

RESOLUTION

No. 21-526

Date of Adoption November 15, 2021

Approved as to Form and Legality

Factual content certified by


Wesley Bridges, City Attorney


Adam Cruz, Business Administrator

Councilman /woman

Rodriguez

presents the following Resolution:

**RESOLUTION AUTHORIZING THE APPROPRIATION OF \$ 10,100,000
FROM THE FUNDS ALLOCATED TO THE CITY OF TRENTON UNDER
THE AMERICAN RESCUE PLAN ACT OF 2021 FOR
REPLACEMENT OF THE KENWOOD RADIO SYSTEM EQUIPMENT
AND EMERGENCY 911 SYSTEM FOR THE CITY OF TRENTON**

WHEREAS, President Biden signed the American Rescue Plan Act of 2021 (ARPA-21) into law on March 11, 2021 and thereby sought to provide immediate and emergent aid to metropolitan cities adversely affected by the COVID-19 pandemic; and

WHEREAS, the United States Department of Treasury (DOT) has stated that, “From big cities to small towns, Americans – particularly people of color, immigrants, and low-wage workers – are facing a deep economic crisis”; and

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) established by ARPA-21 provide \$72,913,998.00 in aid to the City of Trenton over the next two years, with \$36,456,999 having been distributed for the 2021 calendar year and \$36,456,999.00 to be distributed for the 2022 calendar year; and

WHEREAS, the Interim Final Rule for the CSLFRF promulgated by the DOT authorizes “the use of payments from the Fiscal Recovery Funds to respond to the public health emergency with respect to COVID-19 or its negative economic impacts”; and

WHEREAS, the DOT has provided guidance on the expenditure of such funds and in its publication, *Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions* (FAQs), such guidance provides that recipients may use funds for “Investing in technology and equipment to allow law enforcement to more efficiently respond to gun violence resulting from the pandemic”; and

WHEREAS, on July 12, 2012, the White House issued a memorandum encouraging recipients of ARPA-21 funding to use the funds for violence and crime prevention, including “other investments that we know will reduce crime and make our neighborhoods safer” and cited with approval the use of \$6,800,000 of ARPA-21 funding by Washington D.C. “for respond[ing] to non-emergency 911 calls for mental health distress, minor traffic crashes, and parking complaints;” and

WHEREAS, the FAQs include in the definition of “public safety officers:” police officers, firefighters, emergency medical responders, and supporting personnel such as dispatchers; and

WHEREAS, the DOT has emphasized the money is designed to provide “immediate and direct relief” and “substantial flexibility for each government to meet local needs”; and

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WHEREAS, the City of Trenton (City) public safety officers and other City personnel such as Water & Sewer, Code Enforcement and Sanitation workers utilize a non-public safety standard radio system for emergency and public safety communications (“Kenwood Radio System”); and

WHEREAS, the Kenwood Radio System is serviced by a private enterprise, MPS Communications (MPS); and

WHEREAS, MPS has been providing its services since December 31, 2019, without a contract and without receipt of payment for its services since April 2021; and

WHEREAS, on September 23, 2021, the City Council for the City of Trenton declined to authorize the outstanding payment owed to MPS for its services; and

WHEREAS, MPS informed the City that it was discontinuing its services to the City on October 31, 2021, which would render the Kenwood Radio System inoperable and will result in the City lacking an emergency radio communications system; and

WHEREAS, the Superior Court for the State of New Jersey has granted the City a preliminary injunction requiring MPS to maintain its services until December 31, 2021, and, which MPS voluntarily entered into said injunction; and

WHEREAS, the MPS system and equipment used with the MPS system by the City are outdated and not up to industry standards; and

WHEREAS, the City must replace its current radio system for public safety officers and other City personnel on or before December 31, 2021; and

WHEREAS, the City has obtained agreement from the New Jersey State Police (NJSP) to allow the City to utilize the NJSP radio system;

WHEREAS, the current radio equipment utilized by the City is not compatible with the NJSP System;

WHEREAS, the City of Trenton Public Safety Answering Point (“PSAP”) receives 911 emergency calls and provides dispatch services to Trenton public safety officers to direct responding officers as quickly as possible to the sites of public emergencies, including gun violence situations; and

WHEREAS, PSAP utilizes equipment and technology that is obsolete and underperforms, resulting in slow response times by the dispatched public safety personnel; and

WHEREAS, reliable, consistent and clear radio and dispatch communications are needed by the Trenton’s public safety officers and other personnel to expediently and ably respond to public emergency situations and to ensure the health and safety of Trenton’s residents and property; and

WHEREAS, the use of ARPA-21 funds for public safety technology and equipment, including responding to 911 calls, is a permitted expenditure;

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NOW THEREFORE BE IT RESOLVED by the City of Trenton that ARPA-21 funds in the amount of \$10,100,000 shall be appropriated for the purchase of emergency and non-emergency radio communication equipment and 911 dispatch equipment and information technology; and

BE IT FURTHER RESOLVED that:

1. The Trenton Police Department shall be authorized to take all required actions to appropriate funds in an amount not to exceed \$ 10,100,000 from ARPA-21 funds received by the City of Trenton through the City Budget in account R-01- -50-5000-420.
2. The Trenton City Council consents and approves the selections of Trenton Police, Trenton Fire, Trenton Public Works, and Trenton Water Works utilizing the 911 air frequency provided by the New Jersey State Police; and
3. The Trenton City Council further authorizes the Mayor to execute any such contract or Memoranda of Understanding (MOU) for the use of the NJSP air frequency and the selection of the compatible equipment; and
4. The Trenton Police Department shall retain all records in accordance with the Interim Final Rule and any subsequent guidance.

	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
BLAKELEY	✓				MUSCHAL	✓				MCBRIDE				✓
CALDWELL WILSON				✓	RODRIGUEZ	✓								
HARRISON	✓				VAUGHN				✓					

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on November 15, 2021

Kathy McBride
President of Council

[Signature]
City Clerk

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CITY OF TRENTON **DEPARTMENT OF FINANCE**

CERTIFICATION OF FUNDS

I, Ronald J. Zilinski, Acting Chief Financial Officer of the City of Trenton, do hereby certify, to the best of my knowledge and belief, that there are now sufficient funds to:

Purpose: REPLACEMENT OF THE KENWOOD RADIO SYSTEM
EQUIPMENT FOR THE CITY OF TRENTON

Fund: GRANT

Account Numbers: R-01- -50-5000-420

Amount not to exceed: \$ 10,100,000



Ronald J. Zilinski
Chief Financial Officer
City of Trenton

Date

11/10/21