

Agenda Item Details

Meeting	Mar 07, 2019 - Special Meeting, 5:00 p.m.
Category	4. Board Policies and Regulations
Subject	4.01 Approval of the Doctrine of Necessity Procedures for Boards of Education
Access	Public
Type	Action (Consent)

Public Content**DOCTRINE OF NECESSITY****RESOLUTION OF
THE JERSEY CITY BOARD OF EDUCATION,
HUDSON COUNTY, 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 to provide specific ethical standards to guide their conduct; and

WHEREAS, the School Ethics Commission (Commission) has provided guidance in Public Advisory opinions A03-9 (April 1, 1998) to assist boards in invoking 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, 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 invoked 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 the board member to vote on a particular issue; and

WHEREAS, the board is required to vote on the approval of a Memorandum of Agreement with the teachers' local bargaining unit (JCEA); and

WHEREAS, the Jersey City Board of Education desires to vote upon the Memorandum of Agreement with the JCEA; and

WHEREAS, the Board Attorney has reviewed the State regulations and the advisory decisions of the Commission and determined Board member conflicts profit five members from voting on the contract; and

WHEREAS, the Board member conflicts are as follows:

1. Trustee Ali's candidacy was endorsed by the JCEA;
2. Trustee Lyons is a member of the NJEA, the parent union for the JCEA;
3. Trustee Paige's candidacy was endorsed by the JCEA and Ms. Paige's daughter is a teaching staff member in a district represented by and affiliate of the NJEA;
4. Trustee Roman's candidacy was endorsed by the JCEA;
5. Trustee Verdibello has an immediate family member who is a member of the JCEA;

and

WHEREAS, the inability of the five or six members to vote on the Memorandum of Agreement with the JCEA results in the lack of a quorum; and

WHEREAS, in order to vote on the Memorandum of Agreement 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 Jersey City Board of Education, Hudson County, State of New Jersey as follows:

1. That the five or six members as noted above are prohibited from voting on the Memorandum of Agreement with the JCEA and the Board, therefore, invokes the Doctrine of Necessity in order to vote on said Memorandum of Agreement.
2. That this Resolution shall be read at a regularly scheduled public meeting of the Board, a copy of this Resolution shall be posted where the Board posts public notices for thirty (30) days and posted on the Board's website.
3. That a copy of this Resolution shall be forwarded by the Board Secretary to the School Ethics Commission.

Executive Content