



## OFFICE OF THE MAYOR

### *Executive Order 22-07 for the City of Trenton Adopting A Budget for the Calendar Year 2022*

**WHEREAS**, on or about March 23, 2022, the City Administration presented the President of the City Council (Council President) with a proposed City of Trenton Calendar Year 2022 Budget (Proposed Budget) for inclusion on the City Council agenda for consideration and vote by the members of the City Council, but Council President refused to include the Proposed Budget on the City Council agenda; and

**WHEREAS**, on April 5, 2022, City Council accepted a resolution introducing the Proposed Budget; and

**WHEREAS**, since the April 5, 2022 City Council meeting, Council President has refused to hold budget meetings unless the City hires a budget officer to “explain” the Proposed Budget, despite: (i) the last three budgets having been assessed and passed by City Council without a budget officer; (ii) the Proposed Budget being the third budget cycle without a municipal tax increase; (iii) members of the City Administration with appropriate knowledge of the budget standing at the ready to answer any Council questions; and (iv) representatives of the State Department of Community Affairs (DCA) having reviewed the Proposed Budget and having no objections; and

**WHEREAS**, at the June 2, 2022 City Council meeting, Council voted down an emergency Resolution to fund the City’s Interest and Debt Redemption charges (Debt Service), with Councilwoman Vaughn citing the absence of an enacted budget as one of the reasons for the negative vote; and

**WHEREAS**, at the June 16, 2022 City Council meeting, Council failed to pass a temporary emergency appropriations resolution, including the Debt Service, and failed to provide sufficient time to advertise and hold public hearings for the budget to be adopted by June 30, 2022, in order to make the first Debt Service payment scheduled on July 1, 2022; and

**WHEREAS**, City Council’s failure to adopt temporary emergency appropriations or a budget for Calendar Year 2022, including Debt Service, will result in a cessation of City services essential for the health, safety and well-being of Trenton residents and business owners, and also cause the City to default on its bond payments, resulting in more costly Debt Service for the City; and

**WHEREAS**, by Executive Order 22-04 dated June 30, 2022, I issued an Executive Order authorizing all steps necessary to ensure the continued provision of goods and services needed for the health, safety and well-being of Trenton's citizenry, as well as the financial stability of the City; and

**WHEREAS**, Executive Order 22-04 expired by its terms on July 30, 2022, and City Council has continued to fail to pass a budget for Calendar Year 2022, including most recently during the November 3, 2022 City Council meeting; and

**WHEREAS**, by Executive Order 22-06 dated November 4, 2022, I issued a second Executive Order authorizing all steps necessary to ensure the continued provision of goods and services needed for the health, safety and well-being of Trenton's citizenry, as well as the financial stability of the City

**WHEREAS**, by letter dated November 20, 2022, the Director of the NJ Division of Local Government Services, reminded Council President of City Council's failure to adopt a Calendar Year Budget for 2022 and warned her of the consequences of failing to adopt a budget by November 25, 2022, including: (i) rendering the City ineligible to participate in the Water Bank Programs; (ii) disqualifying Trenton from making further draws against I-Bank loans for two (2) existing projects; (iii) forfeiting any loan principal forgiveness associated with the existing I-Bank loans; and (iv) accelerating the repayment of existing loans that total approximately \$34 million; and

**WHEREAS**, failure to adopt a Calendar Year budget by November 25, 2022 would also force the City to seek funding for two pending I-Bank applications totaling approximately \$131 million from other sources at a much higher interest rate and cost to the City; and

**WHEREAS**, pursuant to Rule II(B) of the City Rules of Procedure, I called a special meeting of Council on November 23, 2022, to vote on and pass a budget for Calendar Year 2022, including proposed amendments to the Budget for CY2022; and

**WHEREAS**, several City Council members, including Council President, failed to attend the November 23, 2022 special meeting, resulting in the cancellation of the meeting and no vote being taken on the budget; and

**WHEREAS**, City Council continues to neglect its responsibilities to the Citizens of Trenton and has put the City at risk of losing its primary funding source for water capital projects.

**NOW THEREFORE**, pursuant to the authority vesting in the Office of the Mayor of the City of Trenton, to ensure the provision of uninterrupted City services to the residents and business owners of Trenton, and to avoid the default on the City's I-Bank loans and the increased costs of funding future water projects, I hereby issue this Executive Order, authorizing the enactment of the Proposed Budget for CY 2022 presented by the City Administration to City Council on March 23, 2022, as subsequently amended: (i) increasing the amount of the Total General Appropriations from \$226,699,072.92 to \$234,152,367.06; and (ii) increasing the amount of Other Expenses appropriated from the Water Utility from \$22,192,014.68 to \$23,792,014.68, and increasing the amount of Other Expenses appropriated from the Sewer Utility from \$2,908,095.29 to \$3,497,130.94.

The provisions of this Executive Order do not exceed the limitations of N.J.S. 40A:4-19. Nevertheless, if any provision of this Executive Order, or the application of any provision to any party

or conditions, shall be invalid or unenforceable, the remainder of this Executive Order, to the extent applicable at law, shall remain in full force and effect.

This Executive Order shall be kept on file in the Office of the City Clerk and Business Administrator. It shall be made available to the public upon request.

By: \_\_\_\_\_  
W. Reed Gusciora  
Mayor, City of Trenton

Executed this 23rd day of November 2022