

NORTH WILDWOOD BOARD OF EDUCATION

RESOLUTION #2016- 14 - 1

TITLE: 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, the School Ethics Commission has provided guidance regarding how a board of education should invoke the Doctrine of Necessity when a quorum of a board of education is not available because members of the board of education have conflicts of interest on a matter required to be addressed and voted upon; and

WHEREAS, the School Ethics Commission ("Commission") provided guidance in Public Advisory Opinion A03-98 (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 State Department of Education promulgated N.J.A.C. 6A:23A-6.2, which places additional limitations and restrictions upon the ability of a board member or district administrator to vote on a particular issue or engage in contract negotiations in the face of a potential conflict of interest; and

WHEREAS, the North Wildwood Board of Education ("Board") is in the process of preparing to engage in collective bargaining with the North Wildwood Education Association ("Association") as required by law; and

WHEREAS, a component of that process entails meetings between members of the Board, members of the Association and school administrators to negotiate the terms and conditions of the collective bargaining agreement and to set forth same in a Memorandum of Understanding to be voted upon and adopted by the Board at a future date; and

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and determined board member conflicts prohibit the current Superintendent from participating in the aforementioned meetings and negotiations concerning

the terms and conditions of the collective bargaining agreement between the Board and Association:

1. The current superintendent Christopher Armstrong's spouse, Carrie Ann Armstrong, is a current public school teacher employed with the Hamilton Township School District and a current member of the New Jersey Education Association.

WHEREAS, the inability of the aforementioned school administrator to participate in collective bargaining meetings and negotiations, as required by state law, will prevent said meetings and negotiations from proceeding and would result in a lack of a quorum as the negotiation committee consists of three (3) members; and

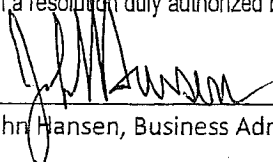
WHEREAS, in order address the aforementioned conflict and to permit Superintendent Christopher Armstrong to discuss and participate in negotiating the proposed terms and conditions of the collective bargaining agreement the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the North Wildwood Board of Education, County of Cape May, State of New Jersey, as follows:

1. That the aforementioned school administrator, as noted above, is in conflict by virtue of the reasons set forth above, the Board therefore invokes the Doctrine of Necessity in order to permit the school administrator to discuss and participate in the negotiation of a new collective bargaining agreement with the North Wildwood Education Association.
2. That this resolution shall be read at a regularly scheduled meeting of the Board and be posted on the Board's website.
3. That a copy of this resolution shall be forward to the School Ethics Commission.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Michael Brown, Sr.			X			
James Perloff			X			
Scott McCracken						X
David C. MacDonald			X			
Victoria Rozanski			X			
Laura Stefankiewicz						X
Ronald Golden					X	
Via Zampirri	X		X			
Gerald Flanagan		X	X			
Charles Burns			X			

I, John Hansen, Business Administrator and Board Secretary to the North Wildwood Board of Education, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Board at a meeting held on December 19, 2016.


 John Hansen, Business Administrator