

## RESOLUTION NO. 115-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SETTLEMENT DOCUMENTS RELATED TO THE CITY'S PARTICIPATION IN THE MULTI-DISTRICT PFAS LITIGATION AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS RESOLUTION; APPROVING THE CITY'S PARTICIPATION AS A SETTLEMENT CLASS REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach authorized the City's participation in a multi-district litigation (the "PFAS Litigation") against numerous defendants alleged to have caused the presence of poly-fluoroalkyl substances ("PFAS") in drinking water; and

WHEREAS, the City of Delray Beach, along with other public water systems, has alleged that it has suffered harm resulting from the presence of PFAS in drinking water and is entitled to compensation for said harm; and

WHEREAS, the City of Delray Beach (the "City") engaged the law firm of Robbins Geller Rudman & Dowd (the "Law Firm") to assist the City in this litigation; and

WHEREAS, on December 8, 2022 the Law Firm, on behalf of the City, filed an action against 3M Company, F/K/A Minnesota Mining And Manufacturing Co., Agc Chemicals Americas Inc., Amerex Corporation, Arkema Inc., Archroma U.S., Inc., BASF Corporation, Buckeye Fire Equipment Company, Carrier Global Corporation, Chemdesign Products, Inc., Chemguard Inc., Chemicals, Inc., Clariant Corporation, Corteva, Inc., Deepwater Chemicals, Inc., Dupont De Nemours, Inc., Dynax Corporation, E. I. Dupont De Nemours And Company, Kidde-Fenwal, Inc., Nation Ford Chemical Company, National Foam, Inc., The Chemours Company, The Chemours Company Fc, LLC, And Tyco Fire Products, Lp, and Doe Defendants 1-20 (collectively, the "Defendants"); and

WHEREAS, the City Commission recognizes the time-sensitive nature of litigation settlement agreements; and

WHEREAS, the City Commission desires to authorize the City Manager to execute any documents related to settlement of the PFAS Litigation in order to ensure efficiency and avoid delays in recovering settlement funds for the City; and

WHEREAS, the City Commission recognizes the critical role played by a settlement class representative and desires to actively participate in the decision-making process that this role entitles; and

WHEREAS, the City Commission deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach authorizes the City Manager to execute any documents related to settlement of the PFAS litigation and take any other actions necessary to effectuate this Resolution.

Section 3. The City Commission authorizes the City, through its outside counsel, to serve as a Settlement Class Representative in this litigation.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney