



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 0007-23 **Version:** 1 **Name:** Stipulated Penalty Assessment
Type: Resolution **Status:** Approved
File created: 1/3/2023 **In control:** Urban County Council
On agenda: 1/31/2023 **Final action:** 1/31/2023
Enactment date: 1/31/2023 **Enactment #:** R-015-2023

Title: A Resolution authorizing payment in the amount of \$25,000 to the Commonwealth of Ky., Ky. State Treasurer, and \$25,000 to the United States Dept. of Justice, as stipulated penalties under the Consent Decree, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute any necessary documents related to the payment. [Div. of Water Quality, Martin]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Blue Sheet Memo, 2. Lexington KY CD Stip Demand Letter, 3. 00772732.pdf, 4. R-015-2023

Date	Ver.	Action By	Action	Result
1/31/2023	1	Urban County Council	Approved	Pass
1/19/2023	1	Urban County Council	Received First Reading	
1/17/2023	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

A Resolution authorizing payment in the amount of \$25,000 to the Commonwealth of Ky., Ky. State Treasurer, and \$25,000 to the United States Dept. of Justice, as stipulated penalties under the Consent Decree, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute any necessary documents related to the payment. [Div. of Water Quality, Martin]

Authorization for the payment of \$25,000 each to the Kentucky State Treasurer and to the U.S. Department of Justice for Sanitary Sewer Overflows (SSOs) in accordance with the provisions of Paragraph 44(II) of the Consent Decree between LFUCG, the Commonwealth of Kentucky and the U.S. Environmental Protection Agency (EPA), for a total cost of \$50,000. Funds are Budgeted. (L0007-23) (Martin/Albright)

Budgetary Implications [select]: Yes

Advance Document Review:

Law: Yes, Completed by Evan P. Thompson 01/03/2023

Risk Management: Yes

Fully Budgeted [select]: Yes

Account Number: 4002-303401-3401-78321

This Fiscal Year Impact: \$50,000

Annual Impact: \$

Project:

Activity:

Budget Reference:

Current Balance: \$150,000.00

WHEREAS, the Urban County Government, the United States Environmental Protection Agency, and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, which includes a provision for stipulated penalties; and

WHEREAS, the Urban County Government has received a demand for payment in the amount of \$50,000.00 for stipulated penalties; and

WHEREAS, the Consent Decree requires payment of fifty percent (50%) of the stipulated penalties to the Kentucky State Treasurer and fifty percent (50%) of the stipulated penalties to the United States Department of Justice.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That an amount, not to exceed the sum of \$25,000.00, be and hereby is authorized for payment to the Commonwealth of Kentucky, Kentucky State Treasurer, and a further amount, not to exceed the sum of \$25,000.00, be and hereby is authorized for payment to the United States Department of Justice, from account # 4002-303401-3401-78321, pursuant to the terms of the Consent Decree.

Section 2 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute any necessary documents related to the payment.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

0007-23:EPT:X:\Cases\WATER-AIR\23-LE0001\LEG\00772732.DOCX