

June 18, 2025

**RESOLUTION OF THE SOUTHERN REGIONAL BOARD OF EDUCATION**

**COUNTY OF OCEAN**

**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 A03-9 (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 February 25, 2003, 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 Southern Regional Board of Education ("Board") needs to vote on the ratification of a collective bargaining agreement with the Southern Regional Education Association (SREA), an NJEA affiliate employee union; and

**WHEREAS**, upon review of the advisory decisions of the Commission it has been determined board member conflicts would otherwise prohibit nine (9) of the ten (10) board members from voting on the ratification of a collective bargaining agreement with the SREA; and

**WHEREAS**, N.J.S.A. 18A:27-4.1 mandates that the ratification of a collective bargaining agreement with an employee union must receive an affirmative vote of a majority of the full membership of the board which would be, at minimum, six (6) of the ten (10) board members; and

**WHEREAS**, six (6) board members, namely, Kevin Lyons, Bethanne Markoski, Paul Sharkey, Christopher Taylor, Michael Taylor and Keith Weidenhof have family members, as defined by the School Ethics Commission, who are employed by the Southern Regional School District; and

**WHEREAS**, three (3) board members, namely, Terry Deakyne, Heather Tatur and Kelly Zuzic are members of, or have family members that are members of, a local NJEA affiliate union; and

**WHEREAS**, these conflicts prohibit those Board of Education members from voting to ratify a collective bargaining agreement with the SREA per School Ethics Commission guidance; and

**WHEREAS**, there is only one (1) Board of Education members who does not have a conflict under the School Ethics Commission Guidance without invoking the doctrine of necessity; and

**WHEREAS**, the inability of the above board members to participate in this vote results in the lack of a quorum and the impossibility of obtaining the number of affirmative votes required by statute; and

**WHEREAS**, in order to vote on the ratification of a new collective bargaining agreement with the SREA, 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 in order to vote on the ratification of a new collective bargaining agreement with the SREA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Southern Regional Board of Education, County of Ocean, State of New Jersey, as follows:

1. That the board members, as noted above, are in conflict by virtue of the school district employment of family members or NJEA affiliate membership of board member (or family members), and the Board therefore invokes the Doctrine of Necessity in order to hold a vote on the ratification of a new collective bargaining agreement with the Southern Regional Education Association.
2. That this resolution shall be read at the public meeting of June 18, 2025 and shall be posted where it posts public notices for thirty (30) days.
3. That a copy of this resolution shall be forwarded to the School Ethics Commission by the Board Secretary.

MOTION – Steven Berkheiser

SECOND – Christopher Taylor

Yes – Steven Berkheiser, Terry Deakyne, Kevin Lyons, Bethanne Markoski, Christopher Taylor, Michael Taylor and Keith Weidenhof

No – None

Absent – Paul Sharkey, Heather Tatur and Kelly Zuzic

*I hereby certify that at the Regular Meeting of the Southern Regional High School District Board of Education, held on June 18, 2025, the resolution above was approved and recorded in the Minutes.*

*Steven Terhune*

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Steven Terhune

Board Secretary