

## **ENDANGERED and NONGAME SPECIES ADVISORY COMMITTEE BYLAWS**

Adopted: 19 March, 2008

Amended: 15 May, 2019

RESOLVED, That the Endangered and Nongame Species Advisory Committee hereby adopts the following by-laws:

### **ARTICLE I**

#### **NAME, LOCATION, AUTHORITY, PURPOSE and FUNCTIONS**

##### **Section 1: Name**

As provided by N.J.A.C. 7:25-4.18, this body shall be known as the Endangered and Nongame Species Advisory Committee, hereinafter “ENSAC”.

##### **Section 2: Location**

The principal mailing address of the ENSAC shall be c/o New Jersey Department of Environmental Protection, Division of Fish and Wildlife – Endangered and Nongame Species Program, P.O. Box 400 Trenton, NJ 08625-0400.

##### **Section 3: Authority**

The ENSAC is established pursuant to N.J.S.A. 23:2A-7e which states: “The Commissioner shall appoint a committee of experts to advise and assist the Commissioner in carrying out the intent of this act. Said experts shall include persons actively involved in the conservation of wildlife,” and in accordance with N.J.A.C.7:25-4.18.

##### **Section 4: Purpose and Function**

- a. In accordance with N.J.A.C.7:25-4.18(b), the purpose of the ENSAC shall be “...to advise and assist the Commissioner of the Department of Environmental Protection in matters related to the intent of “The Endangered and Nongame Species Act...” In that capacity, ENSAC will provide advice and guidance to assist the Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) in achieving its mission and strategic vision to actively conserve New Jersey's biological diversity by maintaining and enhancing endangered, threatened and nongame wildlife populations within healthy, functioning ecosystems.
- b. In meeting this purpose, the ENSAC shall:
  - Periodically formally recommend status changes to the New Jersey Endangered species and the non-game wildlife lists.
  - Provide review and guidance with respect to ENSP’s monitoring, stewardship, and research work plans and related federal and other funding proposals.
  - Identify other relevant issues of importance and recommend action to the Department of Environmental Protection (DEP), the Division of Fish and Wildlife (DFW) and ENSP.

## **ARTICLE II**

### **MEMBERSHIP, OFFICERS and PROXIES**

#### **Section 1: Membership**

- a. In accordance N.J.A.C. 7:2-4.18(a)1, the ENSAC consists of 11 members appointed by the Commissioner of the New Jersey Department of Environmental Protection reflective of the following groups:
  - Academic / research and community - 4,
  - Veterinarian or public health professional - 1
  - Nonprofit organizations with strong interest in nongame wildlife - 3
  - Public-at-large - 3.
- b. ENSAC members shall serve terms of four years in accordance with N.J.A.C. 7:25-4.18 (a).
- c. ENSAC members shall serve no more than three consecutive terms. However, upon completion of a partial term of greater than two years without a lapse, that member shall not be appointed to serve more than two additional, consecutive terms. ENSAC members may continue to serve, after expiration of their terms, until their respective successors have been appointed.

#### **Section 2: ENSAC Role in Appointments, Re-appointments and Filing Vacancies**

In accordance with 7:25-4.18, the Commissioner is responsible for all appointments to the ENSAC, after consulting with ENSAC as to their recommendations. To facilitate this process:

- a. Members shall notify the Chairperson and the Chief of ENSP regarding their availability for re-appointment at the first meeting of the calendar year in which their term expires and shall inform the Chairperson and the Chief of ENSP of any change in their availability.
- b. The ENSAC shall recommend qualified candidate(s) as replacement appointments to the Commissioner as soon as possible upon becoming aware of an imminent or actual vacancy and identifying a suitable qualified candidate.
- c. The ENSAC shall provide recommendations for re-appointments and/or new appointments, as applicable to the Commissioner at least 90 days prior to the expiration of any expiring terms.

#### **Section 3: Members Responsibilities**

ENSAC members agree to:

- a. Work in the best interest of the state's Endangered and Nongame wildlife resource and the ENSP.
- b. Participate fully in ENSAC and subcommittee meetings.
- c. Prepare for meetings and stay abreast of ENSP and ENSAC activities.
- d. Contribute to meetings with objective thinking, willingness for open discussion and an acceptance of decisions made by vote.
- e. Solicit and acknowledge the participation of outside expertise in forming opinions and recommendations.

- f. Solicit and acknowledge constructive, topical public input during ENSAC meetings.
- g. Contribute special talents including scientific knowledge, regulation, organizational management or other experience useful to ENSP.
- h. Enhance the public image of ENSP and promote ENSP's goals, programs and activities.

