

August 24, 2017

**RESOLUTION OF THE PERTH AMBOY BOARD OF
EDUCATION COUNTY OF MIDDLESEX
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 Perth Amboy Board of Education ("Board") needs to enter into collective bargaining negotiations with the Perth Amboy Federation/AFT to negotiate a Collective Bargaining Agreement for the period of July 1, 2018 through June 30, 2021; and

WHEREAS, the Board is also rescinding and entering into a new Contract of Employment with Chief School Administrator, Dr. David A. Roman; and

WHEREAS, the Board Attorney, Isabel Machado, Esq., has reviewed the advisory decisions of the Commission and determined that board member conflicts would otherwise prohibit seven (7) of the nine (9) Board members from participating in these negotiations and / or approving the Contract of Employment with Dr. David Roman; and

WHEREAS, the School Ethics Commission requests that each Board member provide the specific relation and the employment of that relation in the District; and

WHEREAS, board member Obdulia Gonzalez has a sister-in-law who is employed as a paraprofessional for the District; and

WHEREAS, board member Manuel Nunez has a niece who is employed as a teacher for the District; and

WHEREAS, board member Randy Convery has a mother who is employed as a paraprofessional for the District; and

WHEREAS, board member Milady Tejada has a brother who is employed as an administrator for the District; and

WHEREAS, board member Junior Iglesia has a sister-in-law who is employed as a paraprofessional and a wife who is employed as a teacher for the District; and

WHEREAS, board member Jose Rodriguez has a niece who is employed as a cafeteria worker for the District; and

WHEREAS, board member Tashi Vazquez has a cousin employed as a paraprofessional, a cousin employed as a teacher, and an aunt employed as a confidential secretary for the District; and

WHEREAS, the inability of the above seven (7) board members to participate in this process results in there being a lack of three (3) board members to serve as the negotiations committee; and

WHEREAS, the inability of the above seven (7) board members to participate in personnel decisions regarding the Chief School Administrator results in a lack of quorum; and

WHEREAS, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission in order to choose a negotiations committee from among its members and to approve the Contract of Employment with Dr. Roman.

NOW, THEREFORE, BE IT RESOLVED, by the Perth Amboy Board of Education, County of Middlesex, State of New Jersey:

1. That the seven (7) board members, as noted above, are in conflict and the Board invokes the Doctrine of Necessity to negotiate the Collective Bargaining Agreement with the Perth Amboy Federation/AFT for the period of July 1, 2018 through June 30, 2021 and approve a Contract of Employment with the Chief School Administrator.

2. That this resolution being read at the public meeting of August 24, 2017, shall be posted where the Board posts public notices for thirty (30) days hereafter.

3. That a copy of this resolution shall be forwarded to the School Ethics Commission by the Board Attorney.

Motion: Mr. Iglesia Second: Mrs. Gonzalez

Aye: Convery, Gonzalez, Iglesia, Massopust, Nunez, Puccio, Tejada, Vazquez

Nay: None

Abstain: None

Absent: Rodriguez

**I HEREBY certify that the foregoing is
True and exact as adopted by the
Perth Amboy Board of Education,
County of Middlesex,
at its regular meeting held on**

AUG 29 2017

**Derek J. Jess
Secretary/School Business Administrator**