

**HOPATCONG BOROUGH SCHOOLS
SCHOOL ETHICS COMMISSION
RESOLUTION ON INVOKING THE DOCTRINE OF NECESSITY**

WHEREAS, the School Ethics Act, N.J.S.A. 18A:12-12 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 have arisen 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 has provided some guidance in Public Advisory Opinion A03-98 (April 1, 1998), but finds that there is a need to repeat and clarify its opinion; 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, in keeping with the Legislative purpose as set forth in N.J.S.A. 18A:12-22(a), the School Ethics Commission views public disclosure of conflicts of interest/reasons to be paramount when it is necessary to invoke the Doctrine of Necessity; and

NOW THEREFORE, BE IT RESOLVED that the School Ethics Commission hereby requires Boards of Education and Charter School Boards of Trustees that must invoke 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

BE IT FURTHER RESOLVED that the Hopatcong Board of Education at their Regular Meeting of September 28, 2010 invoke the Doctrine of Necessity to approve the minutes of the Regular Meeting of August 23, 2010 since there were only five Board members present at the meeting and one of those five Board members has since resigned as a Board Member of the Hopatcong Board of Education and the Board requests that the four remaining Board members present at the August 23, 2010 meeting be permitted to approve those minutes; and

BE IT FURTHER RESOLVED that the Hopatcong Board of Education has read this Resolution aloud at the Regular Meeting of the Board this evening, September 28, 2010 and that this Resolution will be posted on the Hopatcong website for thirty days and a copy provided to the Commission in order for the Hopatcong Board of Education to approve the minutes of the August 23, 2010 meeting at the next available meeting of the Hopatcong Board of Education.

Date

JoAnne Murray, Assistant Board Secretary, Pro-Tem
Hopatcong Board of Education

Date

Frank Farruggia, Jr., Board President
Hopatcong Board of Education