#### **Section 4: Officers**

- a. The officers of the ENSAC shall be a Chairperson and a Vice-Chairperson.
- b. Officers shall be elected by vote of members.
- c. Elections shall be held at the last regular meeting of the calendar year in the year which each respective term is expiring. Officers shall assume office at the first regular meeting of the succeeding calendar year.
- d. The terms of office of the Chairperson and Vice-Chairperson shall be for four (4) years, or for the duration of the term of appointment, whichever is less.
- e. An ENSAC member shall not be elected to serve more than two consecutive terms as chairperson. However, upon completion of a partial term as Chairperson of greater than two years without lapse, that member shall not be elected to serve more than one additional, consecutive term. The Chairperson may continue to serve, after expiration of their term, until their respective successor has been elected. These same conditions shall be applicable to the Vice Chairperson.
- f. In the event of resignation or incapacity of the Chairperson, the Vice-Chairperson shall become the Chairperson for the unexpired portion of the term.
- g. Vacancies in the office of Vice-Chairperson shall be filled for the unexpired term by special election.

#### **Section 5: Duties of officers**

The duties of the Chairperson and Vice-Chairperson shall be as follows:

- a. Chairperson shall:
  - Preside at all meetings.
  - Represent the ENSAC at public functions.
  - Appoint special Subcommittees and Ad Hoc Workgroups.
  - Confer with the Chief of the Endangered and Nongame Species Program and/or the Director of the Division of Fish and Wildlife in establishing the agenda for each meeting.
  - Serve as a full member of the New Jersey Fish and Game Council as provided by N.J.S.A. 13:1B-24 and shall represent the ENSAC at monthly Fish and Game Council meetings.
  - Draft and sign correspondence as directed by the Committee or when otherwise appropriate (e.g., as a matter of etiquette as with thank-you letters, etc.).
  - Identify and seek input from outside experts on any issue before the ENSAC for consideration.
- b. Vice-Chairperson shall:

- Assist the Chairperson in directing the affairs of the ENSAC.
- Assume all duties of the Chairperson whenever the Chairperson is absent or otherwise unable to fulfill their duties.

#### **Section 6: Alternates or Proxies**

No alternates or proxies for members of the ENSAC shall be allowed.

#### **Section 7: Compensation**

Except as provided by N.J.A.C.7:25-4.18(d), all members shall serve without compensation.

### **ARTICLE III**

#### **ADMINISTRATION and STAFF SUPPORT**

#### **Section 1: Secretarial Duties**

Secretarial duties shall be performed by employees designated by the Department. It shall be their duty to function as the recording and corresponding secretary, as assigned by the Department. Included among these duties shall be:

- a. Give public notice of the meetings for the ENSAC.
- b. Transmit notices and agendas to the membership.
- c. Record ENSAC minutes and keep a permanent file of the minutes of the meetings of the ENSAC.
- d. Distribute copies of draft minutes of the meetings of the ENSAC to the Chairperson for review and approval by full membership of the ENSAC.
- e. Distribute copies of the approved minutes to the full membership of the ENSAC.
- f. Conduct both outgoing and incoming correspondence and to maintain a permanent file of such correspondence.
- g. Perform other such duties as may be requested by the ENSAC.
- h. Contact members in advance of regularly scheduled meeting to confirm attendance and determine if a quorum will be present.
- i. Provide the Chairperson with a current list of members and the term status of each member at the last meeting of each year.

#### **Section 2: Other Staff Duties**

Staff of the Division of Fish and Wildlife – Endangered and Nongame Species Program shall assist the ENSAC by:

- a. Providing verbal and/or written reports to the ENSAC on Program activities as reasonably requested.

- b. Preparing correspondence for review and signature by the Chairperson as reasonably requested and sending such correspondence at the direction of the Chairperson.
- c. Assisting with development of meeting agendas.
- d. Assisting the Chairperson in identifying outside experts as needed to consult on any issue before the ENSAC.

## **ARTICLE IV MEETINGS**

### **Section 1: Meeting dates, times and locations**

- a. Except as otherwise determined by the Chairperson in consultation with the Chief of ENSP, regular meetings shall be held bi-monthly on the third Wednesday of the month from 10:00 AM to 2:00 PM.
- b. The location of regular meetings for the forthcoming year shall be determined by the Committee at the last meeting of the preceding year and shall be provided to the appropriate ENSP staff for purpose of meeting notice requirements, including publication in the DFW WebPages.
- c. Changes to meeting location or timing can be made during the course of the calendar year by the Chairperson with the consent of the ENSAC, provided that such changes are made with sufficient time to provide notice of such changes at least two weeks prior to the meeting date.

### **Section 2: Quorum**

Six members shall constitute a quorum at all meetings of the ENSAC.

