

## RESOLUTION

**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**, throughout the State, questions have arisen regarding how a Board should invoke the Doctrine of Necessity when a quorum of a Board of Education cannot be reached due to disqualifying conflicts of interest of Board Members on a matter required to be voted upon; and

**WHEREAS**, the School Ethics Commission (“Commission”) provided guidance in Advisory Opinion A03-9 (April 1, 1998) on invoking the Doctrine of Necessity; 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 Commission, by resolution dated June 25, 2018, further clarified this standard and required a Board of Education invoking the Doctrine of Necessity to adopt a resolution setting forth that it is invoking the Doctrine, the reason for doing so, and the specific nature of the conflicts of interest; and

**WHEREAS**, the Commission further directed Boards of Education that invoke the Doctrine to read the resolution at a regularly scheduled public meeting, post it where the Board posts regular public notices for a period of thirty (30) days after passage, and provide a copy of the executed resolution to the Commission; and

**WHEREAS**, the Superintendent of Schools has proposed a reorganization of the Willingboro School District’s Central Administration; and

**WHEREAS**, the majority of the full Board is required by law to vote on the proposed reorganization of the District, including creation and abolishment of positions; and

**WHEREAS**, the Board Attorney has reviewed the State statutes and regulations and the advisory opinions of the Commission and determined that existing conflicts prohibit five (5) members of the Board from voting on this matter; and

**WHEREAS**, those Board member conflicts are as follows:

- **Board Member Gary Johnson** – The daughter of Mr. Johnson’s cohabiting partner is employed by the Board.
- **Board Member Debra Williams** – The sister of Ms. Williams is employed by the Board.
- **Board Member Laurie Gibson-Parker** – The former spouse of Ms. Gibson-Parker is employed by the Board.
- **Board Member April Maxwell-Henley** – The son of Ms. Maxwell-Henley is employed by the Board.

- **Board Member Alexis Harkley** – The mother of Ms. Harkley is employed by the Board.

**WHEREAS**, the inability of the aforementioned Board Members to participate in/vote on the reorganization of the Central Administration will result in a lack of quorum necessary to effectuate such personnel action; and

**WHEREAS**, in order to vote on the proposed organization chart, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Willingboro Township Board of Education, County of Burlington, State of New Jersey, as follows:

1. That the aforementioned members are prohibited from voting on the reorganization of the Willingboro School District's Central Administration and approving the proposed organizational chart because of the conflicts outlined above;
2. That the Board invokes the Doctrine of Necessity in order to allow the majority of the full body of the Board to participate in the vote to approve the organizational chart and approve the corresponding personnel actions;
3. That this Resolution shall be read at a regularly scheduled meeting of the Board and be posted on the Board's website; and
4. That a copy of this Resolution shall be forwarded to the School Ethics Commission.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the action taken pursuant to this invocation shall be deemed valid notwithstanding the aforementioned conflicts, and the waiver of said conflicts shall not extend beyond the scope addressed within this Resolution.