

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 28, Article VI § 28-31.1 entitled “Revolving Funds”.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

“The Code of Ordinances of the City of Lowell, Massachusetts”, adopted by the City Council on December 23, 2008, as amended, is hereby further amended, with respect to Chapter 28, Article VI § 28-31.1 entitled “Revolving Funds”, by creating a new subsection “F” entitled LPD Vehicle Maintenance Revolving Fund as follows:

§ 28-31.1 Revolving Funds is hereby amended as follows:

F. LPD Vehicle Maintenance Revolving Fund:

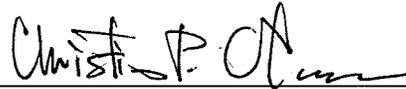
- 1) Fund Name: LPD Vehicle Maintenance Revolving Fund
- 2) Revenues: The City Auditor shall establish the Garage Repair/Service Vehicles Revolving Fund as a separate account and credit to the fund all fees charged to persons, organizations, or entities and received by the Lowell Police Department Detail Office and the City of Lowell to repair and or service police vehicles.
- 3) Purposes and Expenditures: During each fiscal year, the Lowell Police Department Fleet Maintenance Department incurs costs related to the up keep of Lowell Police Department Vehicles. As a result of these costs the Lowell Police Department Fleet Maintenance Department will spend monies from the Lowell Police Department Garage Repair/Service Vehicles Account for, parts, supplies, technical advice, service and equipment. Salaries or wages of employees shall not be paid from the fund.
- 4) Fiscal Years: The Lowell Police Department Garage Repair/Service Vehicles Account Revolving Fund shall operate for fiscal years that begin on or after July 1, 2020.

All paragraphs, sentences, clauses and phrases of the ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is found unconstitutional or otherwise invalid by the valid judgement or decree of a court of competent jurisdiction, such finding(s) shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance.

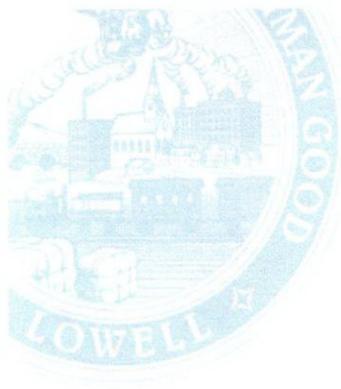
All provisions of the Code not inconsistent with this Ordinance shall continue in effect, but all inconsistent provisions are repealed.

The Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 and 40A of the General Laws of the Commonwealth of Massachusetts.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", written over a horizontal line.

Christine P. O'Connor
City Solicitor



Raymond Kelly Richardson
Superintendent

Barry Golner
Deputy Superintendent

Daniel R. Larocque
Deputy Superintendent

*OK
9/1/2020*

To: City Manager Eileen Donoghue
From: Superintendent Raymond K. Richardson
Re: Garage Repair/Service Vehicles revolving fund consideration
Date: September 1, 2020

The Lowell Police Department has proposed to create an ordinance that would allow the City to charge vendors a ten dollar (\$10.00) per hour fee for all details that require the usage of a City of Lowell Police Department cruiser. This fee will not be charged to any details or projects funded by the City of Lowell. The fee will be charged only for details in which the vendor requests the use of a police cruiser or those in which the Commanding Officer of the Detail Office or his/her designee deem a cruiser necessary for public safety purposes.

As you are aware, the cost of repairing police cruisers has almost doubled from the old Ford Crown Victoria Cruisers to the new Ford Sport Utility Prices. The parts alone have almost doubled in price and the department is proposing a cost savings solution to this ever increasing issue. It is our hope that with the passing of this ordinance, the department will initially be able to supplement all of the increased cost in this line item for the budget. Over time, it is our belief that this ordinance will allow us to self-fund the repairs via the revolving account and eliminate the cost from the budget permanently.



Eileen M. Donoghue
City Manager

September 1, 2020

Mayor John J. Leahy
And
Members of the Lowell City Council

Dear Mayor Leahy and Members of the Lowell City Council,

Enclosed is an Ordinance to establish a new departmental revolving fund in the Lowell Police Department. The departmental revolving fund statute, G.L. c. 44, § 53E½, was amended by the Municipal Modernization Act (St. 2016, c. 218, § 86). These amendments eliminated the caps on the amount that could be spent from the revolving funds authorized for a particular department and in total from all authorized revolving funds. In addition, the Municipal Modernization Act changed the local procedure for continuing the existence of the funds. Rather than requiring legislative action at the end of each fiscal year to continue any fund into the next fiscal year, cities and towns now must establish these accounts by ordinance—meaning that they will continue unless rescinded by the legislative body.

The City Council must still vote on or before July 1 each year on the amount that may be spent from each fund during the upcoming fiscal year. By instituting a new fee to be added to police details, which is charged to companies doing work throughout the city; the City can recover costs expended on maintaining and repairing police vehicles, which see significant wear and tear while being used on construction details.

This accounting method will allow the Police Superintendent greater flexibility to use the funds and will afford the Lowell Police Department the opportunity to maintain the fleet without looking to the taxpayers to fund the work.

Sincerely,

Eileen M. Donoghue
City Manager

CC: Conor Baldwin, Chief Financial Officer
Raymond “Kelly” Richardson, Superintendent of Police