

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance amending *The Code of Ordinances* for the City of Lowell by establishing and authorizing revolving funds for use by city departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

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

I

This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

II

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

- A.** Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B.** No liability shall be incurred in excess of the available balance of the fund.
- C.** The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the City Council and City Manager.

III

Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the general fund.

IV

Except as provided in General Laws Chapter 44, § 53E½ and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.

V

The City of Lowell Code of Ordinances ("the Code") adopted by the City Council on December 23, 2008 (as amended) is hereby further amended by creating a new Article VI, §28-42 entitled "Revolving Funds".

VI

The following Revolving Funds are hereby created and authorized by the Lowell City Council:

“28-42 Revolving Funds”

1. LPD Accident Recovery Revolving Fund
 - A. Fund Name: LPD Accident Recovery Account
 - B. Revenues: The City Auditor shall establish the LPD Accident Recovery Revolving Fund as a separate account and credit to the fund thirty seven and a half per cent (37.5%) of the fees charged to insurance companies or entities and received by the Lowell Police Department and the City of Lowell to provide a copy of an accident report. The remaining sixty two and a half per cent (62.5%) of the fees shall be credited to the City’s General Fund.
 - C. Purposes and Expenditures: During each fiscal year, the Superintendent of Police, Chief Financial Officer, or his/her designee may incur liabilities against and spend monies from the LPD Accident Recovery Revolving Fund for office supplies. Salaries or wages of employees shall not be paid from the fund.
 - D. Fiscal Years: The LPD Accident Recovery Revolving Fund shall operate for fiscal years that begin on or after July 1, 2022.

VII

All paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is found unconstitutional or otherwise invalid by the valid judgment 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 this Ordinance.


VIII

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

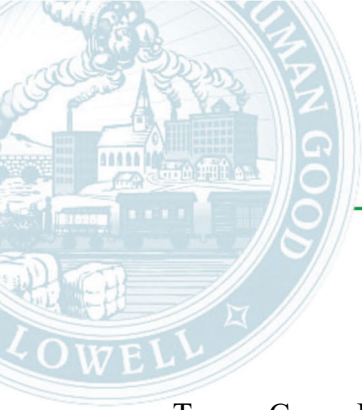
IX

This 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 that reads "Christine P. O'Connor" with a stylized flourish at the end.

Christine O'Connor
City Solicitor



Barry Golner
Interim Superintendent

Mark LeBlanc
Deputy Superintendent

Gregory C. Hudon
Interim Deputy Superintendent

To: Conor Baldwin, CFO

From: Barry Golner, Interim Superintendent

Date: June 23, 2022

Re: Creation of LPD Accident Recovery Revolving Fund

The Lowell Police Department (LPD) would like to streamline processes in the Records Division while also providing the public convenient access to accident reports. In order to do this, the LPD proposes to remove the Records Division from the task of distributing accident reports to the public and insurance companies. The current practice is time consuming, not cost effective and fails to provide the citizens of Lowell with access to accident reports afterhours, nights and weekends. Add in the influx of public records requests that the Records Division is processing, they have become overburdened with limited staff. Unfortunately, this hinders their ability to efficiently conduct daily business.

Several local departments have moved towards privatizing their accident report retrieval service. This would reduce the time, effort and monies spent on labor and supplies by the LPD in order to distribute accident report copies to the public and insurance companies, and allow some additional time for personnel to handle the myriad of requests they receive on a daily basis, including but not limited to, public records requests.

Privatizing this service would also provide the police department with a source of funding, which would help supplement the LPD's budget. There is no cost to the City of Lowell for this service. There would be an agreed upon fee for the accident reports and thirty-seven and a half percent (37.5%) of the monies would be deposited into a revolving account for the police department "Accident Recovery Revolving Fund." The other sixty-two and a half percent (62.5%) would go to the city's general fund.

The LPD proposes utilizing an accident report retrieval service with vast experience. There are approximately one hundred (100) police departments in Massachusetts, including Springfield, Lawrence, Arlington, Billerica, Burlington, Brockton, and Dracut utilizing accident report retrieval services. The service is far more advantageous than first thought. In addition to accident report retrieval, these services offer mapping features of all the accidents in the city. The LPD would be able to conduct Hot Spot mapping based on accidents and their locations. This would be beneficial to both the police department and the traffic engineer. The service also offers dashboard mapping. For example, we could pull data on all teen driving accident (locations, male/female, passengers or not in vehicle) as well as elderly driving accidents and information pertaining to age, gender and safety belt usage. The system allows for sorting of information far greater than our current Larimore System and would greatly increase our ability

to pull data for public records requests, grant applications and crime analysis review. There is also an "Alert" function in the system where an officer or detective may be looking for a person or vehicle. If any of the five thousand departments inputs information on that person or registration, it would automatically notify the LPD of where and when the accident occurred with the named person or vehicle. These services also offer a reporting function for those accidents in which the police are not mandated by law to file a report. In these instances, dispatch would send a link to the person's cell phone and they are able to go online and file their report. The agency would then automatically send a copy to the Lowell Police Department as the keeper of records.

With this type of service, there is no fee for the City of Lowell. The agency would only collect eight dollars (\$8.00) from insurance companies requesting reports. Other cities and towns across the country charge varying fees to both the public and to insurance companies. All of those funds go directly to the cities and towns. At the end of each month, the agency would issue a check to the city for the fees collected from the online service. This service is available twenty-four hours a day, seven days a week. This would allow the LPD to better serve the public that need to be able to access these reports outside the normal Monday – Friday business hours of the Records Division. The police department will have the ability to block certain reports from being released such as those relating to fatal and serious injury accidents that would come under control of the Middlesex County District Attorney's Office. The LPD is proposing to only charge insurance companies for accident reports and keep the cost to the citizens at zero dollars. January 2016 until now, the City of Lowell charges \$5 per accident report to insurance companies, bringing in approximately \$106,000 over that time. The LPD recommends increasing the amount charged to insurance companies to \$16 per accident report. Eight dollars per report would go directly to the agency, \$5 per report would continue to go to the City's General Fund and \$3 per report to the new LPD Accident Recovery Revolving Fund.