

BOARD OF EDUCATION OF THE CITY OF BAYONNE
HUDSON COUNTY, NEW JERSEY

June 20, 2019

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 Commission, by resolution dated February 23, 2003, 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 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 a regulation pursuant to N.J.S.A. 18A:12-24 to address the standards and restrictions upon the ability of a board member to vote on a particular issue; and

WHEREAS, recent School Ethics Commission opinions were publicly released which apparently precludes any Board member from voting on Chief School's Administrator or Superintendent, if any, relative may be employed by the district; and

WHEREAS, the Bayonne Board of Education is voting on the Acting/Interim Superintendent's contract at its emergency meeting of June 10, 2019; and

WHEREAS, there is no other public body or forum which is statutorily empowered to act upon said Acting/Interim Superintendent's contract; and

WHEREAS, four (4) Bayonne Board of Education members are conflicted, or potentially conflicted, from discussing and acting upon the Acting/Interim Superintendent's contract due to the following familial relationship:

1. Jodi Casais: Ms. Casais' brother is a custodian/engineer employed by the school district;
2. Ava J. Finnerty: Ms. Finnerty's daughter is a teacher employed by the school district;
3. Charles Ryan: Mr. Ryan's wife is employed as an assistant principal with the district; sister-in-law and sister are employed as school nurses; a sister-in-law is employed as a teacher; and a sister-in-law is employed as a substitute teacher;
4. Denis Wilbeck: Mr. Wilbeck's wife is a teacher with the district; and

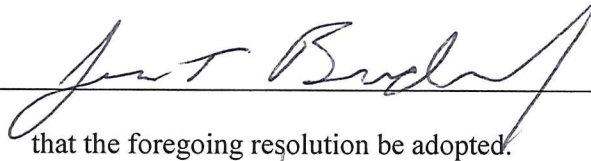
WHEREAS, the inability of the aforementioned board members to participate in a discussion and vote upon the Acting/Interim Superintendent's contract, due to the aforementioned conflicts will result in a lack of a quorum necessary to approve the Acting/Interim Superintendent's contract; and

WHEREAS, in order to address and vote upon the Acting/ Interim Superintendent's contract, the Bayonne Board of Education hereby desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission.

NOW THEREFORE BE IT RESOLVED, that:

1. The aforementioned members, despite the potential conflicts shall not be prohibited from participating in any vote upon the Acting/Interim Superintendent's contract, and
2. Those board members shall be entitled to explain the reasons for their vote to the public and respond to any questions from the public regarding their vote, if they desire to do so; and
3. The Board of Education hereby invokes the Doctrine of Necessity in order to allow the full body of the board to address and vote upon the contract between the Board of Education and the Acting/Interim Superintendent of Schools; and
4. This Resolution shall be read at the regularly scheduled meeting of the Board and be posted on the Board's website; and
5. A copy of this Resolution shall be forwarded by Dr. Gary Maita to the School Ethics Commission.

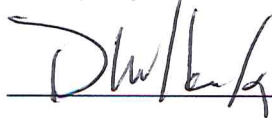
TRUSTEE _____



_____ moved

that the foregoing resolution be adopted.

SECONDED BY TRUSTEE _____



ADOPTED AT BOARD MEETING HELD JUNE 20th, 2019