

RESOLUTION No. R-2023-09

A RESOLUTION AUTHORIZING THE MAYOR AND/OR CITY CLERK TO REGISTER THE CITY OF WARD AND/OR THE WARD WATER AND SEWER SYSTEM WITH THE LAW FIRM OF NAPOLI SHKOLNIK PLLC FOR THE PURPOSES OF REPRESENTING THE CITY OF WARD AND/OR THE WARD WATER AND SEWER SYSTEM IN RE: AQUEOUS FILM-FORMING FOAMS (AFFF) PRODUCTS LIABILITY LITIGATION, MDL NO. 2873 (D.S.C.)

WHEREAS, In the last few years, communities throughout the country have come to discover that their water and soil is contaminated with a class of chemicals known as "PFAS" (Per- and polyfluoroalkyl substances). PFASs are extremely persistent in the environment and resistant to typical environmental degradation processes. Studies have associated PFASs with serious health issues, including kidney and testicular cancer, decreased birth weight, thyroid disease, decreased sperm quality, high cholesterol, pregnancy induced hypertension, asthma, ulcerative colitis, and decreased response to vaccination. While this contamination can be traced to several sources, the primary culprit is a commercial fire suppressant, designed to specifically handle flammable liquids like jet fuel, commonly known as Aqueous Film Forming Foam ("AFFF"). AFFF has been used for decades at airports, and used at a high volume on military bases. As a result, runoff of AFFF has contaminated the water supply in and around these military installations. But PFAS can be found in more common sources, as well, including cosmetics, pesticides, non-stick cookware, stain-resistant products, cleaning products, and even food packaging. Once PFAS reaches the water table, it will continue to spread for miles in all directions and will eventually enter our bodies when we inevitably consume contaminated water or products.

WHEREAS, subsequent to multiple lawsuits being filed across the county, the Judicial Panel on Multidistrict Litigation determined that the AFFF cases filed involved common questions of law and fact such that centralization of the cases was appropriate. In November of last year, the Court in the MDL appointed a settlement mediator, and also appointed Napoli Shkolnik Partner Paul Napoli to lead coordination of settlement discussions. In line with these discussions, it is anticipated that the Court will soon set a deadline for participation

NOW, THEREFORE, IT IS RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WARD THAT:

SECTION 1: The Mayor and/or City Clerk are hereby authorized to register the City of Ward and/or the Ward Water and Sewer System with Napoli Shkolnik Law Firm concerning the PFAS Cost Recovery Program and Multi-District Litigation, *In Re: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*, MDL No. 2873 (D.S.C.)

SECTION 2: The Mayor and/or City Clerk are additionally authorized to sign any and all documents needed to ensure the City of Ward and/or the Ward Water and Sewer District are properly registered as a member of the litigation.

SECTION 3: Participation in this litigation is a no cost to the City of Ward nor the Ward Water and Sewer System.

Said resolution has been properly introduced and the vote was:

PASSED:

YEAS 4 NAYS 1 ABSTAINS 0

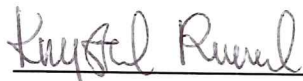
DATE:

APPROVED:



Charles Gastineau, Mayor

ATTEST:



Krystal Rummel, City Clerk

SEAL