

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 §28-42 entitled "Revolving Funds".

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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 §28-42 entitled "Revolving Funds", by creating a new subsection 5 entitled LPD Training Account Revolving Fund as follows:

**§28-42. Revolving Fund** is hereby amended as follows:

5. LPD Training Account Revolving Fund
  - A. Fund Name: LPD Training Account
  - B. Revenues: The City Auditor shall establish the LPD Training Account 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 and the City of Lowell to provide training.
  - 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 Training Account Revolving Fund for equipment, supplies, instructor payment, facility and equipment upgrades as needed and other related costs to operate the LPD Training Facility. Salaries or wages of employees shall not be paid from the fund.

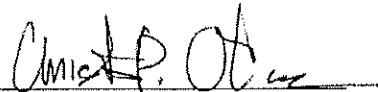
- D. Fiscal Years: The LPD Training Account Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019.

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.

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of the *Code* not inconsistent with this Ordinance shall continue in effect, but all inconsistent provisions are repealed.

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:



Christine P. O'Connor  
City Solicitor

Eileen M. Donoghue  
City Manager

May 23, 2019

Mayor William J. Samaras  
And  
Members of the Lowell City Council

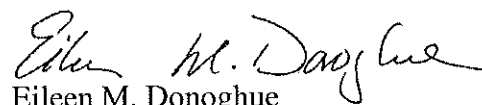
Dear Mayor Samaras and Members of the Lowell City Council,

Enclosed is an Ordinance to establish a new departmental revolving funds 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. These amendments took effect on November 7, 2016 and applied to departmental revolving fund authorizations beginning in FY2018. The funds which are proposed to be deposited into the revolving account were previously contained in a “receipt reserved for appropriation” account set up on the city’s chart of accounts.

This accounting method will allow the Police Superintendent greater flexibility to use the funds and will afford the Lowell Police Department the opportunity to enhance the training opportunities offered through the department.

Sincerely,

  
Eileen M. Donoghue  
City Manager

CC: Conor Baldwin, Chief Financial Officer