

Mayor and Council Communication

DATE: 06/13/23

M&C FILE NUMBER: M&C 23-0445

LOG NAME: 12EILAND & BONNIN

SUBJECT

(ALL) Adopt a Resolution Authorizing the City Attorney to Retain the Law Firms of EILAND & BONNIN, P.C., BARON & BUDD, and COSSICH, SUMICH, PARSIOLO & TAYLOR as Outside Legal Counsel to Represent the City on a Contingent Fee Basis for Claims Related to Firefighting Foam Products and/or Other Products Containing Perfluoroalkyl Substances Including Perfluorooctane Sulfonic Acid and Perfluorooctanic Acid, and Related Compounds

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the retention of EILAND & BONNIN, P.C., BARON & BUDD, and COSSICH, SUMICH, PARSIOLO & TAYLOR as outside legal counsel to assist and represent the City of Fort Worth in matters related to claims for monetary damages, declaratory relief, and other legal remedies against manufacturers, designers, marketers, distributors, formulators, promoters, and/or sellers of firefighting foam products and/or other products containing perfluoroalkyl substances including perfluorooctane sulfonic acid and perfluorooctanic acid, and related compounds.

DISCUSSION:

The City intends to pursue claims for monetary damages, declaratory relief, and other legal remedies against manufacturers, designers, marketers, distributors, formulators, promoters, and/or sellers of firefighting foam products, known as aqueous film-forming foam and/or other products containing perfluoroalkyl substances including perfluorooctane sulfonic acid and perfluorooctanic acid, and related compounds as determined for testing, monitoring, remediating and/or treating soil and groundwater contamination. The City's desired outcome in pursuing the Litigation is to recover from the Defendants damages owed to the City for the cost and expense of testing, monitoring, remediating, and/or treating soil and groundwater contamination, in addition to other relief allowed for the costs and expense of testing, monitoring, remediating and/or treating soil and groundwater contamination under the law. Therefore, there is substantial need for legal services.

The City wishes to engage the following three law firms: EILAND & BONNIN, P.C., BARON & BUDD, and COSSICH, SUMICH, PARSIOLO & TAYLOR as CO-LEAD COUNSEL. The relationship with the three Counselors would span from the time of engaging them in the Litigation until it is completed. The City has no prior relationship with the Counselors. These lawyers have the experience necessary to handle such litigation as this. Payment will be on a contingency-fee basis and litigation expenses by Counselors will be deducted from settlement only upon recovery.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

Submitted for City Manager's Office by: ALL ACMs 6122

Originating Business Unit Head: Leann Guzman 8973

Additional Information Contact: Leann Guzman 8973

Expedited