

RESOLUTION OF THE BLACK HORSE PIKE REGIONAL BOARD OF EDUCATION INVOKING THE DOCTRINE OF NECESSITY FOR COMPLETION OF SUPERINTENDENT GOALS 2016-2017

HEREAS, 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 absences and conflicts of interest prevented a quorum from voting on a matter required to be voted upon; and

WHEREAS, the School Ethics 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 of Necessity, 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 of Necessity 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 State Department of Education promulgated N.J.A.C. 6A:23A-6.2, which places additional standards and restrictions upon the ability of a board member to vote on a particular issue; and

WHEREAS, pursuant to N.J.A.C. 6A:23A-3.1, the Board of Education is required to review and approve the Superintendent's Goals for the 2016-2017 school year prior to submission to the Executive County Superintendent; and

WHEREAS, the 2016-2017 school year ends on June 30, 2017; and

WHEREAS, the Black Horse Pike Regional Board of Education, desires to approve to review and approve the Superintendent's Goals for the 2016-2017 school year for submission to the Executive County Superintendent; and

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the School Ethics Commission and determined board member conflicts and absences prohibit five members of the Board from voting on the approval of the Superintendent's Goals for the 2016-2017 school year; and

WHEREAS, the four (4) board member conflicts are as follows:

Bill Murray has multiple family members employed by the school district, including his son, Patrick Murray, as a Vice Principal, his sister-in-law, Nancy Anderson, as a secretary, his son-in-law, Andrew Thies, as a teacher, and his Ex daughter-in-law, Julia Incarvite, as an aide;

Jennifer Storer's husband, Thomas Storer, is a Vice Principal for the school district;

Dawn Leary's husband, Brian Leary, is a football coach for the school district;

Kevin McElroy's sister-in-law, Lauren McElroy, is a school counselor for the school district; and

WHEREAS, Patricia Wilson and Joyce Ellis were absent from the Board of Education meeting held on June 22, 2017; and

WHEREAS, June 22, 2017 is the last Board Meeting of the 2016-2017 school year; and

WHEREAS, the inability of the aforementioned board members to participate in the approval of the Superintendent's Goals for the 2016-2017 school year will result in a lack of a quorum necessary to approve the aforesaid goals; and

WHEREAS, in order to adopt the Superintendent's Goals for the 2016-2017 school year, the Board of Education desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the School Ethics Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Black Horse Pike Regional Board of Education, County of Camden, State of New Jersey, as follows:

1. That the aforementioned conflicted members are prohibited from voting on matters involving the terms and conditions of the Superintendent's employment for such time as members of their family are employees of the school district; and
2. That the Board of Education invokes the Doctrine of Necessity in order to allow the full body of the Board of Education to approve the Superintendent's Goals for the 2016-2017 school year in accordance with state law; and
3. That this resolution shall be read at a regularly scheduled meeting of the Board of Education and be posted where the Board of Education posts public notices for a period of thirty (30) days; and
4. That a copy of this resolution shall be forwarded to the School Ethics Commission and the Camden County Executive Superintendent.

Adopted: June 22, 2017

PRESIDENT OF BOARD

ATTEST:

BOARD SECRETARY