

30-DAY POSTING THROUGH APRIL 15, 2023

RESOLUTION TO INVOKE DOCTRINE OF NECESSITY

MARCH 13, 2023

WHEREAS, personnel actions, including, but not limited to certification of tenure charges require a majority vote of the full membership of the Board; and

WHEREAS, the Board has determined, based upon Advisory Opinions issued by the School Ethics Commission (S.E.C.), that five (5) of the Board's members currently have conflicts of interest preventing their participation in employment discussions and votes related to the Superintendent's terms and conditions of employment, due to Anthony Strillacci having a daughter who works for the Board and five (5) members, including Mr. Strillacci, being directly involved in litigation and/or school ethics proceedings with the Superintendent either as defendants (Dr. Gayles, Dr. Giordano & Mr. Strillacci), S.E.C. respondents (Dr. Gayles, Dr. Giordano & Ms. Ouimet) or as an S.E.C. Complainant (Mr. Zeier); and

WHEREAS, the Board has determined that a sixth member, Lisa Narcise, also has a conflict preventing her participation in employment discussions and votes related to the Superintendent's terms and conditions of employment due to her having filed a Petition of Appeal with the Commissioner of Education on or about February 27, 2023 seeking the Superintendent's reinstatement to "his full active status as Superintendent of Schools" and declaring the tenure charges filed against him to be "dubious" and "retaliatory" prior to any Board of Education deliberations on whether to certify the charges, demonstrating her inability to fairly and impartially consider same; and

WHEREAS, on March 10, 2023, Ms. Narcise filed a second Petition of Appeal with the Commissioner of Education seeking expedited and emergent relief to restore the Superintendent to his position;

WHEREAS, because the Board is a nine (9) member body, it is not possible for the non-conflicted members present at the meeting to properly deliberate and reach the required minimum affirmative votes to take any personnel action as to the Superintendent; and

WHEREAS, the Board has consulted with its legal counsel on this issue;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby invokes the Doctrine of Necessity during the pendency of the above referenced conflicts to permit all Board members to participate in employment discussions and to vote on matters pertaining to the Superintendent, in order to allow the Board to attain a majority vote on any such motions; and be it

FINALLY RESOLVED, that a copy of this resolution shall be posted where the Board posts public notices for a period of 30 days and the Board Secretary shall provide a copy of the resolution to the School Ethics Commission.