



Legislation Text

File #: 24-0148, **Version:** 1

Resolution to Approve a Professional Services Agreement with Bodman, PLC for Legal Services to Support the City's Participation in the 3M Company and DuPont PFAS Class Settlements and Appropriate Funds (\$150,000.00)

Attached for your review and approval is a resolution to approve a Professional Services Agreement with Bodman, PLC in the amount of \$150,000 for specialized legal services to support the City's Participation in Proposed Class Settlements by 3M Company and DuPont to Resolve Claims by Public Water Systems Affected by PFAS Contamination in the matter *In re: Aqueous Film-Forming Foams Products Liability* Litigation, Multi-District Litigation No. 2:18-mn-2873-RMG.

On November 20, 2023, City Council approved a resolution to opt-in and participate in the proposed 3M and DuPont PFAS class settlements (R-23-430), and the City is in need of legal expertise and experience to support and maximize its claims in those PFAS class settlements which involve specialized issues relating to these PFAS contamination and claims, and the federal class action settlement process.

The City Attorney's Office has selected Bodman, PLC as the law firm to provide these specialized legal services because of the City's past and ongoing experience with Bodman on environmental and complex litigation matters, including the Gelman Sciences litigation, the firm's familiarity and experience with both PFAS issues, environmental litigation, and the federal class action settlement process. Bodman proposes to provide these legal services on an hourly basis consistent with the rates on other ongoing matters with the City which will allow the City to use and pay for only the services it needs, which, in this circumstance, is preferable to a contingency fee that would not be connected to the City's needs for the legal services.

The City Attorney's Office requests approval of the Professional Services Agreement with Bodman, PLC in the amount of \$150,000.00 for legal services to support the City's PFAS class action settlement claims.

Bodman, PLC complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances.

Budget/Fiscal Impact: Funding for these services is available in the unobligated fund balance of the Water Supply System Fund.

Prepared by: Tim Wilhelm, Deputy City Attorney
Reviewed by: Brian Steglitz, Public Services Area Administrator
Approved by: Milton Dohoney Jr., City Administrator

Whereas, On November 20, 2023, City Council approved Resolution R-23-430 to opt-in and participate in the proposed 3M and DuPont PFAS class settlements;

Whereas, The City is in need of specialized legal expertise and experience to support and maximize its claims in those PFAS class settlements;

Whereas, Bodman, PLC is well qualified to provide legal services on the needed legal services under an hourly rate arrangement that is preferable to the City; and

Whereas, Bodman, PLC complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That \$150,000.00 be appropriated from the unobligated fund balance of the Water Supply System Fund; thereby, increasing the FY24 Water Supply Fund Operations and Maintenance revenue and expenditure budgets;

RESOLVED, That City Council approve the Professional Services Agreement with Bodman, PLC in the amount of \$150,000.00 for legal services to support the City's participation in the 3M and DuPont PFAS class action settlements;

RESOLVED, That the funding for these legal services is made available without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized to execute the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take any necessary administrative actions to implement this resolution.