

April 25, 2016

RESOLUTION OF THE BEACH HAVEN 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 Beach Haven Board of Education ("Board") needs to enter into an agreement for the approval of the employment contract of Carl Krushinski, currently serving as a principal at Stafford Township School District, as the new Superintendent of Schools of Beach Haven School District; 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

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 an employment agreement establishing Carl Krushinski as the new Superintendent of Schools, 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 an employment agreement with Carl Krushinski for Superintendent of Schools for approval.

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 Carl Krushinski's employment contract as the new Superintendent of Schools.

2. That this resolution shall be read the resolution at the public meeting of April 25, 2016 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.

MOTION – Irene Hughes

SECOND – Carol Labin

Yes – Irene Hughes, Kathy Kelly, Carol Labin, Jen Tomlinson and Meredith O'Donnell

No - None

