

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS (“CITY”) JOINING IN THE MULTI-DISTRICT LITIGATION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA AS A SETTLEMENT CLASS MEMBER IN THE AQUEOUS FILM-FORMING FOAM (AFFF) PRODUCT LIABILITY LITIGATION; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT PARTICIPATION FORMS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Fair Oaks Ranch, Texas is a Home Rule municipal corporation formed and organized pursuant to the constitution and laws of the State of Texas; and

WHEREAS, the Fair Oaks Ranch Utility, Public Water System ID TX0150216, has been provided information indicating that it may be added to the litigation as a Settlement Class Member; and

WHEREAS, the settlement class includes all active public water systems in the United States that do not have one or more impacted water sources as of June 22, 2023 and (i) are required to test for certain per- and polyfluoroalkyl substances (PFAS) under Round 5 of the EPA Unregulated Contaminant Monitoring Rule (UMCR-5), or (ii) serve more than 3,300 people, according to the Safe Drinking Water Information System (SDWIS); and

WHEREAS, class representatives have alleged that they have suffered harm resulting from the presence of PFAS in drinking water and/or need to monitor for the presence of PFAS in drinking water, and that settling defendants are liable for damages and other forms of relief to compensate for such harm and costs; and

WHEREAS, a proposed settlement has been reached with the defendants 3M Company, the Chemours company, the Chemours company fc, LLC, DuPont de Nemours, inc., Corteva, inc., and E.I. DuPont de Nemours and company n/k/a EIDP, inc. in the Aqueous Film-Forming Foam Product Liability Litigation; and

WHEREAS, Class Representatives and Class Counsel have concluded that it would be in the best interests of Settlement Class Members to participate in the Settlement in order to avoid the uncertainties of litigation and to assure that the benefits are obtained for Settlement Class Members; and

WHEREAS, the City Council finds and determines that it is in the best interest of the health, safety, and welfare of the Fair Oaks Ranch Utility to participate in the settlements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, THAT:

Section 1. The City Council hereby authorizes the City Manager to execute any forms necessary to implement the intent of this Resolution.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED on this 21st day of December, 2023.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney