DOCTRINE OF NECESSITY

RESOLUTION

Prospect Park Board of Education

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 standard to guide their conduct; and

WHEREAS, the School Ethics Commission has provided guidance in Public Advisory Opinion A03-98, with additional opinions issued in 2012, 2014 and 2015, regarding how a Board should invoke the Doctrine of Necessity when a quorum of the board of education has conflicts of interest on a matter required to be voted upon; there is also case law which provides guidance on this issue; 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 to be paramount when it is necessary to invoke the Doctrine of Necessity;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Prospect Park Board of Education hereby invokes the Doctrine of Necessity for the reason of approving Memorandum of Agreement between the Board of Education of the Prospect Park and the Borough of Prospect Park, which is a monetary contract and includes but is not limited to Police services, and this doctrine must be invoked to overcome any alleged conflict by Board Members:

1) Mr. Euyenibert Lopez, an employee/or volunteer with Borough and a volunteer special police officer;
2) Mr. Niaz Nadim, who has a family member employed by the Borough; and
3) Mr. Esllam Zakaria, an employee of the Police Department, and who has a family member serving as an elected Official for the Borough.

BE IT FURTHER RESOLVED, that the Board of Education of the Prospect Park Board of Education is herewith meeting the requirements to read the resolution at a regular scheduled public meeting, will post it where it posts public notices for 30 days and will provide the School Ethics Commission with a copy of the resolution as required by the Decision of the School Ethics Commission.

Approved by the below vote on June 9, 2020

	Ms. Gonzalez	Mr. Hussain	Ms. Alba	Mr. Caraccio	Mr. Lopez	Mr. Nadim	Mr. Zakaria	Total
Motion		2					M	
Yes	X	X	X		X	X	X	6
No				X				1
Abstain								0
Absent								0