

BY-LAWS OF THE STATE PLANNING COMMISSION

PREAMBLE

The New Jersey State Planning Commission (the Commission) was established by the "State Planning Act," P.L. 1985, Chapter 398, H.J.S.A. 52:18A-196 et seq. (the Act). Pursuant to the Act, there is also established within the Department of Treasury the Office State Planning which is, in accordance with N.J.S.A. 52:18A-201(b), to assist the Commission in the performance of its duties. The following shall constitute and comprise the full and complete by-laws of the State Planning Commission.

ARTICLE ONE-THE STATE PLANNING COMMISSION Section 1. Name.

The official name of the Commission shall be the "New Jersey State Planning Commission."

Section 2. Seal of the Commission. The seal of the Commission shall be in the form of a circle and shall bear the words "New Jersey State Planning Commission - Established 1986" and shall be of such design as determined by the Commission.

Section 3. Office of the Commission. The principal office of the Commission shall be located at the Office of State Planning, 150 West State Street, Department of Treasury, Trenton, New Jersey 08625. Subject to all applicable statutes and regulations governing the purchase or lease of buildings or portions thereof for use by State agencies, the Commission may have offices at such other places within the State of New Jersey as the business of the Commission may require and as it may from time to time designate by resolution.

Section 4. Fiscal Year. The fiscal year of the Commission shall be the same as that of the State of New Jersey, which includes the twelve (12) month period commencing at 12:01 a.m. on

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July 1 of each year and ending at 12:01 a.m. the succeeding July 1.

Section 5. General Powers. The State Planning Commission shall exercise those powers, duties and responsibilities vested in it by the Act and the Office of State Planning shall, subject to oversight by the Commission and consistent with N.J.S.A. 52:18A-201(c), assist the Commission in the proper exercise of such powers and the proper fulfillment of such duties and responsibilities.

ARTICLE TWO-COMMISSION MEETINGS

Section 1. Regular Meetings. All regular meetings of the Commission shall be convened at the call of the Chairman or upon the written request of at least nine members of the Commission. Such meetings shall be conducted in accordance with the provisions of the Open Public Meetings Act, P.L. 1975, §. 231, N. J.S.A. 10:4-6 et seq., at a time and place to be designated by the Chairman. Adequate notice, as defined under the Open Public Meetings Act, shall be given by the Secretary.

Section 2. Annual Meeting. The annual meeting of the Commission shall be held at the principal office of the Commission on the last Friday in January or at such other time and place as the Chairman may designate. At that time, the Commission shall take the following actions:

a. Adopt the annual notice of meetings required by the Open Public Meetings Act; and

- b. Elect a Vice-chairman; and
- c. Transact such other business as may properly come before the meeting.

Section 3. Special Meetings. Special meetings of the Commission may be called at any time by the Chairman or upon the written request of at least nine members of the Commission. The Chairman may fix any time and place as the time and place for holding any special meeting. The Secretary shall be informed of the call of such special meeting sufficiently in advance to permit the Secretary to give adequate notice as required under the Open Public Meetings Act. Notice of such meetings shall be in writing and shall be given personally or by mail to each member of the Commission at the member's address as it appears in the records of the Commission.

Section 4. Emergency Meetings. Emergency meetings may be called at any time by the Chairman or upon the written request of at least nine members of the Commission and shall be convened in accordance with the Open Public Meetings Act.

Section 5. Quorum. At any meeting of the Commission, nine members of the Commission present shall constitute a quorum for all purposes.

Section 6. Manner of Acting. On any question presented, the number of members present shall be recorded by the Secretary. No matter requiring action by the full Commission shall be undertaken except upon the affirmative vote of not less than nine members.

Section 7. Resolutions to be in Writing. All resolutions adopted by the Commission shall be in writing and shall be

copied in or attached to a journal of the proceedings of the Commission with a certificate of authenticity by the Secretary or other authorized officer of the Commission.

