION. The Executive Director may delegate in whole or in part any power, authority or discretion conferred upon him/her by any of the provisions of these By-Laws, or by any resolution adopted by the Committee to any other offices or member of the staff, provided however, that any resolution adopted by the Committee may preclude or otherwise limit any such delegation. The Executive Director shall maintain a permanent record of all such delegations of authority and power. The Executive Director may select a designee to act on his/her behalf unless objections are registered by the Committee.

SECTION 2. PERSONNEL. The Executive Director may, in accordance with personnel policies of the State of New Jersey:

(a) Create, determine and prescribe the duties of new and existing positions and the qualifications for appointments made thereto.

(b) Make appointments to the Committee staff.

(c) Make promotions and demotions with the staff.

(d) Terminate appointments to staff.

(e) Grant and authorize the granting of vacations, sick leave, other leaves of absence and take other necessary actions affecting personnel.

SECTION 3. CONTRACTING POWERS. With regard to the maintenance, repair or rehabilitation of any Committee facility or property, the making of capital improvements and additions thereto, the purchase of equipment, materials, supplies, and real or personal property, the furnishing of utility or other services, the expenditure of funds for operating expenses of the Committee, and the expenditure of funds for professional, technical or advisory services including, but not limited to, services of consultants, engineers, architects, designers, artists, technicians, inspectors, appraisers and experts of any kind and others, whether similar or different from the foregoing, the Executive Director shall, subject to the provisions of the "Right to Farm Act" and the "Agriculture Retention and Development Act," have said power, the exercise of which shall be discretionary and not mandatory. The Executive Director shall follow all State of New Jersey Department of the Treasury procurement and contracting procedures.

SECTION 4. INTERVENTION BEFORE LEGISLATIVE AND REGULATORY BODIES. The Executive Director has the power to authorize intervention and participation, on behalf of the Committee, in proceedings before federal and state legislative and regulatory bodies or any other administrative tribunal of the United States or of the State of New Jersey or their subdivisions.

SECTION 5. ACCEPTANCE OF PERFORMANCE. The Executive Director has the authority to accept and approve performance by any contractor under any contract with the Committee.

SECTION 6. LEGAL ADVICE AND LITIGATION. The Executive Director has the authority to request the Attorney General to provide advice and, subject to Committee approval, request the Attorney General to initiate, intervene or take any other action with regard to litigation on behalf of the Committee provided, however, where it is not practical to seek such approval, request the Attorney General to take such actions after consulting with the Chairperson or in his/her absence, the Vice Chairperson.

SECTION 7. FINAL CERTIFICATION. The Executive Director has the authority to make final certification for payment, in accordance with established procedures, for duly authorized and authenticated items of expenditure from appropriate Committee funds.

SECTION 8. DEEDS OF CONVEYANCE. The Chairperson or the Executive Director has the authority to sign all deeds of conveyance when authorized by the Committee.

SECTION 9. TRANSFER OF FUNDS. The Executive Director has the authority, subject to the limitations imposed by the Committee and applicable laws and policies, to transfer funds among items of the budget.

SECTION 10. HEARINGS. The Executive Director has the authority to authorize and hold hearings which may be required under the "Right to Farm Act," the "Agriculture Retention and Development Act" or otherwise deemed appropriate.

SECTION 11. SCOPE OF ADMINISTRATIVE POWERS. The powers herein vested in the Executive Director shall not be construed or deemed to affect the power of the Committee to act in any case, but when the Committee exercises a power in any such case, such action shall not be construed or deemed to affect the power of the Executive Director to act in similar cases in the future.

SECTION 11 AMENDMENTS. The Chairperson and the Executive Director have joint authority to grant approvals to amend applications, preliminary and final approvals and certifications of values. This authorization is limited to amendments that, in the judgment of the Chairperson, do not significantly alter the original Committee approvals or certifications. Any person aggrieved by the decision of the Chairperson or the Executive Director may appeal the decision to the Committee.

VII. BUDGET

Whenever reference in these By-Laws is made to a budget it shall mean a budget approved or adopted by the Committee.

VIII. AMENDMENTS AND SUSPENSION OF BY-LAWS

The provisions of these By-Laws may be amended or suspended in whole or in part by a resolution duly adopted at any meeting.