

**RESOLUTION OF THE MOUNT OLIVE TOWNSHIP BOARD OF EDUCATION
COUNTY OF MORRIS
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 A03-98 (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 June 25, 2018, 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 Mount Olive Township Board of Education ("Board") desires to consider a proposed settlement agreement regarding litigation with former Superintendent of Schools Dr. Robert R. Zywicki ("Zywicki") ("Litigation"); and

WHEREAS, on January 6, 2025, Dr. Anthony Giordano filed a request for an advisory opinion in this Litigation with the School Ethics Commission regarding alleged conflicts of current Board members; and

WHEREAS, Dr. Giordano, who was recently reelected to the Board, has been named as an individual defendant in this Litigation, for alleged actions separate and apart from his capacity as a former school board member; and

WHEREAS, Board member Jennifer Aquino has been named as an individual defendant in this Litigation; and

WHEREAS, Board member Lisa Narcise filed a pro se petition of appeal regarding Dr. Zywicki; and

WHEREAS, Board member Lisa Fenton filed a pro se petition of appeal regarding Dr. Zywicki; and

WHEREAS, Board member Jeannie O'Neill had two children employed in the District during Dr. Zywicki's employment and has one child who remains a District employee, served as president of a parents' advisory group, and, as alleged in Dr. Giordano's request for an advisory opinion, had discussions and consulted with Dr. Zywicki; and

WHEREAS, Board member Louisa Melendez is named as a defendant in the Litigation filed by Dr. Zywicki; and

WHEREAS, the inability of the above six (6) Board members to participate in this process due to the alleged conflicts of interest results in the lack of a quorum; and

WHEREAS, in order to discuss and vote on the proposed settlement agreement, the Board must have a quorum; and

WHEREAS, the Board desires to invoke the Doctrine of Necessity, in accordance with the procedures established by the Commission, to consider the proposed settlement agreement and related matters.

NOW, THEREFORE, BE IT RESOLVED, by the Mount Olive Township Board of Education, County of Morris, State of New Jersey, as follows:

That the six (6) Board members, by nature of the alleged actions stated above with respect to Dr. Zywicki, may have personal conflicts of interest, conflicts of interest due to the employment of relatives in the District, and/or conflicts of interest due to their alleged actions in this Litigation and the Board therefore invokes the Doctrine of Necessity to consider and act upon the settlement agreement and related matters.

That this resolution shall be read at the public meeting of January 6, 2025, and shall be posted where the Board posts public notices for thirty (30) days.

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