

MAYOR LINDA GORTON



LEXINGTON

DAVE BARBERIE
ACTING COMMISSIONER
DEPARTMENT OF LAW

TO: Charles H. Martin, P.E.
Director, LFUCG Division of Water Quality

FROM: Todd Henning
Attorney Senior

DATE: August 26, 2025

RE: CWSRF AS26_0185 Loan Invitation

MEMORANDUM OF LAW

ISSUE

May the mayor sign the Certification Regarding Debarment, Suspension, and Other Responsibility Matters for the above-styled KIA Loan?

CONCLUSION

A review of the records shows that the Mayor can certify to the best of her knowledge and belief that LFUCG is not involved in the following:

A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

B. Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and



SX21067071

SRF Project Control Number

United States Environmental Protection Agency
Washington, D.C. 20460

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- B. Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- D. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Lexington-Fayette Urban County Government

Loan Recipient

Linda Gorton, Mayor

Typed Name & Title of Authorized Representative



Signature of Authorized Representative

Date



I am unable to certify to the above statements. My explanation is attached.

FUND A CLEAN WATER REVOLVING FUND ASSURANCES

As the duly authorized representative of the applicant, I certify that the applicant agrees to comply with the laws, regulations, policies and conditions relating to the Federally Assisted Wastewater Revolving Fund for this project. I also certify that the applicant:

1. Has the legal authority to apply for Federal/State assistance and the institutional, managerial and financial capability to ensure proper planning, management and completion of the project described in this application.
2. Will give the U.S. Environmental Protection Agency (EPA), the Comptroller General of the United States, and the State, and any other authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (PL 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disabilities; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) KRS Chapter 344 Civil Rights Act; (f) 1990 Americans with Disabilities Act; (g) Uniform Federal Accessibility Standards (U.F.A.S.) 40 CFR 7.70 (as applicable); (h) any other nondiscrimination provisions in the specific statute(s) under which application for assistance is being made, and (I) the requirements of any other nondiscrimination statute(s) which may apply to the application.
6. Will comply, or has already complied, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) as amended

SX21067071 - LFUCG-North Elkhorn Wet Weather Storage Tank

Name of Project


Signature of Authorized Certifying Official

Mayor
Title

Lexington-Fayette Urban County
Applicant Organization

9/9/25
Date Submitted