

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

VOTE

IN CITY COUNCIL:

ORDER,

To transfer funds for professional service fees for continuation of the Municipal Hearing Officer Program and other legal services until such a time that a permanent replacement can be hired.

ORDERED,

By the City Council of the City of Lowell, as follows:

That the amount of **Seventeen Thousand Five Hundred and 00/100 (\$17,500.00) Dollars** be transferred:

FROM: Personal Services Account, as more fully described in "Attachment A"

TO: Ordinary Services Account, as more fully described in "Attachment A"

ORDER RECOMMENDED AND INTRODUCED BY:



Thomas A. Golden, Jr., City Manager

Budget Transfer Form

Requestor: Christine O'Connor

Date: 5/25/2022

Fund	Organizational ID	Object	Amount Requested	(1) Source of Additional Funding***	(1) Amount (transfers only)
0010	01514153	530000	\$ 17,500.00	01514151-511000	\$ 17,500.00

***Include Fund, Org, and Object if this is a budget transfer

Reason for budget adjustment:

To provide funding in FY2022 for continuation of the Municipal Hearing Officer Program

Department Head Approval:

/s/ Christine O'Connor

CFO Approval:



City Auditor Approval:



Conor Baldwin
 Chief Financial Officer

MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager

FROM: Conor Baldwin, Chief Financial Officer 

CC: Christine O'Connor, City Solicitor

DATE: May 25, 2022

SUBJECT: Transfer – Law Department

The City Solicitor has forwarded to my office a request to transfer funds from the law department's account for salaries and wages to the professional services budget within their department. Because the proposed transfer is between appropriation categories, it requires a vote of the City Council.

Several years ago, due to fewer resources and staff to handle court business, the district courts in Massachusetts were forced to prioritize how they devoted their resources. The result was a decreased ability to hear appeals related to the issuance of non-criminal ("21D") tickets. For the City of Lowell, this meant that cases would linger in an unresolved status, proving to be an inconvenience to the alleged violator, city staff, and affected neighborhoods. To combat this, the City Council unanimously adopted Chapter 40U to establish a Municipal Hearing Officer to adjudicate these appeals. The Law Department implemented this program to great success.

Pre-pandemic, appeals were regularly heard during both business and evening hours to enhance customer service. This has continued throughout COVID, but the hearings were performed by the former Elections Director. In order to prevent a backlog of appeals, the law department has proposed engaging an outside vendor for these service, until a permanent replacement is in place.

Below is a summary of the impacted accounts. Please let me know if there are any questions.

	Original Budget	Previous Transfers	Revised Budget	YTD Expenditures (Actual)	Encumbrances	Balance Before Transfer	Transfer	Balance After Transfer
Transfer TO:								
TO: 1. Professional Services - LAW	\$ 135,000	\$ -	\$ 135,000	\$ 50,216	\$ 65,307	\$ 19,477	\$ 17,500	\$ 36,977
Transfer FROM:								
FROM: 1. S&W Perm - LAW	\$ 1,347,480	\$ -	\$ 1,347,480	\$ 981,259	\$ -	\$ 366,221	\$ (17,500)	\$ 348,721



Thomas A. Golden, Jr.
City Manager

May 25, 2022

Mayor Sokhary Chau
And
Members of the Lowell City Council

Dear Mayor Chau and Members of the Lowell City Council,

I am hereby requesting that the City Council vote to transfer \$17,500 from the Law Department's account for personal services to the account for ordinary services. While intradepartmental in nature, this transfer requires a vote of the City Council because it is between statutory appropriation categories.

This vote will provide funding sufficient for the law department to enter into a professional services contract for municipal hearing officer services and other legal services until such a time that a permanent replacement can be hired for the vacant position in the Elections Office. The transfer will afford the department the ability order to maintain the current workload for the municipal hearing officer and sustain the program. Code enforcement has been a priority of this City Council and ticketing for non-criminal violations ("21D violations") is an important tool in a robust enforcement strategy to increase public safety and quality of life. In order to have a successful enforcement program, however, residents must be able to avail themselves of the appeal process.

Enclosed is a memorandum from the Chief Financial Officer which more fully describes the details of the transfer. We are confident this transfer will afford sufficient funding for the department to meet their needs through the end of the fiscal year.

Sincerely,

Thomas A. Golden, Jr.
City Manager

CC: Conor Baldwin, Chief Financial Officer
Christine O'Connor, City Solicitor
Kelly Oakes, City Auditor