

**Board of Education
Beach Haven School
May 20, 2015**

RESOLUTION

INVOKING THE DOCTRINE OF NECESSITY

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-21 *et seq.* was enacted by the New Jersey State Legislature to ensure and preserve public confidence in school board members and school administrators, and to provide specific ethical standards to guide their conduct; and

WHEREAS, questions arose regarding how a Board should invoke the Doctrine of Necessity when a quorum of a Board of Education has conflicts of interest on a matter required to be voted upon; and

WHEREAS, the School Ethics Commission ("Commission") provided guidance in Public Advisory Opinion A03-9 (April 1, 1998); and

WHEREAS, the opinion set forth that, when it is necessary for a Board to invoke the Doctrine of Necessity, the Board should state publicly that it is doing so, the reason that such action is necessary, and the specific nature of the conflicts of interest; and

WHEREAS, the School Ethics Commission, by resolution dated February 25, 2003, clarified and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that they are invoking the Doctrine, the reason for doing so, and the specific nature of the conflicts of interest; and

WHEREAS, the School Ethics Commission further directed Boards of Education that invoke the Doctrine to read the resolution at a regularly scheduled public meeting, post it where it posts public notices for thirty (30) days, and provide the Commission with a copy; and

WHEREAS, the Beach Haven Board of Education ("Board") needs to enter into a Shared Services Agreement with Stafford Township Board of Education for their Principal, to serve as Acting Principal on an interim and as needed basis to comply with N.J.A.C. 6A:32-4.1 and a plan to be submitted to the Ocean County Superintendent of Schools to ensure the adequate supervision of students and staff in the absence of a Superintendent; and

WHEREAS, the Board Attorney, Isabel Machado, Esq., has reviewed the advisory decisions of the Commission and determined board member conflicts would otherwise prohibit three (3) of the five (5) members of the Board from discussing and voting on said agreement and the proposed plan to be submitted to the Ocean County Superintendent of Schools; and

WHEREAS, the three (3) board members, namely Kathy Kelly, Meredith O'Donnell and Jen Tomlinson, are employees of Stafford Township Board of Education; and

WHEREAS, the inability of the above three (3) board members to participate in this process results in the lack of a quorum; and

WHEREAS, in order to enter into a Shared Services Agreement with Stafford Township Board of Education for their Principal, to serve as Acting Principal on an interim and as needed basis to comply with N.J.A.C. 6A:32-4.1 and a plan to be submitted to the Ocean County Superintendent of Schools to ensure the adequate supervision of students and staff in the absence of a Superintendent, the Board must have a quorum; and

WHEREAS, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission in order to enter into the Shared Services Agreement with Stafford Township and submit the plan to the Ocean County Superintendent of Schools for approval.

**Board of Education
Beach Haven School
May 20, 2015**

NOW, THEREFORE, BE IT RESOLVED, by the Beach Haven Board of Education, County of Ocean, State of New Jersey, as follows:

1. That the three (3) board members, as noted above, are in conflict by virtue of their employment with Stafford Township, and the Board therefore invokes the Doctrine of Necessity in order to discuss and approve the Shared Services Agreement with Stafford Township and submit the plan to the Ocean County Superintendent of Schools for approval.

2. That this resolution shall be read the resolution at the public meeting of May 20, 2015 and shall be posted where it posts public notices for thirty (30) days.

3. That a copy of this resolution shall be forwarded to the School Ethics Commission by the Board Attorney.

ROLL CALL

| Name | Motion | Yes | No | Abstain |
|--------------------|-----------------|------------|-----------|----------------|
| Irene Hughes | 1 st | X | | |
| Kathy Kelly | | X | | |
| Carol Labin | 2 nd | X | | |
| Jen Tomlinson | | X | | |
| Meredith O'Donnell | | X | | |

I, Brian S. Falkowski, Business Administrator of the Beach Haven School in the County of Ocean, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board duly called and held on May 20, 2015 has been compared by me with the original minutes and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May 2015.



Dr. Brian S. Falkowski
School Business Administrator