

**ERIE COUNTY
AGRICULTURAL AND FARMLAND PROTECTION BOARD BY-LAWS**

ADOPTED - AUGUST 5, 2014

ARTICLE I – NAME

The official designation shall be the Erie County Agricultural and Farmland Protection Board, abbreviated AFPB.

ARTICLE II - PURPOSE

The purpose of the Erie County Agricultural and Farmland Protection Board, hereinafter referred to as the AFPB, shall be to:

- (a) Encourage farming in Erie County through local initiatives which create favorable conditions that allow farmers to operate economically viable enterprises;
- (b) Advise the Erie County Legislature on establishing, modifying, continuing, or terminating agricultural districts;
- (c) Advise the Erie County Legislature on agriculture matters;
- (d) Review Notice of Intent filings pursuant to Agriculture and Markets Law 25AA Sections 305.4 and 305-a;
- (e) Support, implement, and update the goals of the Erie County Agricultural and Farmland Protection Plan; and
- (f) Advise and recommend concerning Purchase of Agricultural Conservation Easement (Purchase of Development Rights) applications to funding agencies.

ARTICLE III – MEMBERSHIP

Section 1. Voting Membership. The voting membership shall consist of eleven members, identified as either Regular or Ex-Officio, nominated by the AFPB and appointed by the Erie County Legislature as provided by Article 25AA, Section 302 of New York State Agriculture and Markets Law and any subsequent amendments to such legislation, attached as exhibits A, as follows:

Regular members:

- Four active farmers
- One agribusiness representative
- One agricultural land preservation organization representative
- One member of the County Legislature

Ex-Officio members:

- The Chair of the County Soil and Water Conservation District
- The Commissioner of County Department of Environment and Planning
- The Director of Real Property Tax Services
- A Cooperative Extension Agent

Section 2. Ex-officio Member Designees. Ex-officio members may make a written request to the AFPB to designate a representative of their specific agency to serve on the AFPB in their place.

Section 3. Associate Members. In order to encourage public participation, any individual interested in and/or knowledgeable about agriculture may apply to the AFPB to be an associate member. Once appointed, each such member may participate in AFPB discussion and serve on committees. On the AFPB an associate member shall be non-voting and may not be a designated spokesperson for AFPB, but on an AFPB committee she/he may vote and serve as chair.

Section 4. Term of Office. Regular members shall be appointed to serve a 4-year term with a limit of two terms, unless the AFPB determines it would be beneficial for a member to serve additional terms. Ex-officio members shall serve as a condition of their position with no reappointment necessary for the term of their employment. Ex-officio

designees shall be reappointed annually at the AFPB organizational meeting. Associate member terms will end at the end of the second December after appointment, and may subsequently be reappointed by the AFPB for two-year terms.

Section 5. Liaisons. Agricultural and environmental organizations may designate one of their members to serve as a non-voting liaison to the AFPB. In addition to the Regular Voting member of the County Legislature, the County legislative committee to which the AFPB reports may designate one of its members to serve as a non-voting liaison to the AFPB. Alternatively, this County committee may choose, on an annual basis, to identify the legislator serving in the Regular Voting member seat as its liaison.

Section 6. Vacancies. Regular member vacancies occurring during the year shall be filled by action of the Board, subject to confirmation by the Erie County Legislature.

ARTICLE IV – VOTING PRIVILEGES

Section 1. Members. Only members of the AFPB, whether regular or ex-officio (including designees), shall have voting privileges.

ARTICLE V – ATTENDANCE POLICY

- (a) Members are expected to attend at least half the regular meetings each year.
- (b) After the second consecutive, unexcused absence from the General Board Meetings within the calendar year, the member will be contacted to see if the attendance problem can be remedied.
- (c) After a third consecutive, unexcused absence within the calendar year, the member will be asked to resign from the Board. If the member's appointment is terminated, the Board will seek an individual to fill the vacant term.

ARTICLE VI – OFFICERS

Section 1. Chairperson.

