

ATLANTIC CITY BOARD OF EDUCATION
Office of the Secretary

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Board Secretary
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January 9, 2018

At the reorganization meeting of the Atlantic City Board of Education held on January 3, 2018, the following resolution was approved:

On a motion made by Mrs. Bailey and seconded by Ms. Bassford, the Atlantic City Board of Education voted to approve Resolution #27 - following Doctrine of Necessity. At the call of the roll the vote is as Mrs. Bailey-yes; Ms. Bassford-yes; Mrs. Byard-yes; Mrs. Days-Chapman-yes; Mr. Johnson-yes; Mr. Steele-yes; Mr. Thomas-yes; Mr. Weekes-yes; Ms. Zappia-yes. Of nine members present, nine voted in the affirmative. The motion carried.

BE IT RESOLVED, that the Atlantic City Board of Education (“Board”) , County of Atlantic in the State of New Jersey that:

WHEREAS, the School Ethics Act (“SEA”), *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, the School Ethics Commission (“SEC”) has provided guidance in Public Advisory Opinion A03-98, 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 opinion set forth that, when 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 SEC by resolution dated February 25, 2003, clarified and required a Board of Education invoking

WHEREAS, the SEC further directed Boards of Education that invoke the Doctrine of Necessity to read the resolution at the regularly scheduled public meeting, post it where it posts public notices for thirty 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, as of July 1, 2016, the Board has not had a Directors Association contract; and

WHEREAS, pursuant to *N.J.S.A.* 18A 16-1, the Board is authorized to employ officers and employees in general; and

WHEREAS, the five board members’ conflicts are as follows:

- (1) Board Member Ms. Ruth Byard's two daughters are employed by the Board one as a teacher and one as a safety officer; and
 - (2) Board Member Mrs. Patricia Bailey's son is employed by the Board as a safety officer; and
 - (3) Board Member Mr. Walter Johnson's spouse is employed by the Board as a teacher; and
 - (4) Board Member Mr. Shay Steele's spouse is employed by the Board a teacher; and.
 - (5) Board Member Ms. Sharon Zappia's son is employed by the Board as a teacher.
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WHEREAS, the inability of the aforementioned Board members to participate will result in a lack of a quorum necessary to approve the Atlantic City Directors Association contract; and

WHEREAS, as required by law, the Board desires to invoke the Doctrine of Necessity in accordance with Procedures established by the Commission; and

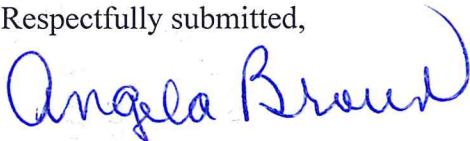
NOW, THEREFORE, BE IT RESOLVED, by the Atlantic City Board of Education, County of Atlantic, State of New Jersey, that the aforementioned Board Members are prohibited from ratifying and approving the Atlantic City Directors Association contract; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board invokes the Doctrine of Necessity in order to allow the full body of the Board to vote on the ratifying and approval of the Atlantic City Directors Association contract; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall be read at a reorganization meeting of the Board and be publicly posted for 30 days by the Board; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the School Ethics Commission.

Respectfully submitted,



Angela Brown
Board Secretary