



Legislation Text

File #: 23-1864, Version: 1

Resolution to Approve 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

Prepared by: Tim Wilhelm, Deputy City Attorney

Reviewed by: Atleen Kaur, City Attorney

Reviewed by: Brian Steglitz, Public Services Area Administrator

Whereas, In June 2023, 3M Company and DuPont proposed class action settlements totaling up to approximately \$13.5 Billion to resolve claims by public water systems affected by PFAS contamination;

Whereas, In August 2023 the proposed PFAS class settlements received preliminary approval from the federal district court handling the Multi-District Litigation entitled: *In re: Aqueous Film-Forming Foams Products Liability* Litigation, Multi-District Litigation No. 2:18-mn-2873-RMG;

Whereas, The City is a member of the proposed class of public water systems impacted by PFAS contamination and is eligible to participate in the class settlements;

Whereas, The City has reviewed the proposed settlement agreements and the information and documents available at pfaswatersettlement.com;

Whereas, The City has evaluated its options for opting into and out of the class settlements and the reasons for and against each option as well as the risks, consequences, costs and benefits associated with each option;

Whereas, The City has evaluated the estimated amounts it might receive through the class settlements and the timing for receipt of same, its costs incurred to date and currently anticipated future costs to treat its drinking water supply for PFAS;

Whereas, City Council has been advised on this matter in an Attorney-Client Privileged and Confidential Legal Advice Memorandum dated November 2, 2023;

Whereas, Having considered its options and the reasons for and against each, the City believes it is in its best interest to participate in the PFAS class settlements;

RESOLVED, That City Council approves the City's participation in the proposed class settlements by 3M 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; and

RESOLVED, That the Mayor, Clerk, City Administrator, City Attorney or their designees be authorized

and directed to take any actions necessary to opt-in and participate in the proposed PFAS settlements and implement this resolution, including signing claims forms or other documents.