



# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507

## Legislation Details (With Text)

**File #:** 0293-21      **Version:** 1      **Name:** CY19 Stipulated Penalties Consent Decree  
**Type:** Resolution      **Status:** Approved  
**File created:** 3/11/2021      **In control:** Urban County Council  
**On agenda:** 4/8/2021      **Final action:** 4/8/2021  
**Enactment date:** 4/8/2021      **Enactment #:** R-173-2021

**Title:** A Resolution authorizing payment in the amount of \$64,500 to the Commonwealth of Ky., Ky. State Treasurer, and \$64,500 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. CY 2019 CMOM Stip Penalty blue sheet memo, 2. CY 2019 LFUCG Stip Demand Letter- signed, 3. 00722693.pdf, 4. R-173-2021

Date	Ver.	Action By	Action	Result
4/8/2021	1	Urban County Council	Received First Reading	
4/8/2021	1	Urban County Council	Suspended Rules for Second Reading	Pass
4/8/2021	1	Urban County Council	Approved	Pass
4/6/2021	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

A Resolution authorizing payment in the amount of \$64,500 to the Commonwealth of Ky., Ky. State Treasurer, and \$64,500 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 payment in the amount of \$64,500.00 to the Commonwealth of Kentucky, Kentucky State Treasurer, and \$64,500.00 to the United States Department 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. Funds are Budgeted. (L0293-21) (Martin/Albright)

Budgetary Implications [select]: Yes

Advance Document Review:

**Law:** { Yes, Completed by [Michael Cravens, 3/11/21]}

**Risk Management:** {No}

Fully Budgeted [select]: Yes

Account Number: 4002-303401-3401-78321

This Fiscal Year Impact: \$129,000.00

Annual Impact: \$

Project:

Activity:

Budget Reference:

Current Balance: \$180,750.00

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 \$129,000.00 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 \$64,500.00, 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 \$64,500.00, be and hereby is authorized for payment to the United States Department of Justice, from account # 4002 - 303401 - 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:

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MAYOR