Section 8. Certification of Resolutions. Each member of the Commission and each officer of the Commission is authorized to certify, when required, the records, proceedings or resolutions of the Commission.

ARTICLE THREE-OFFICERS v

Section 1. Officers. The officers of the Commission shall be a Chairman, a Vice-Chairman, a Secretary, and such other officers as may be designated from time to time by the Commission. In addition to the duties specified herein, these officers shall exercise such powers and perform such duties as shall be determined from time to time by the Commission.

Section 2. Selection and Terms of Office. The Chairman shall be designated by and serve at the pleasure of the Governor until a successor shall have been appointed and qualified. The Vice-Chairman shall be elected annually from among those Commission members who are the representatives of the public or of municipal or county governments and shall serve a term of one year. The Director of the Office of State Planning shall, in accordance with N.J.S.A. 52:18A-201(a), serve as Secretary of the Commission.

Section 3. Vacancies. In case any office of the Commission, other than the offices of Chairman or Secretary, becomes vacant by reason of death, resignation, removal or any other cause, or in the event any additional office is created by the Commission, the members may at a meeting elect an officer to fill such vacancy

or additional office, and the officer so elected shall serve until the next annual meeting of the Commission and until the election of a successor.

_____ Section 4. Removal of Officers. Any officer or agent of the Commission, other than the Chairman or Director, may be removed by the Commission whenever in its judgment the best interests of the Commission will be served thereby. The removal of a member of the Commission from an office thereof shall in no way constitute such member's removal as a member of. the Commission.

ARTICLE FOUR-DUTIES OF OFFICERS

Section 1. Chairman. The Chairman shall preside at all meetings of the Commission and shall rule on all questions of order, subject to appeal to the members. The Chairman shall submit such recommendations to the Commission as the Chairman may consider appropriate for the proper fulfillment of the duties and responsibilities of the Commission. The Chairman may execute, on behalf of the Commission, any documents or other instruments as may be required in fulfilling the responsibilities and duties of the Commission, by manual or facsimile signature, and he shall have such other powers and shall perform such other duties as the Act requires or authorizes or as the Commission may prescribe from time to time by resolution. The Chairman shall also serve as the official spokesman of the Commission for the purpose of advising the public of the Commission's determinations and positions on matters falling within the scope of the Commission's statutory duties and responsibilities. No other Commission member may act as the official spokesman for the Commission unless specifically authorized to

do so by either the Chairman or the affirmative vote of not less than nine members of the Commission.

Section 2. Vice-chairman. The Vice-Chairman shall preside over all meetings in the absence of the Chairman and shall perform the duties of the Chairman in the event the office of Chairman is vacant or in the event the Chairman is unable to perform such duties by reason of illness, disability or absence. The Vice-Chairman shall have such other powers, and shall perform such other duties, as the Commission may prescribe from time to time by resolution.

Section 3. Secretary. The Secretary shall record or cause to be recorded all the proceedings of the meetings of the Commission, shall maintain any documents of record at such meetings, and shall cause all such records and documents to be kept in such a manner as to insure their permanence. The Secretary shall attend to the giving of notices of the Commission and he shall have charge of the books, documents and papers of the Commission and shall further have the custody of the Commission's seal and the power to affix and attest the same. The Secretary may adopt a facsimile signature to be utilized in the performance of his responsibilities. The Secretary shall, in accordance with N.J.S.A. 52:18A-201(c), perform all the duties incident to the office of Secretary subject to the oversight of the Commission. The Secretary shall also have such other powers and perform such other duties as may be required to ensure that the responsibilities and duties of the commission are fulfilled and as the Commission may, in accordance with the Act, require from time to time. At the direction of the Commission, the Secretary shall further, in accor-

dance with N.J.S.A. 52:18A-199(c) and (f) , prepare any reports, for approval by the Commission, which the Act may require be submitted to the Governor and the Legislature. The Secretary shall also keep a record containing the names, alphabetically arranged, of all persons who are members of the Commission showing their places of business and places of residence and dates of membership or dates of designation.

ARTICLE FIVE-PRINCIPAL EXECUTIVE
OFFICER OF STATE PLANNING COMMISSION

Section 1. Director. In accordance with the Act, the Director of the Office of State Planning shall serve as the Principal Executive Officer of the Commission and shall, in this capacity, have general management responsibility for the proper fulfillment of the duties and responsibilities of the Commission. The Director shall have the following powers and duties, in addition to any other duties assigned by the Act, the State Treasurer, these by-laws, or by resolution of the Commission:

a. Delegation. The Director may, subject to oversight by the Commission, delegate, in whole or in part, any power, authority or discretion conferred upon the Director in his capacity, as the Secretary and Principal Executive Officer of the Commission, under any provision of the Act, these by-laws or any resolution adopted by the Commission, to any other officer or member of the staff of the Office of State Planning.

b. Personnel. With the consent of the Commission, the Director shall assign to the Commission from the staff of the Office of State Planning at least two full-time planners, a full-time liaison to local and county governments, and such other staff,

clerical, stenographic and expert assistance as he shall deem necessary for the fulfillment of the Commission's responsibilities and duties.

.._. _ c. Financial. The Director shall, subject to the availability of legislative appropriations and compliance with State statutory and regulatory purchasing and other requirements, provide the Commission with any and all resources necessary to enable the Commission to properly carry out its statutory duties and responsibilities.

Payments to Commission members for expenses incurred in the performance of their duties and responsibilities under the Act shall require the prior approval of the Director provided that: such expenses are incurred as a result of meetings or activities scheduled or approved by the Commission and are submitted in accordance with New Jersey Department of Treasury procedures. Ex Officio appointees to the Commission shall not be paid expenses or otherwise compensated except through normal procedures within each appointee's respective agency.

d. Budget. The Director shall, in preparing budget requests for the activities of the Commission and Office of State Planning for each ensuing year, submit same to the Commission for its review and comment.

e. Representation Before Governmental and Other Bodies. The Director shall represent the Commission and promote its activities before Federal, State and local governmental bodies, public and private interest groups and the general public.

f. Legal Advice and Litigation. The Director may request the Attorney General to provide advice and, subject to the

Commission's approval, request the Attorney General to initiate, intervene or take any other action with regard to litigation on behalf of the Commission.

g. Hearings. The Director may, with prior Commission approval, authorize and hold hearings, as may be appropriate under the Act or under State law, to fulfill the responsibilities and duties of the Commission.

h. Scope of Administrative Powers. The powers vested herein in the Director shall not be construed or deemed to affect the power of the Commission under the Act to act in any case.

ARTICLE SIX-COMMITTEES

Section 1. Appointment. The Commission may appoint such committees as may be necessary to facilitate its purposes from time to time.

ARTICLE SEVEN-AUTHORIZED SIGNATURES

The Chairman, and in his absence the Vice-chairman, and such other members or officers as may be authorized by resolution of the Commission, or as are authorized by these by-laws, may execute on behalf of the Commission all documents and other instruments as may be authorized by the Act, these by-laws or any resolution of the Commission. The Chairman, the Vice-chairman and such other members or officers as may be so authorized by the Commission or these by-laws may each adopt a facsimile signature to be utilized in the execution of such documents and other instruments.

ARTICLE EIGHT-ADDITIONAL STAFF

Subject to the provisions of N.J.S.A. 52:18A-201(d), additional officers, consultants and employees may be appointed to assist the Commission in fulfilling its duties and responsibilities.

ARTICLE NINE-ADOPTION, AMENDMENT OR REPEAL OF BY-LAWS

These by-laws may be adopted, altered, amended or repealed at any meeting of the Commission by the affirmative vote of nine members provided that notice of the proposed action shall be given at least seven days prior to the meeting of the Commission at which the motion to adopt such resolution is made.