

**BOARD OF EDUCATION OF WASHINGTON TOWNSHIP
RESOLUTION INVOKING THE DOCTRINE OF NECESSITY
TO ESTABLISH A QUORUM FOR EXECUTIVE SESSION DISCUSSION**

WHEREAS, the Board of Education of Washington Township (the “Board”) is a public body subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (“OPMA”); and

WHEREAS, pursuant to N.J.S.A. 10:4-12 and N.J.S.A. 10:4-13, the Board may enter executive session only after first adopting, in public session, a resolution stating the general nature of the subject matter to be discussed and the time when the discussion may be disclosed; and

WHEREAS, the Board must also maintain a quorum during executive session in order to lawfully deliberate; and

WHEREAS, the Board seeks to enter executive session to discuss:

1. Pending litigation entitled *Hibbs v. Washington Township Board of Education, et al.*; and
2. Personnel matters related to Superintendent Eric Hibbs; and

WHEREAS, Board members Pat Blome, Linda Hartong, Connie Baker, Ralph Ross Sr., Julie Kozempel, and Steven Serrano have identified actual or potential conflicts of interest under N.J.S.A. 18A:12-24 with respect to discussions involving Superintendent Eric Hibbs; and

WHEREAS, six (6) of the nine (9) Board members are therefore disqualified from participation in matters involving Superintendent Hibbs; and

WHEREAS, without the participation of said six members, the remaining three (3) non-conflicted members do not constitute a quorum of the Board; and

WHEREAS, absent a quorum, the Board lacks the legal authority to adopt the resolution required by OPMA to enter executive session and would be unable to deliberate in executive session, thereby causing the meeting to conclude for lack of quorum; and

WHEREAS, the litigation and personnel matters to be discussed implicate significant public interests, including the Board’s legal position, potential litigation exposure, and the effective administration of the school district; and

WHEREAS, the identified conflicts are expected to continue in the foreseeable future, which would otherwise render the Board unable to address these matters at any public meeting; and

WHEREAS, there is no alternative forum in which the Board may discuss pending litigation or personnel matters, as such discussions must occur in executive session during a duly convened public meeting pursuant to OPMA; and

WHEREAS, the Board finds that:

1. There exists a pressing public need for the Board to address the above-referenced litigation and personnel matters;
2. There is no alternative forum in which the Board may take the required procedural and deliberative actions; and
3. The Board cannot act without the participation of the otherwise disqualified members because a quorum cannot otherwise be achieved either to enter executive session or to conduct deliberations therein;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby invokes the Doctrine of Necessity for the limited purpose of permitting the participation of the otherwise disqualified members identified above in order to:

1. Establish a quorum to consider and vote upon the resolution required by N.J.S.A. 10:4-13 to enter executive session; and
2. Maintain a quorum and participate in executive session discussion strictly limited to:
 - The pending litigation entitled *Hibbs v. Washington Township Board of Education, et al.*; and
 - Personnel matters related to Superintendent Eric Hibbs;

BE IT FURTHER RESOLVED that the participation of said members pursuant to the Doctrine of Necessity is authorized solely because their absence would prevent the Board from fulfilling its statutory obligations under OPMA and would substantially impair the public interest.