### **Section 3. Voting**

- a. All questions presented for a vote of the ENSAC shall be decided by a simple majority of a quorum.
- b. The Chairperson shall be allowed to vote on all issues, however the Chairperson shall vote last.
- c. A quorum must be present at the meeting at the time of a vote for any formal ENSAC action to be taken.

### **Section 4: Meeting conduct and Public Participation**

- a. Robert's Rules of Order, Newly Revised shall govern in the parliamentary procedure of the ENSAC, in all cases to which they are applicable, and in which they are not inconsistent with these by-laws.
- b. Public participation and input is a critical to the purpose of the ENSAC and each meeting shall include opportunity for public participation.

- c. The Chairperson may solicit input from members of the public present at any ENSAC meeting and ENSAC members may request that the Chairperson seek such input.

#### **Section 5: Attendance**

- a. Members are urged to attend all regular meetings and shall confirm their attendance with the chairperson and secretary in advance of meetings.
- b. Extended absence (three or more consecutive meetings) or frequent absence (four or more meetings within a calendar year) from regular meeting shall constitute cause for the Chairperson, members and/or the Director of the Division of Fish and Wildlife to recommend to the Commissioner of the Department of Environmental Protection for dismissal or against the re-appointment of said ENSAC member.

#### **Section 6: Meeting Agendas**

- a. Matters may be placed on the agenda for consideration at meetings of the ENSAC by any of the following: Chairperson or any other member of the ENSAC, Commissioner of the Department of Environmental Protection, Director of staff of the Division of Fish and Wildlife, Chief of the Endangered and Nongame Species Program
- b. Draft meeting agendas shall be provided to members at least one week in advance of the meeting, together with the meeting notice and minutes of the previous meeting. The Chairperson may, during the conduct of the regular meeting, include additional matters in the agenda with the consent of the members of the ENSAC.

### **ARTICLE V**

#### **ENSAC POSITIONS and COMMENTING to the DEPARTMENT**

##### **Section 1: Adopting Official ENSAC Positions**

- a. Official positions of the ENSAC or recommendations to the Commissioner on any issue or topic shall be adopted by resolution or statement of position affirmed by vote.
- b. A record of any resolution or position statements adopted by the ENSAC shall be inscribed in the minutes and kept on file in the Trenton offices of the Division of Fish and Wildlife – Endangered and Nongame Species Program.

##### **Section 2: Representing Official ENSAC Positions in Public Forums**

In the event that an individual ENSAC member wishes to formally present an adopted official position or read a position statement in a public forum on behalf of the ENSAC, they must notify the ENSAC Chairperson and the Chief of ENSP in advance of the scheduled event. Nothing in this Section shall be construed to restrain any member from expressing his or her own personal opinion, position, or viewpoint on any issue in a public forum.

## **ARTICLE VI**

### **SUBCOMMITTEES and WORKGROUPS**

#### **Section 1: Subcommittees**

- a. Subcommittees may be established by vote of members of ENSAC for special purposes and such purpose shall be clearly stated and reflected in the minutes.
- b. Members of such Subcommittees shall consist entirely of members of the ENSAC and shall be appointed by the ENSAC Chairperson with the consent of the majority of the ENSAC.
- c. Any such Subcommittee shall be considered to be in existence until such time as a motion passed by the majority of the ENSAC dissolves it. Members of a Subcommittee that has not met in over a year may be reconfigured at a regular ENSAC meeting by vote.
- d. Subcommittee members shall select a Chair.
- e. Subcommittees and Ad Hoc Workgroups shall report to the ENSAC.
- f. All members of the ENSAC shall be invited to attend all Subcommittee meetings.

#### **Section 2: Ad Hoc Workgroups**

- a. The Chairperson may establish and appoint Ad Hoc Workgroups with the consent of the ENSAC members to assist the ENSAC in their duties.
- b. Such Ad Hoc workgroups may include members of DEP staff and/or the public, especially those with particular expertise beneficial to the purpose or assignments of the Ad Hoc Workgroup. In addition, Ad Hoc workgroups shall include at least one ENSAC member who shall serve as Chair of the Ad Hoc Workgroup. In the event that the Ad Hoc Workgroup includes more than one ENSAC member, the ENSAC Chairperson shall select a member to serve as Chair of the Ad Hoc Workgroup.
- c. Each such Ad Hoc Workgroup will be assigned specific tasks when it is formed. Ad Hoc Workgroups shall be considered dissolved upon completion of their assignment.
- d. Ad Hoc Workgroups shall report to the ENSAC.
- e. All members of the ENSAC shall be invited to attend all Ad Hoc Workgroup meetings.

## **ARTICLE VII**

### **AMENDMENTS**

These by-laws may be amended by a vote at any regular meeting, provided all members have been notified and provided copies of the proposed amendments at least one week prior to such meeting.