- (a) Selection and term. The Board Chairperson shall be elected annually by the voting members at the organizational meeting of the Board.
- (b) Duties. The duties of the Board Chairperson are to:
 - i. Serve as the official representative and chief administrator of the Board;
 - ii. Preside at meetings of the Board;
 - iii. Call the Board to a special meeting or cancel a scheduled meeting, if deemed necessary;
 - iv. Appoint members of committees, subject to majority approval of the members of the Board; appoint individuals to represent the Board to other public bodies, subject to majority approval of the members of the Board;
 - v. Serve as the Board's liaison to the Erie County Legislature and relevant committees.

Section 2. Vice Chairperson.

- (a) Selection and term. The Board Vice-Chairperson shall be elected annually by the voting members at the organizational meeting of the Board.
- (b) Duties. The duties of the Board Vice-Chairperson are:
 - i. Serve as Chairperson pro-tem in the absence of the Chairperson, or in the event of a vacancy, until a new Chairperson is elected;

Section 3. Secretary.

- (a) Selection: The Board Secretary shall be a staff member of the Erie County Department of Environment and Planning as designated by the Commissioner of the Department.
- (b) Duties. The duties of the Board Secretary are:
 - ii. Cause the minutes of regular Board meeting to be taken;

- iii. Coordinate the setting and distribution of regular meeting agendas and supporting materials;
- iv. Handle Board correspondence; and
- v. Perform research on issues before the board

ARTICLE VII - ELECTION AND APPOINTMENT OF OFFICERS

Section 1. Nominations. The Chairperson shall be nominated at the last meeting of the calendar year and elections held at the organizational meeting of the Board. The Vice-Chairperson shall be elected by the Board at the annual organizational meeting.

Section 2. Nominating Committee. When deemed necessary, a Nominating Committee, chaired by a voting member of the Board and consisting of not fewer than three members and with a majority of Regular members, shall be appointed by the Chairperson. The Nominating Committee shall report to the Board on nominees for positions. Nominations may also be made from the floor. A Nominating Committee will also be responsible for providing an application for Associate Membership, reviewing any applications for such membership, and recommending to the AFPB persons for appointment as Associate Members. The full AFPB shall vote on Associate appointments.

Section 3. Vacancies. Officer vacancies occurring during the year shall be filled by action of the Board.

ARTICLE VIII. - CONDUCT OF MEETINGS

Section 1. Conduct of Meetings. In the conduct of meetings and the transaction of Board business, the presiding officer shall use Robert's Rules of Order as a guide. Strict adherence to Robert's Rules of Order may be requested by a majority of voting members. In the event of a conflict between Robert's Rules of Order and these Bylaws, Robert's Rules shall take precedence.

Section 2. Quorum. A quorum for the transaction of business shall consist of a majority of the voting members of the Board (i.e., 6 of the 11 members). A majority of the total voting membership must vote in the affirmative to take any action, regardless of the number of members present.

Section 3. Voting. Proxy voting and voting by mail, phone, FAX, or e-mail shall not be permitted.

Section 4. Regular Meetings. The Board shall meet in regular session at least 2 times a year. Notification will be made to the membership at least one week prior to each meeting.

Section 5. Special Meetings. May be called at any time by the Chairperson or by any member of the Board upon written request of not less than one-fifth (1/5) of the entire Board with 24 hours notice, when action is needed prior to the next meeting.

Section 6. Organizational meeting. The organizational meeting shall be held at the first meeting in the new year.

ARTICLE IX - COMMITTEE STRUCTURE

Section 1. Committees.

- (a) Establishment. Committees shall be established by Board vote on an as-needed basis. Committees may be temporary in nature.
- (b) Membership. Each committee shall consist of a committee chairperson who is an AFPB member and at least one additional AFPB Board member appointed by the Board.
- (c) Term. The term of committee members shall be one year or until the assigned task is completed.
- (d) Accountability. All committees shall be responsible to the Board, keep written records, and shall make reports of their activities to the Board.

Section 2. Authorization. To establish a committee or to change a committee mandate:

- (a) There must be two Board members who are committed to seeing the committee assignment through completion.

- (b) Final results, recommendations, and actions of the committee must be approved by the full AFPB.

Section 3. Executive Committee.

- (a) Selection. The Executive Committee shall consist of the AFPB officers: Chair, Vice-chair, and Secretary.
- (b) Duties. The Executive Committee shall meet as necessary to plan meeting agendas and act on administrative and financial matters between regular AFPB meetings when time-sensitive matters must be addressed. All actions of the Executive Committee shall be in accordance with prior acts of the AFPB. The Executive Committee shall report any actions taken at the next AFPB meeting. All actions of the Executive Committee are subject to ratification, revision, or revocation by the AFPB.

