

DECEMBER 13, 2016

**RESOLUTION INVOKING THE DOCTRINE OF NECESSITY TO APPROVE A
MEMORANDUM OF AGREEMENT FOR A SUCCESSOR COLLECTIVE
NEGOTIATIONS AGREEMENT BETWEEN THE BOARD OF EDUCATION AND THE
ISLAND HEIGHTS TEACHERS ASSOCIATION**

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 had arisen 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 has provided some guidance in Public Advisory Opinion A03-98 (April 1, 1998), and has repeated and clarified that Opinion by Resolution dated February 25, 2003; 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 opinion further provided that if the Board must invoke the Doctrine of Necessity not just to vote, but also to form a negotiations committee because it is without even three members to serve as a committee, then the Board must determine whether to act as a committee of the whole or to choose a smaller negotiations committee from among its members after stating publicly its reason for doing so as set forth above; and

WHEREAS, in keeping with the Legislative purpose as set forth in N.J.S.A. 18A:12-22(a), the School Ethics Commission views public disclosure of conflicts of interest to be paramount when it is necessary to invoke the Doctrine of Necessity; and

WHEREAS, the Island Heights Board of Education has four (4) of seven (7) members who are members of local affiliates of the New Jersey Education Association ("NJEA"), and who, therefore, have conflicts of interest related to approval of a collective negotiations agreement with the local NJEA affiliate in Island Heights; and

WHEREAS, specifically, those conflicts are:

- a. Courtney Parks is employed as a teacher in Brick Township School District
- b. Laura Batyr is employed as a teacher in Lacey Township School District
- c. Maureen DeSanto is employed as a teacher in Lakehurst School District; and
- d. Melissa Drew is employed as a teacher in Toms River School District; and

WHEREAS, in order to adopt and ratify the terms of the MOA between the Island Heights Board of Education and the Island Heights Education Association for inclusion into the new collective negotiations agreement covering the period between July 1, 2017 to June 30, 2020, as required by law and contract, the Board 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 Island Heights Board of Education, County of Ocean, State of New Jersey, as follows:

1. That the Board hereby invokes the Doctrine of Necessity in order to allow the full body of the Board to adopt and ratify the Memorandum of Agreement and corresponding collective negotiations agreement between the Island Heights Board of Education and the Island Heights Education Association for the term of July 1, 2017 through June 30, 2020 in accordance with state law;

2. That this resolution shall be read in its entirety prior to its adoption at a regularly scheduled meeting of the Board and shall be posted on the Board's website for at least thirty (30) days.

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

MOTION: Karl Ciak

Second: Melissa Drew

YES: Karl Ciak, Melissa Drew, Maureen DeSanto, Kate Frankovich and Courtney Parks

NO: None