

**RESOLUTION NO. 2016-316**

**RESOLUTION OF THE MANCHESTER TOWNSHIP  
BOARD OF EDUCATION, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, 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 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**, the Manchester Township Board of Education desires to vote upon the following item:

1. Manchester Township Education Association Contract – July 1, 2015 to June 30, 2018.
2. Renewal of staff for 2016-2017 school year

**WHEREAS**, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and determined board member conflicts prohibit four members of the Board from voting on the contract; and

**WHEREAS**, the four board member conflicts are as follows:

1. Mary Walter's niece is a teacher in the school district; and
2. James Kenneth Pate's wife is a teacher in the school district; and
3. Donald Webster, Jr.'s wife is a teacher in the school district; and
4. Jennifer Hudak's husband is a teacher in the school district

**WHEREAS**, the inability of the above four board members to vote on the contract with the Manchester Township Education Association and renew staff for the 2016-2017 school year, results in the lack of a quorum; and

**WHEREAS**, in order to vote on the contract and staff at issue, 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 Manchester Township Board of Education, County of Ocean, State of New Jersey, as follows:

1. That the four board members, as noted above, are prohibited from voting on the Manchester Township Education Association Contract July 1, 2015 – June 30, 2018 and renewal of staff for the 2016-2017 school year and the Board therefore invokes the Doctrine of Necessity in order to vote on said contract.

2. That this resolution shall be read at a regularly scheduled public meeting of The Board and be posted on the Board's website.

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

### **CERTIFICATION**

I hereby certify that I, the undersigned, and the Manchester Township Board of Education Secretary and am duly authorized to certify resolutions adopted by the Board of Education at a regular meeting held on the **16th** day of **March, 2016**.

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Craig Lorentzen, Secretary  
Manchester Township Board of Education