ARTICLE X - POLICIES AND PROCEDURES

Policies and procedures for the operation of the Board, not otherwise covered herein and within the discretion of the Board, shall be established by action of the Board and may be modified from time to time.

ARTICLE XI - ADOPTION AND AMENDMENTS

These bylaws shall be adopted or amended as follows: by motion carried by two-thirds of the voting members at any regularly scheduled or special meeting of the Board, so long as proposed changes to the bylaws were presented in writing to all members at least one week before the meeting.

Attachment A: Article 25AA, Section 302 of New York State Agriculture and Markets Law

302. County agricultural and farmland protection board

1. (a) A county legislative body may establish a county agricultural and farmland protection board which shall consist of eleven members, at least four of whom shall be active farmers. At least one member of such board shall represent agribusiness and one member may represent an organization dedicated to agricultural land preservation. These six members of the board shall reside within the county which the respective board serves. The members of the board shall also include the chairperson of the county soil and water conservation district's board of directors, a member of the county legislative body, a county cooperative extension agent, the county planning director and the county director of real property tax services. The chairperson shall be chosen by majority vote. Such board shall be established in the event no such board exists at the time of receipt by the county legislative body of a petition for the creation or review of an agricultural district pursuant to section three hundred three of this article, or at the time of receipt by the county of a notice of intent filing pursuant to subdivision four of section three hundred five of this article. The members of such board shall be appointed by the chairperson of the county legislative body, who shall solicit nominations from farm membership organizations except for the chairperson of the county soil and water conservation district's board of directors, the county planning director and director of real property tax services, who shall serve *ex officio*. The members shall serve without salary, but the county legislative body may entitle each such member to reimbursement for actual and necessary expenses incurred in the performance of official duties.
 - (b) After the board has been established, the chairperson of the county legislative body shall appoint to it two qualified persons for terms of two years each, two qualified persons for terms of three years each and two qualified persons for a term of four years. Thereafter, the appointment of each member shall be for a term of four years. Appointment of a member of the county legislative body shall be for a term coterminous with the member's term of office. Appointment of the county planning director and county director of real property tax services shall be coterminous with their tenure in such office. The appointment of the chairperson of the county soil and water conservation district's board of directors shall be for a term coterminous with his or her designation as chairperson of the county soil and water conservation district's board of directors. Any member of the board may be reappointed for a succeeding term on such board without limitations as to the number of terms the member may serve.
 - (c) The county agricultural and farmland protection board shall advise the county legislative body and work with the county planning board in relation to the proposed establishment, modification, continuation or termination of any agricultural district. The board shall render expert advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area and the relation of farming in such area to the county as a whole. The board may review notice of intent filings pursuant to subdivision four of section three hundred five of this article and make findings and recommendations pursuant to that section as to the effect and reasonableness of proposed actions involving the advance of public funds or acquisitions of farmland in agricultural districts by governmental entities. The board shall also assess and approve county agricultural and farmland protection plans.
 - (d) A county agricultural and farmland protection board may request the commissioner of agriculture and markets to review any state agency rules and regulations which the board identifies as affecting the agricultural activities within an existing or proposed agricultural district. Upon receipt of any such request, the commissioner of agriculture and markets shall, if the necessary funds are available, submit in writing to the board (i) notice of changes in such rules and regulations which he or she deems necessary, (ii) a copy of correspondence with another agency if such rules and regulations are outside his or her jurisdiction, including such rules and regulations being reviewed, and his or her recommendations for modification, or (iii) his or her reasons for determining that existing rules and regulations be continued without modification.
 - (e) The county agricultural and farmland protection board shall notify the commissioner and the commissioner of the department of environmental conservation of any attempts to propose the siting of solid waste management facilities upon farmland within an agricultural district.
2. Upon the request of one or more owners of land used in agricultural production the board may review the land classification for such land established by the department of agriculture and markets, consulting with the district soil and water conservation office, and the county cooperative extension service office. After such review, the board may recommend revisions to the classification of specific land areas based on local soil, land and climatic conditions to the department of agriculture and markets.