

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF WILLOW PARK, TEXAS, AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO OPT THE CITY OUT OF THE 3M AND DUPONT CLASS ACTION SETTLEMENTS FOR DRINKING WATER CONTAMINATION FOR WATER RECEIVED FROM THE CITY OF FORT WORTH ONLY; AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO FILE A CLAIM TO PARTICIPATE IN THE 3M AND DUPONT CLASS ACTION SETTLEMENTS FOR CITY OF WILLOW PARK WATER; AUTHORIZING A RELATED MEMORANDUM OF UNDERSTANDING WITH THE CITY’S WHOLESALE WATER PROVIDER**

**WHEREAS**, per- and polyfluoroalkyl substances (“PFAS”) are a class of man-made chemicals that do not naturally break down and have been linked to negative health and environmental outcomes; and

**WHEREAS**, the U.S. Environmental Protection Agency has proposed to regulate certain PFAS under the Safe Drinking Water Act and Comprehensive Environmental Response, Compensation, and Liability Act; and

**WHEREAS**, thousands of lawsuits relating to harms caused by PFAS have been combined into multi-district litigation in the U.S. District Court for the District of South Carolina, *In re Aqueous Film-Forming Foams Products Liability Litigation*, No. 2:18-mn-2873-RMG (“MDL”); and

**WHEREAS**, U.S. public water systems have brought hundreds of lawsuits currently pending in the MDL alleging contamination of their water supplies by PFAS manufacturers such as 3M Company (“3M”), which is or was a predominant manufacturer of PFAS, and DuPont de Nemours, Inc. and several associated companies (collectively, “DuPont”), which are or were major players in the PFAS market; and

**WHEREAS**, the MDL court preliminarily approved two proposed class action settlement agreements between a nationwide class of public water systems and 3M as well as DuPont, in the cases *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147-RMG (D.S.C.), and *City of Camden, et al. v. E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG (D.S.C.); and

**WHEREAS**, the City of Willow Park’s water supply consists of water wells that it owns and treats the water and wholesale water treated and received from the City of Fort Worth; and

**WHEREAS**, the City of Willow Park’s water system constitutes a public water system under the settlements’ definitions and is therefore a putative class member in both settlements; and

**WHEREAS**, any putative class member will be held to participate in each settlement unless it affirmatively files a request for exclusion, or “opts out” of the settlement class; and

**WHEREAS**, putative class members have until December 4, 2023 to opt out of the DuPont settlement and until December 11, 2023 to opt out of the 3M settlement; and

**WHEREAS**, if it participates in the settlements, the City of Willow Park would release any and all claims against 3M and DuPont related to PFAS found in the city’s drinking water supplies in return for an amount in compensation that would be inadequate to meet the city’s needs; and

**WHEREAS**, the City Council of the City of Willow Park finds that it is in the public interest to opt out from the settlement classes in both the 3M and DuPont settlement agreements and to seek funding for PFAS treatment by alternative means.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, THAT:**

1. The City Attorney or her designee is authorized to take all necessary actions to opt the City out of the 3M and DuPont settlements but only to the extent of its water supply received and treated by the City of Fort Worth (the “Fort Worth Water”).
2. The City of Willow Park hereby intends to participate in, and not opt out of, the 3M and DuPont settlements to the extent of its water supply received from its water wells and treated by the City of Willow Park (the “City of Willow Park Water”). The City Attorney or his designee is authorized to file a claim, and take all actions to participate in, the 3M and DuPont settlements for the City of Willow Park Water.
3. The City of Willow Park is hereby authorized to enter into Memoranda of Understanding with its wholesale water provider, the City of Fort Worth, regarding the rights and responsibilities of the City of Willow Park, as a wholesale water customer, and the City of Fort Worth, as a wholesale water provider, with respect to the matters in the class action preliminary settlement agreements proposed in *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147-RMG (D.S.C.), and *City of Camden, et al. v. E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG (D.S.C.).

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Willow Park, Texas, on this the \_\_\_\_ day of November, 2023.

\_\_\_\_\_  
Doyle Moss, Mayor

**ATTEST:**

\_\_\_\_\_  
Crystal Dozier, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
William P. Chesser, City Attorney

The Willow Park City Council is acting on Resolution No. \_\_\_\_\_, did on the \_\_\_\_\_ day of November vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Chawn Gilliland, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel Place 5	_____	_____	_____