



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 1281-19 **Version:** 1 **Name:** Stipulated Penalties Sanitary Sewer Overflows Calendar Year 2017

Type: Resolution **Status:** Approved

File created: 11/18/2019 **In control:** Urban County Council

On agenda: 12/5/2019 **Final action:** 12/5/2019

Enactment date: 12/5/2019 **Enactment #:** R-728-2019

Title: A Resolution authorizing payment in the amount of \$29,500 to the Commonwealth of Ky., Ky. State Treasurer, and \$29,500 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. Blue Sheet Memo, 2. Stip Demand Letter for 2017 overflows, 3. 00673115.pdf, 4. RESOLUTION #728-2019

Date	Ver.	Action By	Action	Result
12/5/2019	1	Urban County Council	Approved	Pass
12/3/2019	1	Urban County Council	Received First Reading	

A Resolution authorizing payment in the amount of \$29,500 to the Commonwealth of Ky., Ky. State Treasurer, and \$29,500 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 a payment in the amount of \$29,500 to the Commonwealth of Kentucky, Kentucky State Treasurer and \$29,500 to the United States Department of Justice, as stipulated penalties under the Consent Decree and to execute any necessary documents related to the payment. Funds are Budgeted. (L1281-19) (Martin/Albright)

Budgetary Implications [select]: Yes

Advance Document Review:

Law: { No, Completed by [Attorney Name, Date]}

Risk Management: {No}

Fully Budgeted [select]: Yes

Account Number: 4002-303401-3401-78321

This Fiscal Year Impact: \$59,000.00

Annual Impact: \$

Project:

Activity:

Budget Reference:

Current Balance: \$113,948.00

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 \$59,000.00 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 \$29,500.00, 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 \$29,500.00, 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: