

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;
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.
2. The City of Willow Park is hereby authorized to enter into a Memorandum 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	_____	_____	_____