

AGENDA

CITY OF TAYLOR, TEXAS
SPECIAL CALLED CITY COUNCIL MEETING
400 PORTER STREET, TAYLOR TEXAS

THURSDAY, NOVEMBER 30, 2023
6:00PM

CALL TO ORDER AND DECLARE A QUORUM

CITIZEN COMMUNICATION

Executive Session I. The Taylor City Council will conduct a closed executive meeting under Section 551.071 of the Texas Government Code in order to meet with its City Attorney on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas authorize and allow such a closed meeting and which Rules conflict with the Texas Open Meetings Act, and Section 551.072 To conduct deliberation regarding the purchase, exchange, lease, or value of real property.

- a. Resolution Authorizing city manager to execute necessary documents opting City of Taylor out of class action settlement with 3M and Dupont.
- b. Settlement Agreement in Cause No 22-1443-CC2, City of Taylor v. Prophet Capital
- c. Justice Center agreements

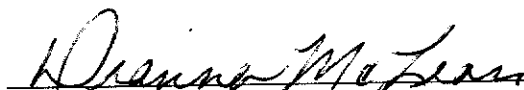
Reconvene into regular/open session and take any action.

ADJOURN

The Council may vote and/or act upon each of the items listed in this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act including: Section 551.071 (Consult with attorney); Section 551.072 (Real Property); Section 551.073 (Gifts and Donations); Section 551.074 (Personnel Matters); Section 551.076 (Security Devices); and Section 551.087 (Economic Development). I certify that the notice of meeting was posted in the Taylor City Hall Lobby before 5:30 p.m. on November 27, 2023 and remained posted for at least 72 hours continuously before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Press.

In compliance with the ADA the City Hall and Council Chambers is wheelchair accessible. Reasonable accommodations will be provided for persons attending city council meetings in need of special assistance. Please contact the City Clerk at least 24 hours prior to the meeting for special assistance.

Posted By:


Dianna McLean, City Clerk

Date

11-27-2023



City Council Meeting November 30, 2023 Transmittal Letter

STRATEGIC PILLAR

- ☐ Streets/Infrastructure
- ☐ Quality of Life
- ☐ Economic Vitality

Agenda Item #: Executive Session A

Agenda Title: Resolution# 23-45 Authorizing city manager to execute necessary documents opting City of Taylor out of class action settlement with 3M and Dupont.

Council Action to be taken: Approve resolution.

Department Submitted: City Attorney

Staff Contact: Mark Schroeder

1. PURPOSE/DESCRIPTION

This item is to approve exclusion from settlement agreements with E.I. Dupont De Nemours Company and 3M Company.

2. STAFF ANALYSIS / BACKGROUND / PRIOR COUNCIL ACTIONS

The City received notice about a class action suit against E.I Dupont De Nemours and 3M Company. The City would be included automatically as part of the Settlement Class in both lawsuits unless it requests to be excluded.

It is in the City's best interest to request to be excluded from the Settlement Class of both lawsuits, as the City may waive any future known or unknown claims it or its water service providers may have in the future against the settling defendants or other potential defendants.

3. PROS and CONS

<u>PROS</u>	<u>CONS</u>
• NA	• NA

4. RECOMMENDATION

Approve resolution.

5. FUNDING SOURCE

6. TIMELINE

7. OTHER OPTIONS (In order of preference)
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8. ATTACHMENTS

ExA- Resolution# R23-45

RESOLUTION NO. R23-45

RESOLUTION OF THE CITY OF TAYLOR TO REQUEST EXCLUSION FROM SETTLEMENT AGREEMENTS WITH E.I. DUPONT DE NEMOURS AND COMPANY AND 3M COMPANY

WHEREAS, there are two separate class action lawsuits against E.I. DuPont De Nemours and Company (“DuPont”) and 3M Company (“3M”) brought by public water systems related to potential PFAS in some public water systems;

WHEREAS, the Defendants have proposed similar class action settlement agreements with the settlement class members;

WHEREAS, the proposed Settlement Class, for settlement purposes only, is defined as, “[e]very Active Public Water System in the United States of America that—(a) has one or more Impacted Water Sources as of the Settlement Date (August 28, 2023); or (b) does not have one or more Impacted Water Sources as of the Settlement Date, and (i) is required to test for certain PFAS under UCMR 5, or (ii) serves more than 3,300 people, according to SDWIS;”

WHEREAS, the City of Taylor (“City”) owns and operates an active public water system and would be potential member of the Settlement Class to one or both class action lawsuits; and

WHEREAS, a city or public water system is automatically a part of the Settlement Class in both lawsuits unless it requests to be excluded;

WHEREAS, if the City does not request to be excluded from the Settlement Class at this time, the City may waive any future known or unknown claims it or its water service providers may have in the future against the settling defendants or other potential defendants; and

WHEREAS, it is in the City’s best interest to request the City be excluded from the Settlement Class of both lawsuits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

1. That the findings and recitals in the preamble of this Resolution are hereby found to be true and correct and are hereby approved and adopted.

2. The City hereby formally requests to be excluded from the Settlement Agreement between Public Water Systems and 3M Company in the matter of *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147-RMG (*In re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2-18-mn-2873-RMG).

3. The City hereby formally requests to be excluded from the Settlement Agreement between Public Water Systems and the E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.),

in the matter of *City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.), et al., 2:23-cv-03230-RMG (In re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2-18-mn-2873-RMG)*.

4. The Mayor and City Manager are authorized to execute on behalf of the City any documents necessary to request the exclusion the Settlement Class from the above referenced settlement agreements.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2023.

CITY OF TAYLOR, TEXAS

By: _____
Brandt Rydell, Mayor, City of Taylor, Texas

ATTEST:

Dianna McLean
City Clerk

APPROVED AS TO FORM:

Mark J. Schroeder
City Attorney